SENATE—*Friday, December 6, 1985*

(Legislative day of Monday, December 2, 1985)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, Lord of the macrocosm and the microcosm, the infinite and the infinitesimal, the mighty and weak, we praise Thee for this remarkable body, the U.S. Senate. There is a sense, Father, in which the whole world fills this Chamber—invisible, but present in issues and agendas. Every citizen is here—every city—every State—every region—every nation—every corporation or business or organization represented by lobbyists are here. The problems of the world crowd this Chamber. And 100 Senators are expected to respond, to struggle with them, to filter fact from fiction, truth from error, and make decisions that are just. Viewed in this way, Lord, the responsibility of the Senate is simply beyond human capacity to comprehend, let alone fulfill. Gracious God, this challenges human extremity. In this season of Thanksgiving, Hanukkah, and Christmas may all that they represent in divine direction, deliverance, and eternal destiny, be operative in the lives of each Senator for whom the burden of leadership is inescapable. In the name of Him whose love is constant and certain and whose wisdom and strength are available. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each. I will yield the time I might not use to my colleague, Senator KASSEBAUM.

Following the recognition of the two leaders, there will be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for not more than 5 minutes each.

Following morning business, at about 10 o'clock, we will take up the HHS conference report to accompany H.R. 3424, the Labor-HHS appropriations bill. That will be disposed of, I understand, very quickly.

That will be followed by the conference report to accompany H.R. 2965, the State-Justice-Commerce appropriations bill. That will take an hour or so. There will probably be three rollcall votes, I am advised by the chairman of that subcommittee, Senator RUDMAN.

If the continuing resolution, House Joint Resolution 465, is ready for consideration following that conference report, we will begin deliberations. If not, perhaps we can use some of the time in the 4-hour time agreement on the White Earth Indian bill. Hopefully, throughout the day we may be able to clear some of the nominations on the Executive Calendar.

I will say we can expect rollcall votes throughout the day and rollcall votes prior to noon today. I would assume the first vote could be somewhere around 10:45 or 11 o'clock.

CELEBRATING HANUKKAH

Mr. DOLE. Mr. President, at sundown Sunday Jews all over the world will light the first candle, beginning the 8-day celebration of Hanukkah.

This festival of lights is one of the most joyous of Jewish holidays. Games are played, gifts exchanged and a candle lit every night for eight nights to commemorate the victory of Judah Maccabee and a small band of Jewish warriors over the mighty Syrian Army in 165 B.C.

King Antiochus, who ruled Syria then, had decided to make all Jews give up their religion. The Temple in Jerusalem, the holiest of all Jewish synagogues, was in the hands of the enemies. The Syrian soldiers set up idols, and sacrificed animals in the temple.

The Jews rebelled. And led by Judah Maccabee defeated the powerful Syrian Army. After the decisive battle, Maccabee led his troops back to Jerusalem. The first thing he and his men did was clean and purify the temple. The Menorah, or eternal light, that had been put out by the enemy was lighted once again. Then the temple was rededicated. A great celebration took place and lasted for 8 days. It was called Hanukkah, festival of dedication.

There is a legend that when Judah and his men were cleaning out the temple, they could not find any pure oil with which to light the holy menorah, the seven-branched candlestick that always burned in the temple. At last a small jug of pure oil was found. But it contained enough for only 1 day. Eight days would be needed to get more oil. But the oil lasted for 8 days, until more could be obtained. And that is why, the Jewish people celebrate Hanukkah for 8 days.

Mr. President, Hanukkah reminds us, all of us, how the Jews have fought time and again against seemingly insurmountable odds to preserve and perpetuate their religion. The powerful force of the belief in one god has sustained Jews through the centuries. And the celebrations associated with Hanukkah reflect the joy and sense of well-being that belief can bring.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER (Mr. ANDREWS). Under the standing order, the acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I will only take a small part of the Democratic leader's time.

THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, yesterday the distinguished majority leader presented a unanimous-consent request on the Genocide Treaty. It was an extraordinary action by the majority leader. I congratulate him on it. He has kept his word. He said he would do his best to call up the treaty. This was one of the most unusual unanimous-consent requests this Senator has ever seen, and I have seen a lot over the years.

Here was a unanimous-consent request where there were 41 amendments which would have been in order, and only 41 amendments. Every one of the amendments was offered by a critic of the Genocide Treaty. There were 10 or 11 Senators who offered those amendments.

There were no amendments that would have been in order by those of us who favor the treaty, although many of us disagree with part of the recommendations on the floor of the Senate on the Genocide Treaty.

I do want to commend the majority leader because the majority leader has done something that I think badly needs doing and I earnestly hope that he will persist in pressing the Genocide Treaty.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. President, here is a treaty that is supported by the administration, by President Reagan. It is a treaty that has been supported by every single President of the United States since Harry S Truman, every one, Republican and Democrat.

Here is a treaty which is supported by the American Bar Association, although for the first 20 years that the treaty was before the Senate the Bar Association opposed it. But they meticulously, carefully, scrupulously, analyzed every part of that treaty, found it was in the national interest, and now they are the most enthusiastic supporters of the treaty.

Here is a treaty which is supported by every religious group in this country—Catholic, Protestant, Jewish.

It is a treaty which has been ratified by every major country in the world except the United States.

It is a treaty that was offered in the United Nations by the United States and lobbied through the United Nations unanimously by the United States.

Who opposes the treaty? It is a treaty that is opposed by the John Birch Society, the Eagle Forum, the so-called Liberty Lobby; the right-wing groups in this country.

I think all of us know, going back to our States—I run into it in my State—when you go around and meet many people in the State you will find people who are opposed to the Genocide Treaty.

In every single case they are not aware of what the treaty does. They are not aware that this treaty is accompanied by understandings which would protect American citizens completely; that it is fully in accordance with the Constitution of the United States.

I think there is no question that those who have sat down and thought about this treaty carefully recognize that it is something that the U.S. Senate should act on.

The House of Representatives does not have to take any action on this treaty. Only the Senate has to act.

Mr. President, in spite of the fact that the unanimous-consent request only permitted amendments by those who opposed the treaty, it was significant that the objection to the unanimous-consent request was made by the distinguished and able Senator from North Carolina, Senator HELMS, who has been a critic of the treaty, and who had three of the amendments that would have been offered in the unanimous-consent request. He objected to taking up the treaty even under those circumstances.

Mr. President, it should be clear to everybody in the Senate that if we are going to deal with the Genocide Treaty, it has to be moved up by the majority leader. I earnestly hope he will.

As I say, it is a treaty which is supported by the majority leader; by the assistance majority leader, Senator SIMPSON; by, I am sure, an overwhelming majority of Republicans; and by an overwhelming majority of Democratic Senators. Only the Senate has to act.

The administration has called for action on it and I do hope that we have a chance, after 35 years—35 years waiting for action on this treaty—that now at long last we have a chance, to take the action that we have been called upon to take by religious groups all over this country, by the American Bar Association and so many other people who have studied the treaty very carefully and recognize it is in the national interest and in the interest of humanity.

AMERICA'S BEST TIME FOR PEACE

Mr. PROXMIRE. Mr. President, this may be the best time in American history for our country to build for a long era of peace. I say that although this Senator believes that we must have a large and strong military establishment. Why? For one primary reason. That reason is the Soviet Union. Yes. the Soviet Union is a threat. It is a formidable adversary. But it could be worse, much worse. The Soviet Union must not be confused with Nazi Germany and the Third Reich. Mikhail Gorbachev is not Adolph Hitler; 1985 Russia is not 1939 Germany. And, finally nuclear weapons have transformed the relations between the major powers of the world beyond recognition. Old habits die hard. From the time mankind swung out of the trees and started walking upright the ultimate resolution of disputes has been the supreme violence of war. Except for the nuclear powers and especially the nuclear superpowers that is still true. But for the United States and the Soviet Union, the dominant nuclear powers, it is not true and it can never be true again. President Ronald Reagan, the most hawkish, military minded President who has served this country in this century if not in history, flatly acknowledges that fact. So does Secretary Gorbachev. Their statements are not propaganda. They are not window dressing. They state a fact that every informed person on Earth understands. A nuclear war can never be won. It must never be fought. We know it. The Russians know it.

And yet arms control has made no progress for the past 6 long years. Our two most significant arms control agreements, the Anti-Ballistic Missile Treaty [ABM] and the second Strategic Arms Control Treaty [SALT II], are in serious danger of sudden death. The ABM treaty will be gone forever if this country proceeds with the SDI or star wars. Star wars will create precisely the kind of antimissile defense which the Anti-Ballistic Missile Treaty was drafted to prevent. SALT II expires at the end of this month. Even if it is renewed, the announced "proportionate response" policy of the administration will surely kill it in short order. This follows because the "proportionate response" policy means the United States will respond to its perceived violation of arms control treaties by violations the United States believes serve our interest. Obviously, this is a formula for promptly gutting the treaty. Arms control is in dangerous jeopardy.

So what do we do? We proceed all out, sled length with arms control. We have never in our long history had a better time and a more favorable world situation for doing this. Today, right now, we bargain from superior strength. Our top military officials have repeatedly assured the Congress in testimony throughout the years, right up to date, that they would not trade the military position of the United States for the military position of the Soviet Union. How about the military strength of the two superpowers in the future? The U.S. advantage will continue. Why? What determines future military power? No. 1, in this fast moving scientific age of modern nuclear weapons, strength is determined by the degree of technological military progress of each adversary. Earlier this very year the Undersecretary of Defense for Research told the Congress that in the 20 most important areas of military technology the United States and the Soviet Union are tied in 5. The United States leads in 15. The Soviets lead in precisely none. Any comparison of the military strength of the NATO alliance with the Warsaw pact alliance and its grudging, resentful Eastern European members again shows our alliance far stronger. When we compare the economies of the two superpowers and the two superpower alliances, there is no comparison. NATO and the United States enjoy an overwhelming advantage.

Mr. President, it would be hard to conceive of a more provident time or circumstance for this country to stop the arms race. Yes, indeed, it is true that the Soviet Union embraces a Marxist dogma that preaches world revolution by force and violence, if necessary. It is also true that the Soviet Union has far and away the most formidable military power in the world except for the United States. So finally it is true that the Soviet Union constitutes the only conceivable military adversary that confronts this country. And that can be a fortunate, not an unfortunate, fact. Russia has a centuries long tradition of concentrating its military efforts on defense. It occupies far and away the largest ter-

ritory of any nation in the world. Heavens knows it has plenty of living room. No country is richer in natural resources. Sure, it has engaged in military aggressions. But the aggressions have been, with few exceptions, against weak, small neighbors. It has never throughout the centuries instigated an attack against a nation or a combination of nations that had anything like its military or economic or technological power.

Above all, right now with a new leader, in Secretary Gorbachev, the Soviet Union, obviously, wants to shift its resources into economic growth. So the Russians have a conspicuous motive for advancing arms control. Mr. President, it would be hard to find a time in history when the United States enjoyed a better opportunity to build a peaceful world. How perverse it is for these two dominant world powers to be engaged in the most costly and dangerous arms race in history. We can stop it. We must stop it.

HOLOCAUST MUSEUM CEREMONY

Mr. PROXMIRE. Mr. President, on October 16, 500 people gathered at the ground breaking ceremony for the Holocaust Museum.

As the ceremony began, Holocaust survivors opened six small containers and poured ashes and Earth from Nazi death camps and their victims over the American soil that will hold the U.S. Holocaust Memorial.

As the charred dust fell, Holocaust survivor, Elie Wiesel, spoke:

> Come and see. Come and learn what human beings can do to other human beings. Learn the limits of humanity. . . . Learn, and hope is possible. Forget, and despair is inevitable.

A message was then read from President Reagan:

> The lessons of the Holocaust belong here. Today, much of the world still struggles to rid itself of the rule of godless tyrants, and murders. This memorial will stand always to remind us of the nobility of that struggle and the perils if we remain indifferent.

Mr. President, the United Nations adopted the Genocide Convention, which makes mass killing a violation of international law, shortly after the end of World War II in reaction to the Holocaust. Yet, some 40 years later the United States still has not signed it. How can we build a memorial commemorating the Holocaust, yet fail to sign a treaty that would surely prevent future Holocausts?

The U.S. Senate must ratify the Genocide Convention making clear to the world that we oppose the Holocaust and will do everything in our power to prevent another.

Mr. President, the impassioned words of Mr. Elie Wiesel, so eloquently delivered at the Holocaust Memorial Ceremony, impressed and inspired me. They more than any words this Senator could ever offer, describe the tragedy and trauma of the Holocaust, and most importantly, the need to be ever vigilant against another.

I ask unanimous consent to have printed in the RECORD the speech Mr. Wiesel delivered at the memorial ceremony.

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

REMARKS OF ELIE WIESEL

Your Excellencies, Secretary Hodel, Distinguished Members of Congress, Honored Guests, Ladies and Gentlemen.

Today, as we begin to lend a physical dimension to our relentless quest for remembrance, it is fitting to express our profound gratitude to Congress and to the people of the United States for the help and encouragement they have offered us in carrying out our historical mandate.

Outside of Israel, ours is the only nation in the world that has made a commitment to establish a national museum dedicated to the memory of six million Jews, all victims of the Holocaust and millions of other victims of Nazism.

The help we have received has always been bipartisan in both houses of Congress. The administration—irrespective of its political party—has never refused to assist us in our various efforts. The Secretary of the Interior, the Secretary of the Army, the Secretary of State and their respective staffs have given us their indispensable support. The general public has responsed to our appeals with the characteristic generosity of the American people. As for the President of the United States, not only has he often participated in our Remembrance Ceremonies, but he has also graciously accepted to serve as Honorary Chairman of our Campaign to Remember. On behalf of the United States Holocaust Memorial Council, its advisers and staff, I thank them, and I thank you—from the depths of my heart.

Now it is up to us to continue. If we fulfill our mission, future generations will benefit from it. But the task is neither simple nor easy. The story we must tell cannot be told—not in its entirety. In our case, the sum of the fragments does not convey the full message. Words, images, memories, prayers, fears, agonies: How does one communicate the burning of a ghetto? Or the arrival of a convoy at Birkenau at midnight? Or the daily massacre of ten thousand men, women, and children, some buried alive, at Babi Yar? Woe unto us, for the killer's imagination surpassed that of his victims. Furthermore, by pushing the crime to its ultimate limits he deprived us of the language to speak of his crime.

What, then, do we wish the future visitor to remember, to learn? The fragility of the human condition? The vulnerability of culture and education? The monstrous powers of political fanaticism? The dangers inherent in indifference? The fact that it was possible for an evil regime to consider cynically, calmly, scientifically, the annihilation of an entire people and be persuaded of its right and obligation to do so? All this is part of the tale—and more, much more.

Some lessons may have an immediate and urgent effect. Terror must be fought wherever it is aimed against innocent civilians. Individual terror that cost the life of an old Jewish invalid is today as abhorrent as state terror was when, from Hitler's Berlin, it dominated part of Europe from 1933 to 1945.

Terror must be outlawed as must genocide. We cannot leave this place today without appealing once more to the United States Senate to ratify the Genocide Treaty. I am not sure whether such treaties will prevent mass murder, but the absence of such treaties may give the enemy of humankind the wrong signal. Would a Genocide Treaty have prevented the murder of the Jews by the Nazis? I doubt it. But its absence gave the enemy of humankind the wrong signal.

In killing Jews the killer has killed more than Jews. This tragedy has affected more than its Jewish victims. Whoever kills Jews ends up killing other minorities, other adversaries, other religious groups, other nationalities.

In occupied Europe, the Nazis and their local accomplices, oppressed, tormented, persecuted, imprisoned and executed French heros of the resistance, Yugoslav and Greek and Russian partisans, Ukrainian peasants, Bulgarian and Polish patriots, Dutch workers, Belgian students, Norwegian intellectuals, Danish policemen, German and Austrian anti-Nazi militants, Italian anti-Fascists, Czechoslovakian freedom fighters. Lidice and Oradour are but extreme examples of what SS rulers intended to do—and often did—throughout their universe in order to crush those who refused to submit to their terror. And they eliminated Gypsies, homosexuals, the mentally retarded, the mentally sick.

Using death as an instrument, they sought to rearrange the universe so as to give violence and injustice the attributes of divinity.

But their main effort was directed against the Jewish people. "Who remembers the Armenians?" Hitler asked with disdain. Who will remember the Jews?

In a perverse way, he was right. No one cared about the Jews. They were abandoned. The world knew and kept silent. Hitler knew that the world knew—and thus felt reassured in his belief that he was doing humankind a favor by cleansing it of its Jewish elements. And so more ghettos were erected and emptied, more communities uprooted and massacred. How are we to remember them? If we could inscribe their names on stone, the monument would be larger than this entire city. What other way is there for us to turn past experiences into acts of remembrance? What should we emphasize first? The helplessness of the victim? The inexorable urge of the killer to destroy? The children, frightened children, marching quietly in procession toward the flames? The old men and women chased toward mass graves? In those times we were a people without children, and children without grandparents. We have seen them vanish into darkness and ascend an invisible ladder of fire reaching the sky.

One enters those memories with fear and trembling; for one's sanity is endangered. But we must enter them. We open them as

One opens gates to secret kingdoms. Come and see. Come and learn. Learn what human beings can do to other human beings. Learn the limits of humanity. Learn, and hope is possible—forget, and despair is inevitable.

This Museum is not intended to awaken hatred nor to separate people—quite the opposite: it is meant to bring people closer together. Faced with our memories, the visitor will have no choice but to become more sensitive to his or her fellow being's anguish.

The Jewish people has a history of persecution and suffering. But never before have

its victims endured such torment; never before has the enemy deprived them of their resting place. For the first time in our history, multitudes of Jews died and were not buried.

Our heart is their cemetery; our memory, their resting place.

The killer killed them once—and there is nothing on earth that we can do about it. But, if they are forgotten, they will be killed a second time—and this we can—and must—prevent.

A great Hasidic Master once said, "If you wish to find the spark, look for it in the ashes."

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, my myth of the day is that our economy is going through a rapid deindustrialization. The idea that the goods producing sector of the U.S. economy is producing a smaller and smaller portion of our national output over the past several decades is simply wrong.

In 1947, just over one-half of all the real GNP in the United States was produced by the goods producing sector: Manufacturing, construction, mining, and agriculture industries. Over the next decade, that figure fell to 47 percent. However, from 1957 to 1984, this percentage remained unchanged. In other words, we are not deindustrializing. We are not substituting service sector output for output from the goods producing sector.

In fact, if you just look at the manufacturing sector of the economy, the situation even more strikingly contradicts the myth of deindustrialization. The share of manufacturing in real GNP was 24 percent in 1947. And what was it in 1984? Precisely the same 24 percent! Clearly, there has not been any long-term trend away from manufacturing production in the United States.

But wait a minute. Why is there so much concern about the trade deficit and the associated loss of manufacturing jobs? It is true that manufacturing accounted for a little over one out of every four jobs in 1968 and now provides less than one out of every five jobs. One of the major reasons for this relative decline is that productivity historically grows much more rapidly in the manufacturing sector.

For example, the recently published Bureau of Labor Statistics data on productivity in the third quarter showed that while nonfarm business sector productivity increased at an annual rate of 2.1 percent in the third quarter of 1985, the productivity increase in the manufacturing sector in that same period was at an annual rate of 3.7 percent.

Manufacturing employment was 19.3 million in 1967 and reached its peak of 20.6 million in 1980. Today, it is about 1 million jobs below that level.

It is true that unfair foreign competition has robbed Americans of many, many jobs in some manufacturing industries especially those hard-pressed companies in the Midwest. However, other parts of the manufacturing sector, including computer, telecommunications, medical instrument, and drug firms have all seen a substantial growth in employment.

We must not minimize the misery caused by the serious decline in output and jobs in certain goods producing areas. However, when we look at the overall picture, the goods producing component of our national economy continues to maintain its relative share of our national output.

WISCONSIN HIGH SCHOOL BAND CHOSEN TO ATTEND INTERNATIONAL MUSIC FESTIVAL

Mr. PROXMIRE. Mr. President, it is my pleasure to announce that the Ashland High School Orchestra, of Ashland, WI, has been selected to attend the International Youth and Music Festival in Vienna, Austria. The festival, scheduled to take place July 8-20, 1986, will feature bands, choral groups, and orchestras from all over the world.

It is truly an honor to have been chosen to travel around the globe to take part in this once in a lifetime experience. Right now, the talented musicians and their friends from Ashland, WI, are raising funds to pay for their trip to Vienna. The members of the Ashland High School Orchestra are a source of great pride to their community and to the State of Wisconsin.

Mr. President, I yield the remainder of the leader's time to the distinguished Senator from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

INSIDER TRADING

Mr. LAUTENBERG. Mr. President, the practice of trading securities on inside information is a crime. It is a fraud against innocent, uninformed investors. It destroys the integrity of the stock markets. And it impairs capital formation that our economy depends on.

For all these reasons, Mr. President, Congress is on record that insider trading is wrong; it must be stopped, and violators must be punished. Last year, Congress passed the Insider Trading Sanctions Act. It raised the civil and criminal penalties for insider trading. So, a person may be criminally fined $100,000 and sentenced to 5 years in prison.

While Congress has acted, so has the SEC, stepping up enforcement, and bringing more cases.

But while Congress gets tough on insider trading, the U.S. Parole Commission is getting soft. While Congress has called loud and clear for stiff penalties, the Parole Commission has moved quietly to undermine those penalties.

The Parole Commission sets guidelines for parole. It sets a time range in which parole is generally granted. The time range varies with the kind of crime, and the kind of criminal. Not all crimes are listed, and when they are not, the Commission applies its best judgment. That was the case with insider trading. There was no guideline.

Then, on October 3, without any prior public notice of its intention to do so, the Parole Commission issued an interim guideline on insider trading. Without any public comment—in fact, I am told, without consulting the SEC—the rule became effective November 4.

The guideline took the case of a typical, first-time, white collar offender, a good parole risk, but someone who traded on inside information to the tune of $1 million and the Parole Commission said, that person could be paroled almost the day he stepped into prison. The guideline says parole is available in zero to 10 months.

By contrast, what do the guidelines say about plain old fraud or forgery or embezzlement? If the same white collar criminal committed fraud involving $1 million, that person has to serve 40 to 52 months before parole.

More than 3 to 4 years in jail for fraud, zero to 10 months for insider trading.

The guideline is inexcusable. It is unfair, unjust, and violates the intent of Congress to get tough on insider trading.

For that reason, Mr. President, I intend to offer an amendment to the continuing resolution to bar the Parole Commission from enforcing this guideline. And I hope my colleagues will join me in sending a signal to the Parole Commission that fraud is fraud—and that insider traders should not get off the hook so easily.

Mr. President, while I have looked into these guidelines for a couple of weeks now, one fact came to light just yesterday, one fact that may or may not be connected. The fact is that, yesterday, the Parole Commission reached a decision on the parole of Paul Thayer, former Deputy Secretary of Defense.

He was told to serve 19 months of his 4-year sentence. The Parole Commission found he engaged in securities violations involving inside information. It found that well over $1 million was involved. Nineteen months is not an insignificant penalty. But 40 to 52 months is even more significant. Had the Parole Commission likened insider trading to fraud, parole could not be granted for 40 to 52 months—more than twice the period Mr. Thayer is

asked to serve. Mr. President, we should not minimize the seriousness of insider trading violations. And, more importantly, we should not undermine respect for the law.

To promote the public's respect for the law, we must guarantee equal treatment under law. The guidelines on insider trading do not.

Mr. PROXMIRE. Mr. President will the Senator from New Jersey yield very briefly?

Mr. LAUTENBERG. Yes, Mr. President.

Mr. PROXMIRE. I wholeheartedly support him. I ask unanimous consent that I be listed as a cosponsor of the amendment. I think he is dead right, that that offender should be punished and I think the Senator's amendment is exactly on target.

Mr. LAUTENBERG. Mr. President I would be happy to have the Senator as cosponsor.

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

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with statements therein limited to 5 minutes each.

COMMEMORATING THE 41ST ANNIVERSARY OF ALBANIA'S LIBERATION FROM NAZI GERMANY

Mr. DIXON. Mr. President, for Americans of Albanian heritage the Thanksgiving holiday marked a significant anniversary. Forty-one years ago Albania was able to drive occupying Nazi forces out of their land and secure territorial integrity. For many U.S. citizens, this occasion has deep personal importance. They remember a liberated Albania free from Nazi brutality.

Today's Albania, I am sorry to say, faces political and religious repression at the hands of its own totalitarian government. The Nazi armies have been replaced by Albanian dictators. Personal freedoms are continuously denied to Albanian friends and relatives of Americans.

Therefore, Mr. President, it seems appropriate that we should remember and commend those individuals who fought for the very freedoms we enjoy every day. Unfortunately, their victory over the Nazis was short lived. Today this nation faces institutionalized repression, and is virtually shut out from the rest of the world. The tragedy facing Albania must not be forgotten. It must remain fresh in the mind of every American, and our Government must do everything it can to make clear that our Nation abhors totalitarianism and remains committed to an independent Albania.

WALTER E. DOUGLAS LEAVING NEW DETROIT POST

Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to an outstanding citizen who has done so much for my hometown, its people and its betterment.

For someone who has brought so much to Detroit, it is ironic that Walter E. Douglas didn't start out as a Detroiter. He was born in Hamlet, NC, in 1933. He attended that State's public schools prior to earning an undergraduate degree in accounting and a graduate degree in business administration from North Carolina Central University.

Walt's first job was that of an instructor and public relations professional for Edward Walters College in Jacksonville, FL. He briefly taught at Tuskegee Institute in Alabama before putting away his grade books for a stint in the U.S. Army.

Walt took a position at the Internal Revenue Service in Washington, DC, in 1959 where he rose from cash clerk/typist to initiator of new computer methods for efficient processing of income tax tabulations.

It was in 1965 that Walt moved from the IRS office in Washington to the IRS Data Center in Detroit to assume expansive new responsibilities. He was promoted from assistant chief of the systems division to chief of the management staff and ultimately to assistant director of the Data Center.

In 1972 Walter E. Douglas came to New Detroit—an organization seeking necessary social change by supporting and encouraging initiatives among individuals and organizations to eliminate social injustice and resolve basic problems—as vice president with responsibility for the program areas of employment, community self-determination, minority economic development, youth, Hispanic affairs, and urban resources monitoring. It was Walt who initiated the Action Program Against Unemployment [APAU], a coalition of government and private agencies which analyzed the local economic climate to promote job expansion in the Detroit area. During this time I was a Detroit city councilman and became acquainted with Walt and the outstanding job he was doing.

In 1974 Walt was appointed on a shared-time, loaned basis as executive assistant to the chief of the Detroit Police Department. He was responsible for directing the development of the computerized system for dispatching police units in response to emergency calls. He also supervised the formation and operation of the police school busing task force during the implementation of school desegregation in the Detroit public schools. In 1976 he was appointed by the Detroit Mayor Coleman Young to the civilian board of police commissioners for a 5-year term.

In 1975, Walt received the Liberty Bell Award from the Detroit Bar Association for his contributions to the promotion of justice in the community.

In 1978, Walt became president of New Detroit and he has carried on the work of the organization and expanded its scope as he increased its accomplishments.

Currently Walt Douglas serves as a director of the YWCA, the Detroit Symphony Orchestra, the Institute of Technical Writing, Detroit's public television station, channel 56, and the police athletic league.

Walt Douglas also finds time to serve on the Overall Economic Development Planning Committee of Wayne County, the Detroit City Council Task Force on Crime, the Finance and Operations Committee of the Michigan Thanksgiving Day Parade Board, and the United Foundation Priorities Committee.

Recently Walt has been appointed to the board of trustees of Detroit's Marygrove College and to the Board of Visitors of his alma mater, North Carolina Central University.

New Detroit will miss his leadership, his compassion, and his insight. Walter E. Douglas has always been full of creative ideas and we wish him well in his new career in the Ford Motor Co. dealership program.

CLEARINGHOUSES TO LOCATE MISSING CHILDREN

Mr. DENTON Mr. President, I commend my distinguished colleague, Senator McCONNELL, for introducing S. 1174, a bill which will amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide matching grants totaling $2 million in fiscal year 1986 and 1987, to establish State clearinghouses for information on exploited and missing children. The legislation stands as an indication of his continued leadership in the field of missing children. I was pleased to join his effort as a cosponsor of S. 1174. I am further pleased that S. 1174 was approved by the full Senate yesterday.

Mr. President, as you are fully aware missing children are a growing national tragedy. The Department of Health and Human Services has estimated that each year approximately 1.8 million children are missing from their homes for varying periods of time. Approximately 90 percent run away for a few days and return home, but at least 150,000 children become victims of custody battles and are abducted by

the noncustodial parent and as many as 50,000 young Americans are reported as having been abducted by strangers. Other children who fall in the category of missing children have been thrown away by their parents, are lost, or have become unidentified victims of accidents or crimes. In my home State of Alabama, the Missing Children's Bureau has current active files on 279 young Alabamians.

Thousands of children and their parents are victimized every year. The children disappear into the unknown. The parents live in an agony of searching for their children with little hope of success. When the parents do meet with success, they find their children suffering lasting physical, emotional, and mental problems.

There is no possible way that we, as outsiders, can even begin to understand the devastating grief of families who must deal with the trauma of a missing child. We may not be able to understand the grief, but we can certainly act to help deal with it. I firmly believe that the Federal Government and the private sector must play a more active role in the process of finding missing children and returning them to their homes.

Under the able leadership of Senators SPECTER, HAWKINS and then Congressman SIMON, the Congress in 1982 passed the Missing Children Act. The act extended the FBI's authority to collect and record data about missing children. It required the FBI to list missing children in a national computer accessible to most police departments across the country. I note that, at an April 1985 FBI oversight hearing before the Subcommittee on Security and Terrorism, which I chair, Director William Webster reemphasized the commitment of the FBI to assist in the fight against the tragedy of missing children.

The Missing Children Act of 1982 was only the first step to improve the protection of our children. The next phase, complementing the first, was the missing children component of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, which was signed by President Reagan on October 12, 1984. The purpose of the law is to obtain a greater national commitment and effort to solve the disappearance of so many of our children every year.

The law guarantees coordinated and comprehensive programs at the Federal level to assist local and State authorities in the search for missing children. It provides for the establishment and maintenance of a toll-free telephone line for the reporting of information about the location of missing children. The law also created the National Center for Missing and Exploited Children, a national resource center and clearinghouse providing technical assistance to law enforcement officials. The National Center has already established itself as an effective weapon in the fight against the tragedy of missing children.

Yet the National Center could be even more successful if a link could be made between all levels of law enforcement, from the national to the local level. To establish the link, we must encourage all of the States to set up central repositories of, the clearinghouses for, information about missing children. The State information centers would then work in conjunction with the National Center in an attempt to battle the national tragedy of missing children.

S. 1174 establishes the necessary link by providing modest monetary incentives to States for establishing information centers or clearinghouses. I believe that the bill will go a long way toward resolving the tragedy of missing children.

STRONG CREDIT SYSTEM CRUCIAL TO AGRICULTURAL RECOVERY

Mr. ZORINSKY. Mr. President, last Tuesday night the Senate gave its approval to S. 1884—an important effort to keep viable our Nation's most important provider of agricultural credit—the Farm Credit System.

The Farm Credit System should be saved—not because it is another large financial institution facing the prospect of failure but because it has been a success at providing an essential service to farmers, a service that benefits the millions of people who depend on our Nation's agricultural production.

In the 1930's, this farmer-owned and farmer-controlled system enabled hundreds of thousands of farm operators to avoid foreclosure and stay off relief. It helped agriculture to feed our allies in World War II and to embark on postwar growth that has contributed immeasurably to the American economy.

In the 40 years since World War II, American farmers have increased output to meet the demands of an additional 100 million Americans—plus growing needs in other countries. U.S. abundance saved millions of lives in Asia in the 1960's, and in Asia and Africa in the 1970's. Meanwhile, exports to commercial customers rose to 160 million tons a year, valued at more than $40 billion.

During those years, the banks and associations of the Farm Credit System became the source of one-third of the credit used by agriculture. And the System paid off, with dividends, the $200 million that Congress had provided in the early 1930's to keep it—and agriculture—going during that Great Depression.

In many ways, the history of the 1930's is being repeated. The farm economy is in a deep depression, the result primarily of economic forces and policies farmers cannot control. Since 1980, overseas sales of American farm products have declined by a fourth, largerly because of the overvalued dollar. Farmers' equities have declined and their debts have become overwhelming, largely because of high interest rates.

To put it simply, agriculture is not at present a profitable enterprise. And since farming is highly capital intensive—much more so than in the 1930's—many thousands of farmers are in danger of going out of business and dragging down with them those local businesses and banks that along with agriculture make up the economic substance of rural America.

According to the Department of Agriculture, half of all farmers have had negative cash-flows in 1985—they could not meet their expenses from combined farm and off-farm earnings. Average real estate values have fallen by about 40 percent since 1980 in Midwestern States. Some 215,000 farmers are in serious danger of bankruptcy during the next 12 to 18 months.

As the holder of one-third of all short-term farm debt and 43 percent of the farm real estate debt, the Farm Credit System has paid a dreadful toll, as have its nearly 1 million farmer-borrower-stockholders. The system has $8.6 billion in loans to farmers with negative cash flows and with debt-asset ratios of 70 percent or greater. Federal land banks have $6 billion in under-collateralized loans. Operating losses of the 37 farm credit banks were $522 million in the third quarter of 1985.

The Farm Credit System is not broke. But it needs Government help if its survival is to be assured—and if it is to take a leadership role in the economic recovery of agriculture. It performed that role in the 1930's, and it is essential that it be able to perform that role in the 1980's.

Congress is presently considering two bills—H.R. 3792 and S. 1884—that would provide the system with a backup line of credit from the Treasury. Both bills would require the system to repay any credit that is provided. Under those bills, the system would also be given additional authority to move capital internally, to administer financial assistance to different parts of the system, and to establish a financial warehouse for troubled loans.

To protect the public, the use of Federal funds would be controlled by the Secretary of the Treasury and the Farm Credit Administration, a Federal agency, which would become a much stronger regulator of the system than it has been in the past.

It is crucial that the Farm Credit System be a constructive and moderating force in the agricultural economy

during the coming months and years—not a part of the problem. But it cannot do this if Federal assistance is too little and too late. For that reason, action is needed during this session of Congress.

If Congress does not act now, we will be facing the same problem next year. Then, it will have become much more difficult to solve, more damaging to farmers, and more costly to the American public and the economy.

S. 873 AND THE NEED TO UNDERSTAND THE MEANING OF MENTAL RETARDATION

Mr. CHAFEE. Mr. President, as has become my custom once a week, I am here today to speak about my bill, S. 873—the community and family living amendments of 1985.

This bill would divert 85 percent of Federal Medicaid dollars used for long-term care for individuals with mental retardation away from larger institutional settings and instead make it available for small home-like settings in the community. My plan is strictly a reallocation of these funds, it is not an attempt to cut back on the services available to this group of citizens.

I introduced the first version of my legislation in 1983. It proved to be very controversial. During the 98th Congress, I received over 10,000 letters about this bill.

In April of this year, I introduced S. 873—a revised version of that first bill to address concerns that had been raised.

I have continued to receive, however, a great deal of mail about this bill. I get dozens of letters a week. While support for community and family living in some States is quite strong and uniform, citizens from other States are divided. There are recurring themes in the opposition.

I have made a weekly practice of placing a special order to speak to these recurring themes. The purpose of this is to bring better and wider understanding to a disturbing and critical problem—to explore the variety of myths surrounding the community and family living amendments. Today I would like to address the issue of mental retardation.

It is clear from the letters I have received, that the public and probably many of my colleagues in Congress misunderstand what is meant by mental retardation.

Years ago I was taught that one should not define a word by stating what it does not mean, but in this case, I think the door to understanding mental retardation may lie in understanding what it is not.

Mental retardation is not a type of mental illness. It is not related to schizophrenia, split personality, or insanity.

Mental retardation is the most common of a group of disabilities that professionals refer to as "developmental disabilities." This term means simply a disability that occurs during a child's developmental period—the years up to age 21.

Children who are born or develop disabilities such as cerebral palsy or epilepsy are said to have a developmental disability. A child whose intellectual development is significantly delayed or one who matures at a slower than average rate is said to have mental retardation—another type of developmental disability. People who are mentally retarded do not have mental arrest—that is, they do not cease to develop. Rather, their development is slowed, hence the word retardation.

Today in the United States of America, there are some 6 million citizens with mental retardation. There are an additional 100,000 children born each year who have, or will develop, mental retardation. We are talking about a sizable group of people—one whose needs we cannot continue to ignore.

I do not want to down-play the needs of other groups, but mental retardation affects 15 times as many people as does total blindness, and 10 times as many people who had polio prior to the Salk vaccine.

Mental retardation does not discriminate. It affects members of every race, nationality, social group, and economic strata. Children with mental retardation are born to the rich and poor alike, to the well educated as well as the uneducated, to presidents of hugh corporations as well as to the unemployed.

As with other disability groups, people with mental retardation have a wide variety of needs and abilities. Most people with mental retardation are considered to be mildly retarded—89 percent of the 6 million. An additional 6 percent are considered to be moderately retarded, and only 5 percent of all people identified as mentally retarded are said to be severely or profoundly retarded.

Mental retardation is not a curse or a punishment or a disease. People with mental retardation are much more like you and I than they are different. People with mental retardation can live, go to school, work, and play in the community with people who are nonhandicapped. However, people with mental retardation need support.

Sometimes that support comes from a loving family, and friendly neighbors. Sometimes that support must come from the staff of a school, or a residential program. But, I believe, that the support that people need, regardless of their level of mental retardation, does not necessarily include the need for institutionalization.

My bill will not eliminate all institutionalization. However, it does shift the majority of our Medicaid resources to other services. Services to keep people with their families, if they so desire. Services to help them live in apartments, group homes, or special care facilities as needed.

My bill will neither prevent nor cure mental retardation. Rather, my bill will reduce one of the most disabling aspects of mental retardation—the lack of supports to keep people in the community and whenever possible, with their families.

THE SITUATION AT ELECTRIC BOAT

Mr. CHAFEE. Mr. President, we've all read the accounts in the press of the suspension this week of the General Dynamics Corp. This suspension stems from charges against four executives several years ago at the company's missile division in California.

I do not condone wrong doing on the part of any company or individual dealing with the Federal Government. If these charges are proven correct in a court of law, appropriate punishment should be dealt.

These charges have caused the Pentagon to suspend the award of new contracts to the entire corporation, not just to the division involved. This means that the General Dynamics divisions responsible for submarine productions, F-16 fighter planes, and M-1 tanks, are caught up in the suspension order.

Speaking as a Senator who represents workers who are employed in the construction of *Los Angeles* class attack submarines and Trident submarines, I do not think it is fair that thousands of innocent workers in Rhode Island should suffer for the alleged sins 7 or 8 years ago of corporate executives 3,000 miles away in California in a totally unrelated division.

I therefore strongly commend Secretary of the Navy John Lehman, for taking a first step to rectify this injustice. The day after the suspension order was announced, Secretary Lehman postponed indefinitely today's original deadline for the submission of final bids on construction of the next four *Los Angeles* class attack submarines. This was an excellent move by Secretary Lehman.

There have been some suggestions that the Navy should not have postponed today's deadline for submission of these bids. Some say that even though the Electric Boat division is not involved in the current proceedings against General Dynamics, the company must be punished, even if this involves refusing contracts to a division which has no part in the current legal proceedings.

I find this attitude irresponsible. If Electric Boat were not allowed to bid on the next four attack submarines,

those boats would go by default to the Newport News shipyard in Virginia. In essence, Newport News would become the sole source supplier for *Los Angeles* class attack submarines, and the taxpayers would be denied the benefits of competitive bidding. *Los Angeles* class attack submarines have always been built by two yards; failure to postpone the bidding deadline in this case would preclude Electric Boat from the opportunity to submit potentially lower bids.

Thousands of workers in Rhode Island and other parts of the country should not be forced to suffer as a result. Nor should the taxpayers be punished.

Secretary Lehman has acted in fine fashion. It is my hope that he will be able to restore Electric Boat to full bidding status soon.

BUU DICH OF ROSWELL, NM

Mr. BINGAMAN. Mr. President, every once in a while it is important to step back and freshly appreciate the freedoms that we have in this country. This was brought home to me the other day when a Vietnamese refugee, Buu Dich of Roswell, NM, was reunited with his wife and eight children whom he had not seen in 12 years.

Buu Dich worked for the American Government in Vietnam and accepted a scholarship to study in the United States. He was here when his country fell to the Communists and was not permitted to return by the new Vietnamese Government. He settled in Roswell and began the lengthy struggle to bring his family to this country. And he became a U.S. citizen.

In Vietnam, his family began the complicated process—including appearing before a committee every day for 3 years—of obtaining exit permits.

Finally the family of Buu Dich is together again, and as stated in the accompanying newspaper editorial which I ask unanimous consent be made a part of the RECORD, the community of Roswell is helping make them welcome.

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

TALE OF TWO FAMILIES

It was the week of the family.

First, there were the Gallaghers. Residents of Roswell for just 14 months, John Gallagher, his wife Rachel and seven of their 12 children arrived home last Saturday night from a Thanksgiving visit out of town to find many of their possessions missing.

It was a shock, because, as Gallagher—who moved to Roswell from New Jersey—said, "Up there, I never had a key to my front door."

And it changed the way the Gallaghers felt about their new city. It made them a little leery, perhaps a little homesick.

Nevertheless, they remained hopeful, and immediately began rebuilding their lives.

They didn't do it alone. After the story of the Gallaghers' misfortune appeared in Monday's Daily Record, neighbors began stopping by with food. And clothing. And everything a family needs to make a house a home.

One couple from down the street even brought a television set, so the Gallagher children wouldn't miss their favorite shows.

Local churches joined in the effort, and a member of the sheriff's posse contributed a turkey—and $100.

People they didn't even know expressed their sympathy.

Before long, the Gallaghers had changed their minds about Roswell.

For the first time since they arrived in town, both Gallagher and his wife said they "felt like we belonged here."

And then there was Buu Dich.

When he left Vietnam in 1973, the youngest of his eight children was just seven months old.

The next time he saw her, on Tuesday, she was 13 years old—practically grown-up.

Who can describe the joy of a man seeing his wife and children for the first time in 12 years?

And who can imagine the pain and despair of those 12 years, alone in a new country, with Buu wondering when—or if—he would ever see them again.

Fortunately for Buu, as with the Gallaghers, he was not alone.

Thanks to the efforts of people such as the late U.S. Rep. Harold Runnels and former U.S. Sen. Harrison "Jack" Schmitt, and later U.S. Sen. Jeff Bingaman and his office, Buu's dream finally came true.

He was reunited with his family.

They're now here in Roswell, together for the first time in what must seem like a lifetime; for the youngest child, it is.

It won't be easy for one man to support nine others, and it surely won't be easy for his wife and the children to start a new life in a strange country, with unfamiliar customs, foods and languages.

But, as the Gallaghers would tell them, they won't be alone. New York may have a reputation as being the kind of city where people look the other way, but that's not so here.

Roswell residents have shown that they care about their neighbors, and are ready and willing to help them in a time of need.

Two families. Two very different stories. But with one thing in common: Both needed help, and both are getting it.

FARM CREDIT

Mr. GRASSLEY. Mr. President, yesterday my colleague from Minnesota, Senator BOSCHWITZ, and I introduced S. 1906, a revised version of legislation which we offered as an amendment to the Farm Credit System bill.

The Farm Credit Partnership Act of 1985 is a comprehensive approach to the problems of the farm economy. Unlike the legislation that the Senate approved on Tuesday, this legislation will help farmers restructure their debts and stay in business.

The Senate has passed legislation which preserves the Farm Credit System but does nothing to ensure that Farm Credit System borrowers will be helped. We have done absolutely nothing to assist troubled commercial banks and their borrowers.

Yesterday's Wall Street Journal reported that the largest bank holding company in Iowa is unable to pay its short-term debt and is currently negotiating with its creditors. For months and months I have been arguing that the crisis in the farm economy will spread and have a devastating effect on the whole Nation unless the Congress acts to stabilize the situation.

The Boschwitz-Grassley bill gives farmers and bankers a chance to work out of their debt problems. The bill is two-pronged attack on the crisis. The first part of the bill is an interest rate buydown program administered by the States. Qualified borrowers can receive interest rate reductions of up to 5 percentage points. The program is funded by the Federal Government, the States, and the lender in a ratio of 2 to 2 to 1.

The second section of the bill gives bankers incentives to write off up to 30 percent of loan principal by allowing banks to amortize the loss over 10 years. The FmHA would give the banker a guarantee on the portion of the loan that had been written down and this guarantee would slowly be lifted over 10 years. As the guarantee disappeared, the bank would write off the loss. If the banker foreclosed on the borrower during the 10 year period, he would have to take the loss immediately. The only time that FmHA would pay on the guarantee would be if the bank failed and then FmHA would pay the FDIC. This ensures that deposits will be protected, yet the potential losses to the FmHA are very small.

The Farm Credit Partnership Act is an important first stepn in dealing with the problems facing family farmers. These problems have nothing to do with the ability to compete in a truly free market. The problems that could destroy family farming were made in Washington, in Brussels, in Tokyo. High real interest rates and overwhelming debt loads threaten family farmers more than hail or drought ever have.

The dimensions of the problems in American agriculture are staggering. Of the $215 billion in outstanding farm debt, over one-third of this is owed by farmers whose debt to asset rations exceed 70 percent. Land values in Iowa have fallen over 50 percent since 1980. Bank failures are at a post-Depression high and a disproportionate number of these failures are ag banks. We still don't know how large the losses in the farm credit system will be.

The farm debt crunch is obviously very important for a State like Iowa where 7 jobs in 10 are dependent on agriculture, it has national implications as well. A July 1985 study by Wharton Econometrics and the Food and Agriculture Policy Research Insti-

tute estimates that the loan writeoffs resulting from the farm crisis may reach $20 to $25 billion. They calculate the eventual job loss to be in the range of 175,000 to 275,000 and the cumulative decrease in GNP to be $30 to $49 billion. I could go on and on citing gloomy statistics, but my point is that we face the choice of shoring up the farm economy now or paying the price of economic devastation later.

Most of the difficulties that farmers face—falling land values, high real interest rates, low commodity prices, the loss of export markets, increased competition from imports—can be attributed to ill-considered Federal policies. Congress, the Federal Reserve Board, and the administration have all made disastrous decisions which now endanger the livelihood of a significant percentage of America's farmers.

More than any other sector of our economy, farmers ahve paid the price for Paul Volcker's decision to wring inflation out of the economy at any cost. We can't throw up our hands now and walk away from this mess. The Federal Government bears a large share of the blame for the crisis in agriculture and we have no choice but to be part of the solution.

Saying that the family farmer is an inefficient relic and letting him go out of business is taking the easy way out. Instead we must pass legislation which addresses the immediate credit crisis, and over the long term we must correct the failed macroeconomic policies which have caused the problems in the farm economy. I urge my colleagues to cosponsor this legislation and work with me to find a solution to the farm crisis.

SUPPORT SOLAR ENERGY

Mrs. HAWKINS. Mr. President, I urge my colleagues to support the extension of solar residential and business tax credits. Solar energy is the cleanest, wisest, and most efficient source of energy today. Our support for solar energy is a way of stating that we care about the future we leave to our children and grandchildren.

That is why the continuation of solar tax credits are so crucial. Tax credits have enabled the solar industry to grow considerably over the last 5 years. But those credits are due to expire at the end of this year. Without credits it will be next to impossible for the industry to compete with foreign competitors.

The solar industry creates jobs. Today it employs about 30,000 people and has sold more than 1 billion dollar's worth of solar equipment worldwide.

Solar energy can also help to reduce our trade deficit. In 1984, our national trade deficit was well over $100 billion with over half of this deficit directly attributable to our oil imports. Developing our solar technology will force down domestic oil prices and in turn, reduce oil imports.

Solar energy can bring us a cleaner and energy-efficient future.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BALANCED BUDGET AMENDMENT

Mr. SIMON. Mr. President and my colleagues in the Senate, James Kilpatrick had a column in the Washington Post, just the other day grappling with the problem of whether or not we should have a balanced budget amendment. He commented that Senate Joint Resolution 225, one of two constitutional amendments before this body, is the one that should be passed. He says, "It is short and simple. It has a constitutional feel that earlier abominable drafts did not have."

I do not always agree with James Kilpatrick, but he is a thoughtful observer of the national scene and has a sense of the Constitution that I think this body would do well to follow.

We will, according to the majority leader, vote shortly after we come back in January on a constitutional amendment on a balanced budget. The Nation has three choices. One choice is to let the States call for a constitutional convention, and that would be the first constitutional convention since the original Constitutional Convention. That has all kinds of problems. I hope we do not move in that direction. It is questioned whether any State-called constitutional convention could be limited to the question of a balanced budget. So I do not think that is the course which should be followed.

The second is a somewhat complex proposal that was adopted by the Senate and was defeated in the House 2 or 3 years ago which ties Government spending into a percentage of the GNP. That would be fine for this year or next year, but no one knows what is going to happen 10 years from now or 20 years from now or 50 years from now. That is what we ought to be thinking about when we adopt a constitutional amendment. The difficulty is that, let us say, for example, 10 years from now we decide, because of the deteriorating roads and bridges in this country, we are going to have a 10-cent increase in the gasoline tax. That would require then a cut in Social Security or some other program. Well, we should not have a constitutional mandate on something like that. Congress ought to have flexibility.

The amendment that I favor and that I am cosponsoring, together with Senators THURMOND, HATCH, and DECONCINI—and I would note the broad political and geographical spectrum in that cosponsorship—is the one that very simply says we have to balance the budget unless there is a three-fifths vote of Congress to the contrary. Let me just read it to you:

> Outlays of the United States for any fiscal year shall not exceed receipts to the United States for that year unless three-fifths of the whole number of both Houses of Congress shall provide for a specific excess of outlays over receipts.

It is the kind of amendment that the Senator from New Hampshire could support with enthusiasm. It is the kind of amendment that I hope all of our colleagues could support.

Incidentally, with this issue we face an unusual situation in that the Senate Judiciary Committee has reported out two amendments. The one that I am cosponsoring and have talked about came out by a 14-to-4 vote. The other, the one that is tied into the percentage of GNP, came out by an 11-to-7 vote. I hope that when it comes to voting on this in January we will favor the simple, sensible constitutional amendment.

The other question that could be raised is, "Why have one at all? Wouldn't Gramm-Rudman solve our problems?" Well, I think that we are within the next 48 hours likely to see Gramm-Rudman emerge from that conference and next week we will pass Gramm-Rudman, but with the same simple vote that adopted Gramm-Rudman we can decide to waive Gramm-Rudman. The Senator from North Dakota could introduce a bill saying notwithstanding any other provision of this measure, we are going to spend $10 million on North Dakota's problems, or the Senator from Kansas could introduce a bill which said, notwithstanding any other provision of law, we are going to spend $10 billion on the State of Kansas.

It is too easy to get around. As it becomes tougher to move toward a balanced budget—and it is going to get tough—it becomes very, very simple to get around. The constitutional amendment that says we ought to balance the budget unless there is a three-fifths vote of the Congress to the contrary I think is the direction we ought to go.

Let me add two other observations, Mr. President. One is the reason for getting ahold of this thing. I asked my staff 2 weeks ago to determine what we were spending in four basic divisions, and I think it may be of interest to this body to know what we have done in the way of outlays between

fiscal years 1980 and 1986. In this period, defense has gone up 88 percent. Entitlements have gone up 56 percent. Discretionary nondefense items have gone up 20 percent. But, interest has gone up 240 percent. We are at the point where interest expenditures are going to double every 4 or 5 years. We just cannot continue that. And so we have to have a constitutional amendment.

I see my good friend from Utah on the floor, Senator HATCH, who is one of the cosponsors of this particular constitutional amendment.

It is clear we have to do something. We have to get ahold of this thing.

I remember back when I was first elected to the Illinois General Assembly. I received a letter from a man in South Roxana, IL, and he had 13 points to his letter. The first 12 points were the increased services he wanted from Government and the 13th point was to cut taxes. Believe it or not, Mr. President, we have adopted his program.

We have to use commonsense. A family cannot live on a credit card without having the end of the month and the bill come. We are a nation living on a huge credit card and we are saying send the bill to our children and our grandchildren, but now the end of the month is appearing. We now are for the first time since 1914 a debtor nation, and while right now we seem to be able to get along on that, if there is a serious blip in our economy—let us just say it is another Ohio savings and loan problem—inevitably our friends in Venezuela, Saudi Arabia, and other countries are going to stand up and say, "I wonder if my money is safe in the United States." And they are going to start pulling it out and then we face real, real problems.

Mr. HATCH. Will the Senator yield?

Mr. SIMON. I would be pleased to yield to my colleague.

Mr. HATCH. Mr. President, I express my appreciation to my colleague from Illinois for his work in the Judiciary Committee, among other things, and certainly on the Labor Committee. We serve on two very important committees. He understands the Congress of the United States, having been here a long time; but for a new Member of this body, he has been one of the most diligent Senators, especially in his service on the Judiciary Committee and the Labor Committee.

As chairman of the Labor Committee, I express my gratitude for the efforts he has put forth.

As chairman of the Subcommittee on the Constitution of the Judiciary Committee, I again express my respect for his willingness to have an open mind and to look at these issues, especially economic issues, in a careful, scholarly, and considered way, and in particular for his work in helping us bring out one of two constitutional amendments to balance the budget.

I look forward to working with him in the future in these areas. I hope we can bring both sides together in a more bipartisan way to solve some of these economic problems in our country and to get rid of some of the politics involved in the debate, which sometimes make us an ineffective institution, at least toward solving deficits.

We can blame any President, and I suppose every President could have asserted stronger leadership on these issues, but the blame comes to Congress. I think the Senator from Illinois understands that better than most, if not better than any, of us. Frankly, although we approach things from a different philosophical perspective, I appreciate his willingness to work in these areas as much as he has.

I want to express my gratitude to my dear colleague and dear friend from Illinois.

Mr. SIMON. I thank my distinguished colleague from Utah.

Mr. President, I want to add that we would not have this constitutional amendment about which I have been speaking except for the exceptional leadership of the Senator from Utah.

Frankly, the only constitutional amendment on a balanced budget that may be passed in the House is the simplified version that James Kilpatrick has talked about.

So I urge my colleagues to consider these two options carefully. I urge them to reject the one that James Kilpatrick calls abominable. I urge them to pass a simplified type of constitutional amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE GRAMM-RUDMAN-HOLLINGS AMENDMENT

Mrs. KASSEBAUM. Mr. President, for almost 2 months now, we have been tied up in conference over the debt ceiling bill.

I should like to compliment those who have worked diligently through that conference, particularly the chairman of the Budget Committee, Senator DOMENICI, and the chairman of the Finance Committee, Senator PACKWOOD, as well as many others, including Senator RUDMAN and Senator GRAMM, who have given a great deal of time to this effort.

A debt limit increase is never pleasant. This one has proven particularly problematic because it raises the debt ceiling above the $2 trillion mark. Our attempt to finesse that public relations problem may become a public relations disaster. It is known as the Gramm-Rudman-Hollings amendment.

I requested this time, Mr. President, because I feel compelled to say a few words about the nature of our Gramm-Rudman dilemma. Perhaps my colleagues recall a saying most of us first encountered during childhood, "Oh, what a web we weave, when first we practice to deceive." That saying may well become the epitaph for Gramm-Rudman. Not that any effort was made to deceive. In fact, I think it was done with the very best of intentions, to show us what a difficult task we had before us.

We cannot enact Gramm-Rudman into law, and we know it. We know it—but we cannot admit it publicly. It is absolutely irresponsible as public policy—but as a result of our public pronouncements about our new-found courage, we cannot back down. We are in legislative limbo. After 2 tortuous months of a regimented forced-march, we have reached the outskirts of a budgetary Moscow—and it has started to snow.

Mr. President, I am not a conferee on Gramm-Rudman, and I salute those who are. But I have spoken with a number of conferees on our side, and I know the impossible problems they face. I read the newspapers, and I know the evolving White House position on Gramm-Rudman. I have seen the sampler sequester calculations, and I understand the implications of the numbers involved.

I am no hawk on defense. I have long advocated reductions in Pentagon spending. With that history in mind, I would like to offer an unequivocal observation about the effect of Gramm-Rudman on defense spending

It would be absolutely irresponsible for this body to allow a sequestering of defense funds of the magnitude being considered for 1986. Taking one-half of a $10 billion sequester from defense would require a budget authority reduction of $25 to $30 billion. The impact of such a cut on troop strength and combat readiness would border on insanity. We are not going to make that cut, and we know it.

My friend and colleague the junior Senator from Colorado, Senator ARMSTRONG has a saying for situations such as our Gramm-Rudman dilemma. I would like to borrow it. Mr. President, "The emperor has no clothes." We are not going to enact Gramm-Rudman. We are not going to unilaterally disarm America. We are not going to arbitrarily emasculate domestic spending. We just have not figured out how to break the news.

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I do not know how long we can keep up this legislative charade. What I do know is that the longer we continue to deny the obvious, the harder it is going to be to take the action we eventually must take. Mr. President, I suggest that the time has come for us to admit the impossibility of solving real budget problems with procedureal budget resolutions or constitutional amendments. It is an effort in which we all have to engage, in a realistic fashion, and I believe it can be accomplished.

Mr. President, I yield back any time that may remain, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1986—CONFERENCE REPORT

Mr. WEICKER. Mr. President, I submit a report of the committee of conference on H.R. 3424 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3424) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1986, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 21, 1985.)

Mr. WEICKER. Mr. President, today we are presenting the conference report concerning appropriations for fiscal 1986 for the Departments of Labor, Health and Human Services, Education and related agencies.

This legislation represents progress in many areas of the Nation's domestic agenda. It represents a very delicate balance between these great human needs and the fiscal responsibility required of Congress.

It maintains our Nation's commitment to vital health, education, and job training programs and it makes clear to the Nation that Congress sees the development of human resources as an investment in the future; as important as any government can make.

An important feature of the agreement concluded with the House provides the National Institutes of Health with 6,100 new and competing grants and also provides NIH with $140 million for research into the treatment and prevention of acquired immune deficiency syndrome, an increase of $77 million over fiscal year 1985. This brings the total Federal intervention on this vital subject in fiscal 1986 to $234 million, an increase of $139 million over the fiscal 1985 bill.

Included is an amount of $16 million for the Secretary of Health and Human Services to provide grants to develop new and better methods of treating patients with AIDS. Also included is $65 million for the Centers for Disease Control to be used in the areas of public education, purchase and distribution of new drugs, an AIDS hotline and continued support for alternate blood test sites.

This bill also provides full support for the National Cancer Institute to continue development of new methods of cancer treatment such as that reported this morning on the front page of the New York Times. This promising new direction in cancer treatment developed by an NCI research team is one of many dividends the Nation has reaped from its investment in this and the other National Institutes of Health.

We are pleased that the Senate level for childhood immunization prevailed. This allows for an increase of $5.1 million over last year in order to keep pace with inflation and other programmatic cost increases. The committee will not shortchange the most essential disease prevention efforts, regardless of the state of the economy..

The bill includes $969 million for the activities of the Alcohol, Drug Abuse and Mental Health Administration. While modest increases are provided for research supported by ADAMHA, most other activities are maintained at their fiscal 1985 levels. In addition, $10 million is included for a new program of protection and advocacy for the mentally ill.

For the Health Resources and Services Administration, every program, with the exception of two, is maintained at last year's level, and several have received increases. For maternal and child health, we have provided $478 million, the same amount as last year, and the full amount authorized.

For community and migrant health centers, $400 million is included, $17 million more than last year.

In view of the ever-increasing elderly population, we have included $5 million for the 2 years of funding for 24 geriatric training units at medical schools. Last year's level has been maintained for the other health professions training programs, each of which is funded at its fully authorized level. An increase of $1.5 million is included for disadvantaged assistance, the primary Federal program to aid disadvantaged and minority students in pursuing a health professions career.

Nurse training programs are maintained at last year's level, with an increase provided for the Nursing Research Grant Program. In addition, two new nursing programs will be initiated at the level of $1.9 million.

The conference agreement further provides $1,087,059,000 for Head Start and $53,400,000 for developmental disabilities activities, which represent increases over fiscal 1985. Initial funding of $5 million is included for dependent care planning and development activities, as well as an additional $2.5 million for family violence prevention; the administration should move as expeditiously as possible to implement these initiatives. The Older Americans Act, Runaway and Homeless Youth Act, Child Abuse Prevention and Treatment Act, and Native Americans programs are at fiscal 1985 levels.

The bill provides $549,589,000 for foster care and adoption assistance entitlement activities, the full amount currently estimated for State reimbursements. If, at a later date, additional amounts are required, the administration is expected to promptly notify the Appropriations Committee.

The final amount agreed to for child welfare assistance is $207 million, an increase of $7 million over fiscal 1985. This is one of the areas where a last-minute reduction from the $220 million original conference agreement was necessary in order to bring the bill into compliance with the budget resolution ceiling. I would like to have seen higher appropriations and will continue to do all that I can to see that funding in this area is enhanced.

I am pleased, however, that the full Senate recommendation of $5 million for adoption opportunities was retained, an increase of $3 million over fiscal 1985. Grants to States under the Community Services Block Grant Act are maintained at last year's level of $335 million; however, discretionary activities are reduced to the House recommended level of $31 million, while the Senate-recommended level of $4.3 million is retained for Federal administrative costs.

The conference agreement provides a trust-fund limitation of $3.9 billion for administrative expenses of the Social Security Administration, with the understanding that the funds provided shall be used to support an employment level of 77,349 full-time equivalent positions, an increase of 1,000 over the budget request. Bill language to prevent a net reduction of Social Security offices was deleted, based on administration assurances

that office closings in fiscal 1986 will not exceed historical averages. If the administration does not follow the intent of the conferees on these matters, Congress will certainly reconsider the need for statutory language in this area.

For the Department of Education, many of the larger programs would remain frozen at last year's level. This is less than we would like but the highest we could hope for, given the current political climate. However, notable increases, reflective of our successful budget resolution negotiations, will occur in programs serving the disabled. Our bill includes an increase of $90 million for education of the handicapped and $145 million more for rehabilitation services.

For the Labor Department, the conference agreement provides $6,516,744,000 in new budget authority. The net increase of $204,269,000 over the fiscal 1985 enacted level is due primarily to entitlement funding requirements such as black lung benefits.

For Job Training Partnership Act programs, enrollments are expected to be maintained at approximately current levels, including the summer youth and dislocated worker assistance programs, with a combination of carryover balances and new appropriations. Although the work incentive program is reduced from $266,760,000 to $220 million, there is no intent to phase out this program; in fact, funds proposed in the budget phaseout were specifically deleted. Every effort should be made to maintain a strong and effective WIN Program, despite the necessary fiscal constraints.

The bill provides an increase of $14.8 million over fiscal 1985 for employment service allotments to States, a total of $792,200,000. For State unemployment insurance operations, increases over the budget of $14.8 million are included, of which $10 million is for nonpersonal services costs and $4.8 million is for amortization payments of certain State retirement plans.

The bill contains an increase of $4.4 million to substantially reduce the delay in processing black lung claims at the administrative law judge level. It also includes increased funding for 90 additional inspectors in the Mine Safety and Health Administration.

For the Bureau of Labor Statistics, the conferees maintained publication of the Monthly Labor Review and provided $2.3 million for enforcing service sector activities.

Mr. President, in closing, I want to note the efforts of a man who has contributed so much to this legislation. John Doyle, the staff director of my subcommittee will shortly leave the staff to pursue other opportunities. I will miss his counsel and patience and the Senate will miss his expertise and dedication.

The passage by Congress and approval by the President of this conference agreement will mark the third year in a row that we have been able to work through to a successful conclusion. I urge my colleagues to support this agreement.

All the good will in the world, all the good wishes in the world, all the publicity in the world does not substitute for money.

This Nation has committed its resources in an unprecedented amount to the business of death. The business of life should be the business of the Government of the United States.

I know there is much celebrating as to what is going on over at the National Institutes, but believe me, day in and day out, just think of all the futile efforts, the number of researchers who came up against the wall, the disappointments. We never hear about that. And I think every Member of this body can read in the newspapers what is happening today and say we had a part in that because we did, and I hope that it is a lesson which will encourage us to do even more in the future budgets.

So my congratulations go to those at the Institutes of Health, but also my urgings to my colleagues that insofar as priorities are concerned nothing can be more important than the fight against cancer, against diabetes, against heart disease, against Alzheimer's, and when a success story comes along, remember the thousands of disappointments and failures that made it possible for the success that we read about today.

Mr. President, I wish to pay special tribute to two people.

No. 1, to my colleague, Senator PROXMIRE, who will be in the Chamber shortly, for all the work that he and his staff have done and most particularly to our good friend, Tom van der Voort, who is unable to be here with us because of his accident, but who so well represents the Senator's interests on the subcommittee.

The combination of Senator PROXMIRE and all the members of his staff is a combination that is hard to beat, and I am certainly proud to work with them.

Also, I wish to pay special tribute to John Doyle who is retiring as staff director on the majority side, and he does so having done an outstanding job with the committee and more particularly on this piece of legislation. He is a great credit to the Senate and his handiwork and his efforts will clearly be felt by many Americans in the years to come.

Mr. President, in addition to the prepared remarks that I have made, I wish to draw attention to an event of the moment which has captured the imagination, I might add the hope, of this Nation in terms of the news from NIH vis-a-vis the promising inroads in the war against cancer.

The reason I point this up is not because of the hope it holds for medicine, and I wish Dr. Rosenberg and Dr. Nevel of the Cancer Institute and all associated with them the best of luck, but the fact is they would not be where they are were if not for a strong financial commitment by this Government, and I think the Senate can take great pride as to how we have stuck with the National Institutes of Health over these past several years when many would have liked to have seen their budgets cut.

I now notice my good colleague, Senator PROXMIRE, has come to the Chamber. Again, I said it behind his back, so I wish to say it to his face, that none of this would have been possible without the fine disciplined mind that he has and without the total commitment to the work of this committee, and if indeed he is the restraining influence, I think that is a good thing because it is always done in a very positive way.

I suppose what I like about BILL PROXMIRE is what most of the voters in Wisconsin must like. It is that the man not only has a great heart but, thank you very much, he understands the responsibilities that go with the job and sometimes that also means saying no. He does that and he does it in a reasoned way.

So I think the committee is deeply indebted to him and to all those who work with him.

Mr. PROXMIRE. Mr. President, I thank my good friend, the distinguished chairman of the subcommittee.

Mr. President, this is the third year in a row we have completed action on a Labor-HHS-Education Appropriation Act under the leadership of my distinguished colleague from Connecticut, the chairman of the subcommittee, Senator LOWELL WEICKER. Achieving final passage of this complex and controversial bill for 3 years running in the current fiscal climate is like hitting three consecutive grand slam home runs, and Senator WEICKER has earned our thanks and admiration.

Babe Ruth could not do it. Roger Maris could not do it. And none of the home run hitters today can do it. But LOWELL WEICKER did it. It was an astonishing performance, and he did it and he did it in real style because, as he said, I have been a kind of a negative influence in many ways on the committee. But he has succeeded under the most extraordinary difficult circumstances in providing an appropriation bill which I think goes a long way toward serving the health needs of our people, the education needs of our people, the welfare needs of our people, helping those people who cannot help themselves. They have

had no better friend in the 28 years I have been here in the Senate than LOWELL WEICKER.

As the Senator has already stated, the conference report provides a total of $105.8 billion in new budget authority which is $426.2 million below the Senate-passed bill. Although we should be thankful for every dollar savings we can achieve no matter how small, the fact remains that the conference report exceeds the President's budget request for discretionary spending by $4.6 billion. Moreover, at a time when deficit reduction to justify the inclusion of $54.6 million for several new initiatives. No matter how meritorious they may be, Mr. President, this simply is not the Federal burden. In my judgment, we should be eliminating nonessential existing programs—not starting new ones.

I do wish to commend my good friend, and I wish to also say that one of the most gracious gestures I have seen is when he paid tribute to Tom van der Voort who has been on the Appropriations Committee as a top staff member for a number of years and served both of us very well.

I might say that Tom van der Voort was hit by an automobile and fairly nearly killed. He broke both legs, the vertebra in his neck, dislocated shoulder, and he is going to be in bed for 6 months. He is recovering. He was deeply moved. I think he will always remember the fine tribute paid to him by LOWELL WEICKER.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of the conference report on H.R. 3424, the fiscal year 1986 Labor, Health and Human Services, education and related agencies appropriation bill.

Mr. President, the conference report on H.R. 3424 provides $94.9 billion in budget authority and $81.4 billion in outlays for programs in the Departments of Labor, Health and Human Services, Education and related agencies. The bill, together with outlays from prior-year budget authority and other adjustments, is consistent with the subcommittee's 302(b) allocation.

Mr. President, the conference report as filed, when adjusted, puts the subcommittee within $50 million in both budget authority and outlays of its 302(b) allocation. With the adoption of the conference report as amended by the House, the subcommittee will be even closer to its 302(B) allocation under the fiscal year 1986 budget resolution.

I congratulate Chairman WEICKER for his tireless efforts to have a signed Labor-HHS bill for the third year in a row.

Mr. President, I ask unanimous consent that tables showing the relationship of the reported bill to the congressional budget, the House- and Senate-passed bills, and the President's request and a summary of total appropriations action to date, be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES SUBCOMMITTEE

[In billions of dollars]

	Fiscal year 1986	
	Budget authority	Outlays
SPENDING TOTALS—CONFERENCE AGREEMENT		
Outlays from prior-year budget authority and other actions completed	11.0	32.4

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES SUBCOMMITTEE—Continued

[In billions of dollars]

	Fiscal year 1986	
	Budget authority	Outlays
H.R. 3424, as passed by the Senate	94.9	81.4
Possible later requirements: [1]		
Discretionary possible later requirements	.6	.4
Mandatory possible later requirements	1.7	1.7
Total, possible later requirements	2.3	2.1
Adjustment to conform mandatory programs to budget resolution assumptions	−.2	−.6
Subcommittee total	108.0	115.3
Subcommittee 302(b) allocation	108.0	115.3
House-passed level	108.0	115.3
Senate-passed level	108.0	115.3
President's request	100.9	112.1
Subcommittee total compared to:		
Subcommittee 302(b) allocation	+(2)	+(2)
House-passed level	+.1	+(2)
Senate-passed level	+(2)	+(2)
President's request	+7.1	+3.2

[1] Possible later requirements:

	Fiscal year 1986	
	Budget authority	Outlays
Discretionary:		
Adolescent family life	(*)	(*)
Family planning	.1	.1
Refugee assistance	.5	.4
Higher education	(*)	(*)
Trade adjustment assistance	(*)	(*)
Total, discretionary possible later requirements	.6	.4
Mandatory:		
Federal Unemployment Benefits Act	.1	.1
Advances to unemployment trust funds	(*)	(*)
Black lung	(*)	(*)
Payments to health care trust fund	.9	.9
Special benefits for disabled coal miners	(*)	(*)
Supplemental security income	(*)	(*)
Aid to families with dependent children	.5	.5
Total, mandatory possible later requirements	1.7	1.7
Total, possible later requirements	2.3	2.1

*Less than $50,000,000.
[2] Less than $50,000,000.
Note.—Details may not add to totals due to rounding.

STATUS OF APPROPRIATION BILLS IN THE SENATE

[In billions of dollars]

Subcommittee	Appropriations Committee's 302(b) allocation Budget authority		Adjusted bill totals [1]		Bill compared to allocation		Bill status
	Ba	Outlays	Ba	O	Ba	O	
Agriculture	28.2	25.2	28.2	25.2	−(2)	−(2)	Senate, passed.
Commerce-Justice	12.0	11.9	11.9	12.0	−.1	+.1	Conference.
Defense	285.5	252.2	286.9	254.9	+1.4	2.7	Senate, reported.
District of Columbia	.5	.5	.5	.5	+(3)	+(3)	Senate, passed.
Energy-Water	15.3	15.6	15.3	15.6	−(2)	−(2)	Public Law 99–141.
Foreign Operations	15.2	14.7	16.1	15.2	+.9	+.5	Senate, reported.
HUD-Independent	58.7	61.2	59.9	61.2	+1.2	+(2)	Public Law 99–160.
Interior	8.2	8.9	8.2	9.3	+(2)	+.4	Senate, reported.
Labor-HHS	108.0	115.3	108.0	115.3	+(2)	+(2)	Conference.
Legislative Branch	1.7	1.7	1.7	1.7	−(2)	+(2)	Public Law 99–151.
Military Construction	9.0	7.6	8.5	7.5	−.5	−.1	Conference.[2]
Transportation	10.5	26.6	9.9	26.6	−.6		Senate, passed.
Treasury-Postal	13.1	13.1	13.4	13.3	+.3	+.2	Conference.
Unassigned	1.2	−.4			−1.2	+.4	
Total, Appropriations Committee	567.1	554.1	568.6	558.5	+1.4	+4.3	

[1] In addition to the bill, includes outlays from budget authority enacted in prior years, possible later requirements, adjustments to conform mandatory items to the budget resolution level, and other adjustments.
[2] Less than $50,000,000.
[3] As amended on the Senate floor.
Source: Senate Budget Committee staff.

Mr. HEINZ. Mr. President, I support the goals of the appropriation before us but a cautionary note must be heard. The conferees deserve recognition for their hard work in attempting to fashion a fair appropriation under tremendous constraints. They have done well in keeping spending down while funding many vital services. I

am, however, alarmed by the reductions in our commitment to training dislocated workers, and our obligation to assist elementary and secondary education.

Title III of the Jobs Training Partnership Act targets assistance to the Nation's long-term unemployed—the dislocated worker—and strives to return them to productive employment. Although we have seen a remarkable recovery in many parts of the Nation, thousands of communities are still plagued by unemployment and slow economic growth. The reduction or elimination of programs which rehabilitate depressed regions of the country is extremely shortsighted, Mr. President, and ignores the needs of disadvantaged citizens. Continued reductions in funding for title III will harm the most vulnerable members of our society and further dim the future of many communities in the Northeast and in the Midwest.

Second, we must continue to address what the report, "A Nation at Risk," termed "a rising tide of mediocrity" in our elementary and secondary schools. The Department of Education administers several competitive grant programs which foster math and science education, the development of magnet schools, and efforts to promote educational excellence. There are those in the administration who have stated a desire to eliminate each and every one of the grant programs. This must not happen. The need to improve basic education in America has not changed. Our schools have a long road ahead of them if we are to provide young Americans with the tools necessary to excel in this society. Federal assistance to elementary and secondary education needs to be reliable and constant. Instead it has been marked by uncertainty and sharp reductions in spending.

I am, therefore, concerned over the fate of the Excellence in Education Grant Program. This small and cost-effective program allows grants to be made to schools which demonstrate the willingness and the capability to upgrade basic education. It has been underfunded since its inception, and the current level of funding is at best minimal. It is my hope that we will see this program receive proper recognition and support in the coming years.

Similarly, magnet schools promote the dual goals of educational excellence, and desegregation. We have defeated attempts to rescind the Magnet School Assistance Program's funding, but we need to continue stable funding, and approve a reauthorization for the Education for Economic Security Act's programs which are not already included in the NSF authorization.

Mr. President, I will not go on at length, but I simply wish to remind my colleagues that we have made commitments to the long-term unemployed, and the disadvantaged students, which should be honored. While I will vote to approve the conference report on H.R. 3424, it is my firm belief that we must act in the future to protect these programs.

FISCAL 1986 PROGRAM COSTS INCURRED UNDER PELL GRANT PROGRAM

Mr. WEICKER. Mr. President, my colleague, Senator PROXMIRE and I wish to clarify the intent of the conference with regard to the 1986 Pell Grant Program. The language of the bill calls for a program with an award cap of the lesser of $2,100, minus an expected family contribution, and 60 percent of education costs. These are the same maximums as in the 1985 program. It is the belief of the conferees that they have provided sufficient budget authority, $3.588 billion, to finance the costs that these maximums, in combination with other award and eligibility rules in current law, will produce. Representatives of both appropriation committees believe as a general matter that the amount appropriated in the regular annual appropriations bill should be set at the level necessary to fund fully the costs produced by Pell Program parameters, also set each year in the appropriations bill.

Should the Pell appropriation be insufficient to meet 1986 costs, it is not the intent of the conferees to seek supplemental appropriations or to expect the Secretary to draw funds from next year's appropriation to eliminate any shortfall. Rather, the conferees direct that the Secretary take whatever steps are available to him under current statutory authority to ensure that 1986 program costs are reduced to a level consistent with the appropriation.

Mr. PROXMIRE. Yes, that is right. If there is any unanticipated shortfall in 1986 program costs, in spite of the $3.5 billion included in the conference report, then the Secretary of Education can make the necessary reductions consistent with existing law. The conferees have no plan to correct any shortfall via supplemental appropriations nor do we expect the Secretary to use other funds for this purpose. This program already has an outstanding deficit of $468 million in prior year costs, Mr. President. We urge the Secretary and the Director of the Office of Management and Budget to develop a better strategy for covering these unfunded Pell obligations from prior years. The continuing drawdown of funds from future year appropriations is not good policy.

APPROPRIATIONS FOR "LATCHKEY" CHILDREN

Mr. RIEGLE. Mr. President, I am pleased to note that the Labor, HHS conference report we are approving today appropriates $5 million for dependent care block grants to the States. While this small amount is far from adequate to meet the growing need for before and after school child care facilities and other forms of dependent care, it represents an important starting point. Over the past several years we have become increasingly aware of the serious problems of unattended latchkey children, as well as the growing number of seniors and other adults who are dependent upon family members for constant supervision and care.

The dramatic increase in two working parent families and working single heads of households has left many children without adult supervision for significant periods of time each day, and has created a national need for school-age child care. Estimates show that more than 7 million children—often referred to as latchkey children—may return after school to an empty house alone or in the company of a slightly older brother or sister. In factories and offices throughout the country, parents wait anxiously for their children to call and confirm their safe arrival at home. They hope that their children can take care of themselves for the 2 or 3 hours between the end of the school day and the time when they return home from work.

The legislation which we finally appropriate funds for today, will begin to put a stop to this unfortunate situaton. It has been almost a 3-year battle and I am so pleased for our Nation's children that we have finally succeeded. I am proud to have been associated with the attempt to authorize programs and obtain funding for dependent care grants. I would like to thank my colleague Senator WEICKER for his assistance in this effort, and express my appreciation for the help of Congressman NATCHER in ensuring the House committee's concurrence with the Senate's appropriation for these grants. In addition, I would like to mention the extraordinary effort by Congresswoman BURTON, who has worked with me over the past several years on this vital service for our Nation's children.

FUNDING FOR 2-YEAR MEDICAL SCHOOLS

Mr. LAUTENBERG. Mr. President, I am pleased that the conference report on the fiscal year 1986 appropriation for the Departments of Labor, Health and Human Services, and Education includes an amendment that I offered during the Senate debate. This amendment adds $500,000 to the funds for the Health Resources and Services Administration for assistance to 2-year schools of medicine and osteopathy.

The purpose of this amendment is to assure that funds will be available for section 788(a)(1) of the Health Professions Training Assistance Act. This subsection authorizes grants for the improvement of medical schools providing either the first or last 2 years of medical education. Grants under this

subsection may be used for construction and the purchase of equipment, such as libraries for schools without libraries, and other projects.

Mr. President, the funds in this amendment will be used to implement this provision of the Health Professions Training Assistance Act in order to provide badly needed assistance to existing 2-year medical and osteopathy schools. New Jersey has the largest freestanding statewide public health sciences educational system in the Nation. However, there is no medical library in the southern part of the State to serve the Rutgers Medical School and the School of Osteopathic Medicine in Camden. These schools would be eligible for funds for a library under this provision.

I urge the adoption of this conference report, and thank the managers for their good work and in particular, for their assistance on this amendment.

Mr. BYRD. Mr. President, I commend the chairman and the ranking member of the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies for their work in committee and on the floor.

I offered several amendments to the fiscal year 1986 Labor, Health and Human Services, Education, and related agencies appropriation bill. There are two of those amendments included in this bill that are of particular importance to West Virginia.

One of those amendments provides for additional staffing at the Office of Administrative Law Judges to speed up the processing of black lung claims.

I have become increasingly concerned over the growing delays in the processing of black lung claims. There are currently over 21,000 claims pending at the hearing level. What this means is that if an individual filed for a hearing today, he could wait up to 3 years before his case was heard by an administrative law judge. Such delays in processing are intolerable.

This bill provides an additional $4.4 million in funding for black lung claims processing which will allow for the hiring of 15 additional administrative law judges and support staffing to reduce the backlog of claims at the hearing level.

This action is only right. Without taking some action to reduce those backlogs, the delays in processing would only continue to grow at the expense of those least able to wait—the sick and the poor.

The other amendment provides $4.5 million in first-year funding for construction of the Mary Babb Randolph Cancer Center at West Virginia University. The university has already begun fundraising activities to match the Federal dollars with contributions from the private sector.

Cancer is the second leading cause of death in West Virginia and the incidence of cancer continues to rise. The National Cancer Institute, in a recent study of the area, found that there was a definite need for a state-of-the-art cancer care research, education, and treatment center to serve the Appalachian region.

The funding provided to begin construction on the Mary Babb Randolph Cancer Center will prove invaluable in giving access to cancer care to the people of West Virginia and other States in the region.

I thank the Chairman and the ranking member for their under standing and cooperation.

Mr. WEICKER. Mr. President, I move adoption of the conference report on H.R. 3424.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask unanimous consent that the amendments of the House to the amendments of the Senate in disagreement be considered and agreed to en bloc with the exception of the amendments of the House to Senate amendment No. 188.

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

The amendments agreed to en bloc are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3424) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1986, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 7, 11, 32, 39, 80, 100, 101, 134, 142, 145, 146, 147, 158, 159, and 166 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$99,303,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *XV, XVI, XIX*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *$1,360,434,000, of which $500,000 shall be available for assistance to two-year schools of medicine or osteopathy under section 788(a) of the Public Health Service Act; of which $2,600,000 shall be available for grants under section 371 of the Public Health Service Act; of which $5,000,000 shall be for construction of and equipment for outpatient medical facilities under section 1610(b)*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided further, That no funds appropriated to carry out the Public Health Service Act may be used to award grants to, enter into new contracts or cooperative agreements with, or otherwise assist, a State, or any agency thereof, to administer, or monitor the operation of, or operate (except as provided in section 329(h)(2) and 330(g)(3)) any program supported under section 329 or 330, or title XIX-C, of the Public Health Service Act*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *, and of which $6,900,000 shall remain available until September 30, 1987 for the purchase and distribution of drugs, and of which $2,000,000 shall be used to establish, maintain, and operate a twenty-four-hour telephone hotline which permits calls to be made without charge to the caller, which provides general information concerning acquired immune deficiency syndrome and information concerning medical services and housing facilities for individuals with such syndrome, and which refers such individuals to counseling services*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 47 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$569,597,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$433,595,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$514,814,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$195,168,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *:Provided, That in addition to amounts provided herein,*

$10,000,000 shall be available for carrying out activities for protection and advocacy for mentally ill persons, to become available upon enactment of authorizing legislation.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$91,541,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *$2,015,922,000: Provided, That $76,349,000 shall be the maximum amount available for Indian and migrant Head Start programs for fiscal year 1986.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$220,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 106 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 202. Funds appropriated in this Act for the National Institutes of Health shall be used to support no fewer than 6, 100 new and competing research projects.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc.

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

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I move that the Senate agree to the amendment of the House to Senate amendment numbered 188.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to.

The amendment of the House to Senate amendment numbered 188 is as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 188 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1988, $214,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That notwithstanding any other provision of this Act, amounts otherwise provided by this Act for the following accounts and activities are reduced by the following amounts:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES

"National Health Service Corps", $5,000,000;

NATIONAL INSTITUTES OF HEALTH

"Research management and support", $3,000,000;

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

"Health statistics", $2,000,000;

FAMILY SOCIAL SERVICES

"Child welfare services authorized by title IV, part B of the Social Security Act", $13,000,000;

OFFICE OF COMMUNITY SERVICES

"Community services block grant, discretionary funds", $2,135,000, of which $1,570,000 applies to section 681(a)(2)(A), $330,000 applies to section 681(a)(2)(D), and $235,000 applies to section 681(a)(2)(E);

DEPARTMENT OF EDUCATION IMPACT AID

"School construction authorized by the Act of September 23, 1950", $2,500,000, of which $1,000,000 applies to section 10, $1,000,000 applies to section 14(a) and 14(b), and $500,000 applies to section 5 and 14(c) of said Act;

SPECIAL PROGRAMS

"National impact demonstration or research projects (except educational television programming) authorized under subchapter D of chapter 2 of the Education Consolidation and Improvement Act of 1981", $3,000,000;

"Activities authorized by title II of the Education for Economic Security Act", $5,000,000;

LIBRARIES

"Library construction authorized by title II of the Library Services and Construction Act", $2,500,000.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1986—CONFERENCE REPORT

Mr. RUDMAN. Mr. President, I submit a report of the committee of conference on H.R. 2965 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2965) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 5, 1985.)

Mr. RUDMAN. Mr. President, today, I am pleased to bring up the conference report on H.R. 2965, the Departments of Commerce, Justice, and State, the judiciary and related agencies appropriations bill for fiscal year 1986.

The conference report totals $11,919,618,000 in new budget authority. This is $80 million below our 302(b) allocation as scored by the Budget Committee and $382,000 below the subcommittee's budget allocations. The report is less than either the Senate-passed or the House-passed version of the bill. Finally, the bill is $345.6 million below the amounts appropriated for the same agencies in fiscal year 1985. This is a 3-percent reduction in spending in 1 year.

With these numbers, we can pass this conference report today with pride. Of course, it is not perfect. We had a very difficult conference with the House and everyone was forced to make sacrifices to reach the required level of savings. I saw some programs cut below what I consider to be the optimum level. But, in this time of fiscal chaos, the bottom line is crucial and the bottom line of this report is a good one. I was personally told by Joe Wright at OMB that if we achieved this level of savings, the administration would have no objection to this bill.

There is one problem with the conference agreement that I will address later. This has to do with the National Endowment for Democracy where the House sent us language that substantially differs with the Senate version. However, I am confident that if the Senate insists on its position we will ultimately prevail. I understand there may also be an amendment to the conference agreement on the funding level for NED.

It would have been impossible to achieve this without the help and participation of all the members of the subcommittee. I owe them all a debt of gratitude. I am particularly indebted to my good friend from South Carolina, the ranking Democratic member, Senator HOLLINGS. FRITZ HOLLINGS has a remarkable knowledge of the agencies under the jurisdiction of the subcommittee. More importantly, he is a pleasure to work with.

Mr. President, I yield to my friend, the ranking minority member of the committee, the Senator from South Carolina.

The PRESIDING OFFICER. The Senator form South Carolina is recognized.

Mr. HOLLINGS. Mr. President, as the ranking minority member of the Commerce, Justice, State, the Judiciary Subcommittee, I commend our acting chairman for his good work in obtaining this conference report. I also want to commend his staff—and, of course our staff—who worked long and hard to iron out the differences between the House and the Senate so that when we met on Wednesday morning we could concentrate on the major items of dispute.

This is a good conference report as it is within the overall budget allocations assigned to the subcommittee. The total new budget authority recommended is $11,919,618,000 which is less than both the amount approved by the Senate and the House and reflects our determination to come back with an approvable bill. We are also $345,635,200 under the amounts for fiscal year 1985, so you can see that two of the authors of Gramm-Rudman-Hollings are backing up what they are asking others to do by way of eliminating the deficit.

I do not know how many other of the 13 different appropriations bills that will be presented this year will save money for 1986 and that are under the 1985 budget. But this is one of them.

This is one, of course, that is below the amount allocated to us of $12 billion. We are under the new budget authority that was approved by the Senate and the House Budget Committees.

So Gramm and Hollings—as you were, Rudman and Hollings, Gramm was running it last night [laughter] are trying to practice what they preach.

We are not Simon-pure on this by any manner or means but we have worked hard because we knew it would be subject to criticism if we did not try to practice what we preached. So we have tried to maintain valid programs such as the Economic Development Administration, coastal zone management and Sea Grant in NOAA; the travel service and public television facilities grants that have been opposed by the administration. We also provided for the continuation of the juvenile justice and delinquency prevention program, and the regional information sharing systems that are so vital to our State and local police forces fighting drug traffickers and other crime.

All in all, it is an outstanding report. I have seen many a negotiator, and the distinguished Senator from New Hampshire is the best in this Congress. He knows how to negotiate and how to give and take. He knows how to bring opposing minds together. I commend him for his hard work.

We do have a difference. It will come out in the amendment with respect to the National Endowment for Democracy. I think Senator RUDMAN's amendment, which came first, will relate to the political parties. I think the entire National Endowment ought to be eliminated, and we will have an amendment on that.

OAKDALE, LA, INS PROCESSING CENTER

Mr. JOHNSTON. Mr. President, I note that the conference agreement only provides $615,000 for the eight new immigration judges and associated staff for the new Oakdale Alien Processing Center. Certainly that is not a sufficient amount to have all the judges and the necessary staff in place when the facility opens early next year.

Mr. HOLLINGS. The distinguished Senator from Louisiana is absolutely correct. The other body forced us to forego a large amount of the $1,710,000 we added to have the judges and their staff in place on opening day at Oakdale.

As the Senator will recall, the administration made no provision for the judges on the immigration staff at Oakdale. The subcommittee made necessary provision for these positions, but the House managers would only give us $615,000 of the $1,710,000 required to get them onboard in a timely way. However, we would certainly expect the Department of Justice to see to it that Oakdale is adequately staffed by temporary assignments from other areas or other means, to adequately process the aliens assigned there.

We did get all the 32 additional positions and expect the Department to have them fully covered in the fiscal 1987 budget.

Mr. JOHNSTON. I thank the distinguished ranking minority member for his help as well as his explanation.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I heard the distinguished Senator from South Carolina mention EDA. I wonder what was done with that program that has not been authorized since 1980 by the Environment and Public Works Committee, and like Lazarus has returned from the dead numerous times.

Mr. HOLLINGS. It is a $25 million decrease from $200 million down to $175 million, and all of the special grant money was eliminated. We are going in the Senator's direction. He is winning. I am losing.

Mr. CHAFEE. The Senator is going in what I would say in lavish terms was a snail's pace in my direction—crawling, not running. I suppose we should say with faint praise this is a half step forward.

Mr. HOLLINGS. From $651 million in 1981 down to $175 million is a very rapid pace. But the Senator has made a point. We understand it.

Mr. CHAFEE. Let me ask this, if I might. What was the Senate figure which the Sentor went in with? Could he give me the two figures that both sides went in with?

Mr. HOLLINGS. $160 million for the Senate and $180 million for the House. We compromised at $175 million plus eliminated all the special projects. We had additional money to allow $32 million for special projects in there that was entirely eliminated in conference.

Mr. CHAFEE. We went with $160 million and they went with $180 million. They compromised at $175 million. I am not sure I want the Senator handling my used car sale at that deal. [Laughter.]

I would say splitting the difference, which gets one at $170 million.

Mr. HOLLINGS. We would like to increase it. I would like to have gone beyond the limits of the conference. But the Senator beat me.

Mr. CHAFEE. I suppose under those conditions we came out extremely well.

Mr. HOLLINGS. Yes, sir.

[Laughter.]

Mr. CHAFEE. Well, is there much other damage done in this program? I have not followed it. Did we give away much more?

Mr. HOLLINGS. No other giveaways or anything of that kind. We maintained the integrity of EDA and that has been a fundamental difference that the Senator from Rhode Island and I have had. But I see nothing within the conference report which speaks that somehow or another he has lost anything. Maybe snail's pacewise, but he has gained.

Mr. CHAFEE. Is there a provision for building pyramids in Indiana?

Mr. HOLLINGS. There is no mention of any particular projects to be built.

Mr. CHAFEE. And a Chinese wall? Any construction projects like that?

Mr. HOLLINGS. I do not think the Senator is suggesting that there will be pyramids or Chinese walls built during this administration.

Mr. CHAFEE. The pyramids have been started, though not under this administration. I thought of the old theory that once something had been started, we ought to keep going and finish it, that that might have taken hold here.

We will be back again, I suppose, and creep forward with another $5 or $10 million reduction next year in this program, which is a disaster, in my judgment.

Mr. HELMS. Mr. President, the joint explanatory statement of the committee of conference, accompanying the conference report on H.R. 2965, seeks to accomplish several things in regard to the Legal Services Corporation

which the conference report itself does not do. In other words, there is an attempt being made to legislate by legislative history rather than through legislation itself. In this case, the legislative history is the joint explanatory statement which is not pending before the Senate, and the legislation is the conference report which is pending before the Senate.

Mr. President, this Senator states for the RECORD that the joint explanatory statement on legal services, namely the explanation of the disposition of Senate amendments 112 and 113, does not represent his views, nor can it credibly be claimed to represent the views of the Members of the House and Senate who were not on the conference committee. The Board of Directors of the Legal Services Corporation is not bound by this joint explanatory statement, and it should proceed in accordance with its best judgment as to how to carry out both the law as in fact passed by Congress and its own fiduciary duties.

Mr. President, if this joint explanatory statement were in fact binding on the Legal Services Board of Directors, there would be some in the Senate, certainly including myself, who would want to engage in extended debate on the conference report. Under such circumstances, it would be highly questionable as to whether the conference report would ever clear the Senate.

But this is not the case. The joint explanatory statement cannot substitute for law and is not binding on the Board. Furthermore, it is not actually pending before the Senate; only the conference report itself is. Thus, there is no point in Senators who disagree with the joint explanatory statement impeding passage of the conference report.

The legal issues involved here have been explored at length over the years by the General Accounting Office and its General Counsel. In fact, GAO has published a legal treatise entitled, "Principles of Federal Appropriations Law" (June 1982). Part of this treatise covers the concerns I have expressed about the joint explanatory statement and its efforts to legislate in detail and fine-tune lump-sum appropriations with respect to the Legal Services Corporation.

I ask unanimous consent that an exerpt from the treatise be printed in the RECORD.

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

PRINCIPLES OF FEDERAL APPROPRIATIONS LAW

D. LUMP-SUM APPROPRIATIONS

A lump-sum appropriation is one that is made to cover a number of specific projects or items. The term is used to contrast a line-item appropriation, which is available only for the specific object described.

Lump-sum appropriations come in many forms. Many smaller agencies receive only a single appropriation, usually termed "Salaries and Expenses" or "Operating Expenses." All of the agency's operations must be funded from this single appropriation. Cabinet-level departments and larger agencies receive several appropriations, often based on broad object categories such as "operations and maintenance" or "research and development." For purposes of this discussion, a lump-sum appropriation is simply one that is available for more than one specific object.

In earlier times when the Federal Government was much smaller and Federal programs were (or at least seemed) much simpler, very specific line-item appropriations were more common. In recent decades, however, as the Federal budget has grown in both size and complexity, a lump-sum approach has become a virtual necessity. For example, an appropriation act for an establishment the size of the Defense Department structured solely on a line-item basis would rival the telephone directory in bulk.

As discussed in Chapter 2 of this Manual, the amount of a lump-sum appropriation is not derived through guesswork. It is the result of a lengthy budget and appropriation process. The agency first submits its appropriation request to Congress through the Office of Management and Budget, supported by detailed budget justifications. Congress then reviews the request and enacts an appropriation which may be more, less, or the same as the amount requested. Variations from the amount requested are usually explained in the appropriation act's legislative history, most often in committee reports. (The process is explained in more detail in Chapter 2, Section E, this Manual.)

All of this leads logically to a question which can be phrased in various ways: How much flexibility does an agency have in spending a lump-sum appropriation? Is it legally bound by its original budget estimate or by expressions of intent in legislative history? How is the agency's legitimate need for administrative flexibility balanced against the Constitutional role of the Congress as controller of the public purse?

The answer to these questions is one of the most important principles of appropriations law. The rule, simply stated, is this: Restrictions on a lump-sum appropriation contained in the agency's budget request or in legislative history are not legally binding on the department or agency unless they are carried into (specified in) the appropriation act itself. The rule carries with it two unstated premises: The agency cannot exceed the total amount of the lump-sum appropriation and its spending must not violate other applicable statutory restrictions. The rule applies equally whether the legislative history is mere acquiescence in the agency's budget request or an affirmative expression of intent.

The rule recognizes the agency's need for flexibility to meet changing or unforeseen circumstances yet preserves congressional control in several ways. First, the rule merely says that the restrictions are not legally binding. The practical wisdom of making the expenditure is an entirely separate question. An agency that disregards the wishes of its oversight or appropriations committees will most likely be called upon to answer for its digressions before those committees next year. An agency that fails to "keep faith" with the Congress may find its next appropriation reduced or limited by line-item restrictions. (That Congress is fully aware of this relationship is evidenced by a 1973 House Appropriations Committee report, quoted in Chapter 2, Section F(2) of this Manual, "Effect of Budget Estimates.") Second, reprogramming arrangements with the various committees (see Chapter 2, Section F(3), this Manual) provide another safeguard against abuse. Finally, Congress always holds the ultimate trump card. It has the power to make any restriction legally binding simply by including it in the appropriation act.

Perhaps the easiest case is the effect of the agency's own budget estimate. The rule here was stated in 17 Comp. Gen. 147 (1937) as follows:

"The amounts of individual items in the estimates presented to the Congress on the basis of which a lump sum appropriation is enacted are not binding on administrative officers unless carried into the appropriation act itself." *Id.*, at 150.

See also B-55277, January 23, 1946; B-35335, July, 17, 1943.

It follows that the lack of a specific budget request will not preclude an expenditure from a lump-sum appropriation which is otherwise legally available for the item in question. To illustrate, the Administrative Office of the U.S. Courts asked for a supplemental appropriation of $11,000 in 1962 for necessary salaries and expenses of the Judicial Conference in revising and improving the Federal rules of practice and procedure. The House of Representatives did not allow the increase but the Senate included the full amount. The bill went to conference but the conference was delayed and the agency needed the money. The Administrative Office then asked whether it could take the $11,000 out of its regular 1962 appropriation even though it had not specifically included this item in its 1962 budget request. Citing 17 Comp. Gen. 147, *supra*, and noting that the study of the Federal Rules was a continuing statutory function of the Judicial Conference, the Comptroller General concluded as follows:

"Thus, in the absence of a specific limitation or prohibition in the appropriation under consideration as to the amount which may be expended for revising and improving the Federal Rules of practice and procedure, you would not be legally bound by your budget estimates or absence thereof.

"If the Congress desires to restrict the availability of a particular appropriation to the several items and amounts thereof submitted in the budget estimates, such control may be effected by limiting such items in the appropriation act itself. Or, by a general provision of law, the availability of appropriations could be limited to the items and the amounts contained in the budget estimates. In the absence of such limitations an agency's lump-sum appropriation is legally available to carry out the functions of the agency."

This decision is B-149163, June 27, 1962. See also 20 Comp. Gen. 631 (1941); B-198234, March 25, 1981.

The issue raised in most of the decisions results from changes to or restrictions on a lump-sum appropriation imposed during the legislative process. The "leading case" in this area is 55 Comp. Gen. 307 (1975), the so-called "LTV case." The Department of the Navy had selected the McDonnell Douglas Corporation to develop a new fighter aircraft. LTV Aerospace Corporation protested the selection, arguing that the aircraft McDonnell Douglas proposed violated the 1975 Defense Department Appropriation Act. The appropriation in question was a lump-sum appropriation of slightly over $3 billion under the heading "Research, Devel-

opment, Test, and Evaluation, Navy." This appropriation covered a large number of projects, including the fighter aircraft in question. The conference report on the appropriation act had stated that $20 million was being provided for a Navy combat fighter, but that "Adaption of the selected Air Force Air Combat Fighter to be capable of carrier operations is the prerequisite for use of the funds provided." It was conceded that the McDonnell Douglas aircraft was not a derivative of the Air Force fighter and that the Navy's selection was not in accord with the instructions in the conference report. The issue, therefore, was whether the conference report was legally binding on the Navy. In other words, did Navy act illegally in choosing not to follow the conference report?

The ensuring decision is GAO's most comprehensive statement on the legal availability of lump-sum appropriations. Pertinent excerpts are set forth below:

"[C]ongress has recognized that in most instances it is desirable to maintain executive flexibility to shift around funds within a particular lump-sum appropriation account so that agencies can make necessary adjustments for 'unforseen developments, changing requirements, * * * and legislation enacted subsequent to appropriations.' [Citation omitted.] This is not to say that Congress does not expect that funds will be spent in accordance with budget estimates or in accordance with restrictions detailed in Committee reports. However, in order to preserve spending flexibility, it may choose not to impose these particular restrictions as a matter of law, but rather to leave it to the agencies to 'keep faith' with the Congress. * * *

"On the other hand, when Congress does not intend to permit agency flexibility, but intends to impose a legally binding restriction on an agency's use of funds, it does so by means of explicit statutory language. * * *

"Accordingly, it is our view that when Congress merely appropriates lump-sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should or are expected to be spent do not establish any legal requirements on Federal agencies. * * *

"We further point out that Congress itself has often recognized the reprogramming flexibility of executive agencies, and we think it is at least implicit in such [recognition] that Congress is well aware that agencies are not legally bound to follow what is expressed in Committee reports when those expressions are not explicitly carried over into the statutory language. * * *

"We think it follows from the above discussion that, as a general proposition, there is a distinction to be made between utilizing legislative history for the purpose of illuminating the intent underlying language used in a statute and resorting to that history for the purpose of writing into the law that which is not here." 55 Comp. Gen. at 318, 319, 321, 325.

Accordingly, GAO concluded that Navy's award did not violate the appropriation act and the contract therefore was not illegal.

The same volume of the Comptroller General's decisions contains another often-cited case, 55 Comp. Gen. 812 (1976), the "Newport News" case (sometimes called "son of LTV," especially by the authors of the LTV decision). This case also involved the Navy. This time, Navy wanted to exercise a contract option for construction of a nuclear powered guided missile frigate, designated DLGN 41. The contractor, Newport News Shipbuilding and Dry Dock Company, argued that exercising the contract option would violate the Antideficiency Act by obligating more money than Navy had in its appropiration.

The appropriation in question, Navy's "Shipbuilding and Conversion" appropriation, provided "for the DLGN nuclear powered guided missile frigate program, $244,300,000, which shall be available only for construction of DLGN 41 and for advance procurement funding for DLGN 42 * * *." The committee reports on the appropriation act and the related authorization act indicated that, out of the $244 million appropriated, $152 million was for construction of the DLGN 41 and the remaining $92 million was for long lead time activity on the DLGN 42. It was clear that, if the $152 million specified in the committee reports for the DLGN 41 was legally binding, obligations resulting from exercise of the contract option would exceed the available appropriation.

The Comptroller General applied the "*LTV* principle" and held that the $152 million was not a legally binding limit on obligations for the DLGN 41. As a matter of law, the entire $244 million was legally available for the DLGN 41 because the appropriation act did not include any restriction. Therefore, in evaluating potential violations of the Antideficiency Act, the relevant appropriation amount is the total amount of the lump-sum appropriation minus sums already obligated, not the lower figure derived from the legislative history. As the decision recognized, Congress could have imposed a legally binding limit by the very simple device of appropriating a specific amount only for the DLGN 41, or by incorporating the committee reports in the appropriation language.

This decision illustrates another important point: the terms "lump-sum" and 'line-item' are relative concepts. The $244 million appropriated in the *Newport News* case could be viewed as a line-item appropriation in relation to the broader "Shipbuilding and Conversion" category, but it was also a lump-sum appropriation in relation to the two specific vessels included. This factual distinction does not affect the applicable legal principle. As the decision explained:

"Contractor urges that *LTV* is inapplicable here since *LTV* involved a lump-sum appropriation whereas the DLGN appropriation is a more specific "line item" appropriation. While we recognize the factual distinction drawn by the Contractor, we nevertheless believe that the principles set forth in *LTV* are equally applicable and controlling here. * * * [I]mplicit in our holding in *LTV* and in other authorities cited is the view that dollar amounts in appropriation acts are to be interpreted differently from statutory words in general. This view, in our opinion, pertains whether the dollar amount is a lump-sum appropriation available for a large number of items, as in *LTV*, or, as here, a more specific appropriation available for only two items." 55 Comp. Gen. at 821-22.

A precursor of *LTV* and *Newport News* provides another interesting illustration. In 1974, controversy and funding uncertainties surrounded the Navy's "Project Sanguine," a communications system for sending command and control messages to submerged submarines from a single transmitting location in the United States. The Navy had requested $16.6 million for Project Sanguine for FY 1974. The House deleted the request, the Senate restored it, the conference committee compromised and approved $8.3 million. The Sanguine funds were included in a $2.6 billion lump-sum Research and Development appropriation. Navy spent more than $11 million for Project Sanguine in FY 1974. The question was whether Navy violated the Antideficiency Act by spending more than the $8.3 million provided in the conference report. GAO found that it did not, because the conference committee's action was not specified in the appropriation act and was therefore not legally binding. Significantly, the appropriation act did include a proviso prohibiting use of the funds for "full scale development" of Project Sanguine (not involved in the $11 million expenditure), illustrating that Congress knows perfectly well how to impose a legally binding restriction when it desires to do so. "Legality of the Navy's Expenditures for Project Sanguine During Fiscal Year 1974," LCD-75-315, January 20, 1975; B-168482-O.M., August 15, 1974.

Similarly, the Department of Health, Education, and Welfare received a $12 billion lump-sum appropriation for public assistance in 1975. Committee reports indicated that $9.2 million of this amount was being provided for research and development activities of the Social and Rehabilitation Service. Since this "earmarking" of the $9.2 million was not carried into the appropriation act itself, it did not constitute a statutory limit on the amount available for the program. B-164031(3), April 16, 1975. The decision stated the principle this way:

"[I]n a strict legal sense, the total amount of a line item appropriation may be applied to any of the programs or activities for which it is available in any amount absent further restrictions provided by the appropriation act or another statute."

GAO has applied the rule of the *LTV* and *Newport News* decisions in a number of additional cases. Several of these applications, many of which involve variations on the basic theme, are summarized below:

The 1975 Labor Department appropriation included $2.4 billion for "Comprehensive Manpower Assistance." A committee report "directing" a specific minimum funding level out of this appropriation for the Opportunities Industrialization Centers—but not carried into the appropriation act itself—was not legally binding on the Labor Department. B-163922, October 3, 1975.

Agencies are required to pay "rent"—called Standard Level User Charges (SLUC)—to the General Services Administration for the public buildings they occupy. Agencies budget and receive appropriations for SLUC payments just as any other expenditures. Several appropriation acts for 1976 included provisions limiting SLUC payments to 90 percent of the amount charged by GSA. In addition, committee reports on the appropriations for the Department of Agriculture and the Food and Drug Administration specified further reductions in SLUC payments. Since the reductions in the committee reports were not carried into the appropriation acts themselves, the agencies were required to pay the full SLUC assessments, subject only to the 90 percent statutory limitation. B-177610, September 3, 1976; B-186818, September 22, 1976. Applying the rationale of these cases, GAO held in B-204270, October 13, 1981, that an agency was bound to observe a specific

dollar limitation on its SLUC payments included in its appropriation act.

A FY 1978 appropriation act appropriated $748 million for "Operating Expenses, Fossil Fuels" with no further statutory breakdowns. One of the programs funded from this appropriation was research and development under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976. The Appropriations Committees had reduced the electric vehicle budget request from $47 million to $30 million. However, $30 million would not have been enough to carry out the statutorily mandated functions under the electric vehicle statute. Applying the general rule, GAO concluded that the lump-sum appropriation was available for obligation in excess of the $30 million specified in the committee reports for the required functions. B-159993, September 1, 1977. Of course, an agency cannot be expected to do the impossible. If appropriations are insufficient to carry out all programs, the agency must allocate its funds in some reasonable pattern of priorities. Mandatory programs take precedence over discretionary ones. Within the group of mandatory programs, more specific requirements should be funded first, such as those with specific time schedules, with remaining funds then applied to the more general requirements. *Id.;* see also B-177806, February 24, 1978 (non-decision letter).

The Department of Agriculture wanted to use its 1978 lump-sum Resource Conservation and Development appropriation to fund existing projects rather than starting any new ones. Instructions from the Appropriations Committees restoring funds for new projects were contained in committee reports but not in the appropriation act itself. The Department's action therefore was legally permissible. B-114833, July 21, 1978.

The Department of Health, Education, and Welfare wanted to make what it termed "cross-cutting" grants from its 1978 lump-sum Human Development appropriation. The various offices within HEW funded by the Human Development appropriation would contribute a portion of their allocated funds to form a pool to be used to fund projects benefiting more than one target population. Since there were no statutory restrictions on how the lump-sum appropriation could be allocated, the proposal was legally unobjectionable. B-157356, August 17, 1978.

The Nuclear Regulatory Commission could use its 1980 lump-sum appropriation to provide assistance to intervenors in certain NRC proceedings. (See Chapter 3, this Manual, section on Attorney's Fees.) Although committee reports on NRC's appropriation act expressed a desire that funds not be used for this purpose, the restriction was not written into the statute and the appropriation was otherwise available for the desired expenditure. 59 Comp. Gen. 228 (1980). The decision stressed an important point made earlier in this Section: The "legal availability" of funds for a given expenditure and the practical wisdom of making that expenditure in the face of contrary expressions from congressional committees are two very different questions.

The Department of Energy had used no-year appropriations to initiate the construction of an authorized facility but subsequently terminated the projects for the convenience of the Government. The Department then wanted to use remaining unobligated funds from the no-year appropriation to establish a different facility, also, within the scope of its organic authority. GAO found the expenditure legally permissible. Unobligated funds from a lump-sum appropriation may be used if otherwise proper—within the period of obligational availability or, if no-year funds are involved, without regard to fiscal year—for one project even though the funds were originally earmarked in the budget request or the legislative history for another project. B-202992, May 15, 1981.

Other cases in this "family" are B-44205, September 8, 1944, and B-204449, November 18, 1981.

Finally, the availability of a lump-sum appropriation may be restricted by provisions appearing in statutes other than appropriations acts, such as appropriations authorization acts. For example, if an agency receives a line-item authorization and a lump-sum appropriation to be spent "as authorized by law," the line-item restrictions in the authorization act will apply just as if they appeared in the appropriation act itself. The relationship between appropriation acts and authorization acts is covered in Chapter 2, this Manual.

Mr. SPECTER. Mr. President, I am pleased that the conference committee adopted a position not to reduce funding for the Juvenile Justice Program. By providing level funding this year in addition to significant amounts from previously appropriated but unobligated balances, this bill provides this important effort with the means to continue effectively. As part of that effort, law-related education has proven a successful delinquency prevention program. There is being provided this year, sufficient funding to ensure that the House and Senate committee report language urging that this program be extended to 25 States to receive the 2.2 million in Federal funding.

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

● Mr. EAST. Mr. President, on Wednesday, December 4, 1985, the Senate and House held a conference on H.R. 2965, the fiscal year 1986 State, Justice, and Commerce Departments appropriations bill. While I am most thankful for the hard work of my colleagues who served as conferees on this bill, I am quite disturbed by the results of this conference as they pertain to the Legal Services Corporation [LSC].

The conferees chose to use the joint explanatory statement of the conference committee as a vehicle for the micromanagement of the Corporation. The statement sets specific levels for funding for virtually every recipient of LSC funds. The conferees have determined what LSC should do with its funds and how much it should spend. The statement thereby eliminates the primary function of the Corporation, which is to make grants to legal services providers. Having its authority and discretion removed by such language, the LSC hardly can be considered a private independent corporation.

Furthermore, the explanatory statement orders the Corporation not to implement its new audit and accounting procedures until it first has consulted the Appropriations Committees of both Houses of Congress. LSC also is instructed to promulgate a new lobbying regulation because some Members of this body and the House believe that the current regulation is too restrictive to legal services attorneys who wish to spend tax dollars on political advocacy.

What is the effect of the managers' statement on the work of the Corporation? Well, Mr. President, consider this example. the managers' statement orders the LSC to spend a minimum of $530,000 on computerized legal research. It just so happens that this program has been the subject of much recent debate over its cost effectiveness. The Corporation currently is studying its usefulness and necessity. Now, suppose that the LSC were to determine at the conclusion of its study that the $530,000 could be spent better on other programs directly serving poor persons. It ought to be entirely appropriate for the Board of Directors, having been confirmed by this body last summer, to authorize such a change. Unfortunately, however, this fundamental authority is removed by the conferees in their joint statement.

Mr. President, the Senate and the House have not been permitted to consider in debate, or to vote on, the language in the conferees' statement. If we were permitted to do so, I would imagine that such language would receive considerable attention, given its fundamental impact on the function and purpose of the LSC.

I hope that my colleagues will join me in objecting to setting policy by means of the legislative history, rather than in the language of the legislation itself. This is a violation of the legislative process.●

SANDY HOOK LABORATORY

Mr. LAUTENBERG Mr. President, the Commerce, State, Justice appropriations conference bill contains my amendment concerning the Sandy Hook Laboratory. On September 22, 1985, a fire destroyed one of the buildings which housed the National Marine Fisheries Service's Sandy Hook Laboratory. The Laboratory, which was established by Congress in 1960, is devoted to the study of marine life. Its work had led to significant advances in our understanding of the marine ecosystem and to addressing marine pollution problems off the New Jersey coast. Over the last 4 years, the Congress, recognizing the importance of this Laboratory, has consistently rejected the administration's attempts to discontinue funding for some of the Laboratory's research efforts.

The Senate Appropriations Committee was concerned about the loss of

this facility and the impact this loss will have on ongoing efforts to increase our understanding of the marine environment. To begin to address this loss, the committee's report on the Commerce, State, Justice appropriations bill requests that the Administrator of the National Oceanic and Atmospheric Administration submit to the committee by February 1, 1986 a report outlining options and associated cost estimates for permanently replacing the facility in New Jersey, and the Agency's preferred option.

Unfortunately, there were efforts to use the fire at the Laboratory as an excuse to disperse or eliminate its functions. These efforts are inconsistent with the language in the Senate Appropriations Committee report which assumes NOAA will replace the destroyed facility in New Jersey.

I offered an amendment to the Commerce appropriations bill to prohibit NOAA from spending any funds to plan to move or to move the Laboratory or any of its programs or activities out of New Jersey. My amendment was adopted by the Senate.

This amendment was agreed to by the conferees with a minor modification. The conference agreement provides that the Department of Commerce may not use any funds to move the National Marine Fisheries Service's Sandy Hook Laboratory or any of its programs or activities out of New Jersey. At the same time the Department is directed to prepare a report to the Appropriations Committees by February 1, 1986, which would address options for restoring or replacing that portion of the Sandy Hook Laboratory which was destroyed by fire. The agreement also includes a proviso making any proposals pursuant to this report subject to the reprogramming procedures of section 606.

My amendment will give NOAA an opportunity to prepare the report requested by the Senate Appropriations Committee and will provide the committee with a chance to review the various options for rebuilding the destroyed building in New Jersey. The statement of the conference managers makes clear the conference committee's intention that the integrity of this Laboratory be maintained so that it can continue to perform its important functions. The statement also urges the Department to move as quickly as possible to develop a plan to restore or replace the facility with a minimum of disruption to the Laboratory's vital functions.

Mr. President, New Jersey has a long coastline of some 370 miles. Along this coastline are some of the most beautiful beaches on the east coast, a fragile ecology, and extensive fisheries resources. New Jersey's economy is heavily dependent on keeping our coastal waters healthy. Our tourist industry, along with a more than $1 billion per year commercial and recreational marine fishing industry, depend on the health of our coastal waters. The Sandy Hook Laboratory's research and monitoring efforts have played a critical role in identifying the sources of degradation of these waters and addressing marine pollution problems off our coast. It is essential that the Sandy Hook Laboratory continue to perform these functions.

Mr. DOMENICI. Mr. President, the Senate now has before it the conference report on the Commerce, Justice, State, and the Judiciary appropriation bill.

I would like to commend the members of the conference for bringing a bill to the floor that is very close to the Senate-passed levels for both budget authority and outlays.

The conference agreement on H.R. 2965 provides $11.9 billion in budget authority and $9.7 billion in outlays for the Departments of Commerce, Justice, and State, as well as the Judiciary. The bill also funds related agencies such as the Small Business Administration, the U.S. Information Agency, and the Legal Services Corporation.

Taking into account outlays from prior-year budget authority and other adjustments, the Commerce, Justice, State Subcommittee is below its section 302(b) allocation by $0.1 billion in budget authority and over by $0.1 billion in outlays.

Mr. President, I will support the conference agreement despite this overage in outlays because it is nearly identical in total outlays to the bill as it passed the Senate on November 1.

Mr. President, I ask unanimous consent that two tables showing the relationship of the reported bill to the Congressional budget, the House- and Senate-passed bills, the President's budget request, and a summary of total appropriations action to date, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

COMMERCE, JUSTICE, STATE SUBCOMMITTEE SPENDING TOTALS—CONFERENCE AGREEMENT

[In billions of dollars]

	Fiscal year 1986—	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed	(1)	2.6
H.R. 2965, as reported in the Senate	11.9	9.7
Adjustment for pending action on reconciliation: SBA disaster loans		−.2
Adjustment to conform mandatory programs to budget resolution assumptions	−(1)	−.2
Subcommittee total	11.9	12.0
Subcommittee 302(b) allocation	12.0	11.9
House-passed level	12.1	12.1
Senate-passed level	11.9	12.0
President's request[2]	11.4	11.6
Subcommittee total compared to:		
Subcommittee 302(b) allocation	−.1	+.1
House-passed level	−.1	−.1
Senate-passed level	−(1)	+(1)
President's request	+.5	+.4

[1] Less than $50 million.

[2] Adjusted to reflect President's actual request for Legal Servcies Corporation.

Note.—Details may not add to totals due to rounding.

STATUS OF APPROPRIATION BILLS IN THE SENATE

[In billions of dollars]

Subcommittee	Appropriations Committee's 302(b) allocation		Adjusted bill totals [1]		Bill compared to allocation		Bill status
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	
Agriculture	28.2	25.2	28.2	25.2	−(2)	−(2)	Senate passed.
Commerce-Justice	12.0	11.9	11.9	12.0	−.1	+.1	Conference.
Defense	285.5	252.2	286.9	254.9	+1.4	+2.7	Senate reported.
District of Columbia	.5	.5	.5	.5	(2)	(2)	Senate passed.
Energy-Water	15.3	15.6	15.3	15.6	(2)	(2)	Public Law 99–141.
Foreign Operations	15.2	14.7	16.1	15.2	+.9	+.5	Senate reported.
HUD-Independent	58.7	61.2	59.9	61.2	+1.2	(2)	Public Law 99–160.
Interior	8.2	8.9	8.2	9.3	(2)	+.04	Senate reported.
Labor-HHS	108.0	115.3	108.0	115.3	(2)	(2)	Conference.
Legislative Branch	1.7	1.7	1.7	1.7	(2)	(2)	Public Law 99–151.
Military Construction	9.0	7.6	8.5	7.5	−.5	−.1	Conference.[3]
Transportation	10.5	26.6	9.9	26.6	−.6		Senate passed.
Treasury-Postal	13.1	13.1	13.4	13.3	+.3	+.2	Conference.
Unassigned	1.2	−.4			−1.2	+.4	
Total, Appropriations Committee	567.1	554.1	568.6	558.5	+1.4	+4.3	

[1] In addition to the bill, includes outlays from budget authority enacted in prior years, possible later requirements, adjustments to conform mandatory items to the budget resolution level, and other adjustments.

[2] Less than $50 million.

[3] As amended on the Senate floor.

Note.—Details may not add to totals due to rounding.

Source: Senate Budget Committee staff.

Mr. RUDMAN. Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on adoption of the conference report.

The conference report was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the amendments of the House to the amendments of the Senate in disagreement be considered and agreed to en bloc with the exception of amendments 134 and 138.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. No objection.

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

The amendments in disagreement considered and agreed to en block are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *Provided further, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic development Administration*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$192,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: *During fiscal year 1986 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $8,100,000. During fiscal year 1986, commitments to guarantee loans shall not exceed $6,000,000 of contingent liability for loan principal.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *In addition, $3,000,000 shall be for payments under section 4(b) of the Commercial Fisheries Research and Development Act of 1964 for commercial fisheries failures and disruptions.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$3,000,000, of which $1,200,000 is to be derived from the general fund of the Treasury and of which $1,800,000 is*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$84,700,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 104. None of the funds made available in this or any prior Act shall be obligated or expended to relocate the National Marine Fisheries Service's Sandy Hook Laboratory, or any of its activities or programs, out of New Jersey. Notwithstanding the previous sentence, the Secretary of Commerce shall submit a report to the Appropriations Committees of both Houses of Congress by February 1, 1986, evaluating options for restoring or replacing that portion of the Sandy Hook Laboratory destroyed by fire: Provided, That any proposed relocation or replacement of the Laboratory pursuant to said report shall be subject to the reprogramming procedures in Section 606 of this Act.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$70,800,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND TRUSTEES

For necessary expenses of the Offices of the United States attorneys and bankruptcy trustees, $332,000.000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 39 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$150,000,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$150,000.000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 50 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided further, That restitution of not to exceed $25,000 shall be paid to the estate,* of victims killed *before October 12, 1984,* as a result of crimes committed by persons who have been enrolled in the Federal witness protection program, if such crimes were committed *within two years after protection was terminated, notwithstanding any limitations contained in part (a) of section 3525 of title 18 of the United States Code.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 50 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided, further, That by June 1, 1986, the Director of the FBI shall submit to the appropriate committees of the Congress a report on the FBI's capabilities and efforts to counter the electronic interception of American telecommunications by foreign agents.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$556,900,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$11,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *and from this amount and any unobligated balances of previous appropriations for "Buildings and Facilities", not to exceed a total of $7,100,000 shall be available to renovate or construct a facility for the incarceration of illegal alien felons, in accordance with the standards and procedures of the Federal Bureau of Prisons*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 61 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert, *$128,700,000 and of the unobligated funds previously appropriated for the Juvenile Justice and Delinquency Prevention Act, other than funds subject to provisions of Section 222(b), 223(d), and 228(e) of Title II of such Act, $9,300,000 shall be made available for programs authorized under Parts D and E of the Justice Assistance Act of 1984, all funds appropriated herein*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 78 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment insert: *$6,000,000*

Resolved, That the House recede from its disagreement to the amendment of the

Senate numbered 79 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert *$11,300,000*

Resolved, that the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert *$61,800,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$25,850,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 103 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: Commission on the Ukraine Famine

For necessary expenses of the Commission on the Ukraine Famine to carry out the provisions of S. 2456 (98th Congress) as passed the Senate on September 21, 1984, $400,000, to remain available until expended, and the Commission on the Ukraine Famine as contained in S. 2456, is hereby established, with modifications as follows:

ESTABLISHMENT

SEC. 1. There is established a commission to be known as the "Commission on the Ukraine Famine" (in this Act referred to as the "Commission").

PURPOSE OF THE COMMISSION

SEC. 2. The purpose of the Commission is to conduct a study of the 1932-33 Ukraine famine in order to—

(1) expand the world's knowledge of the famine; and

(2) provide the American public with a better understanding of the Soviet system by revealing the Soviet role in the Ukraine famine.

DUTIES OF THE COMMISSION

SEC. 3. The duties of the Commission are to—

(1) conduct a study of the 1932-33 Ukraine famine (in this Act referred to as the "famine study"), in accordance with section 6 of this Act, in which the Commission shall—

(A) gather all available information about the 1932-33 famine in Ukraine;

(B) analyze the causes of such famine and the effects it has had on the Ukrainian nation and other countries; and

(C) study and analyze the reaction by the free countries of the world to such famine; and

(2) submit to Congress for publication a final report on the results of the famine study no later than two years after the organizational meeting of the Commission held under section 6(a) of this Act.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of fifteen members, who shall be appointed within thirty days after the date of enactment of this Act, as follows:

(1) Four members shall be Members of the House of Representatives and shall be appointed by the Speaker of the House of Representatives. Two such members shall be selected from the majority party of the House of Representatives and two such members shall be selected, after consultation with the minority leader of the House, from the minority party of the House of Representatives. The Speaker also shall designate one of the House Members as Chairman of the Commission.

(2) Two members shall be Members of the Senate and shall be appointed by the President pro tempore of the Senate. One such member shall be selected from the majority party of the Senate and one such member shall be selected, after consultation with the minority leader of the Senate, from the minority party of the Senate.

(3) One member shall be from among officers and employees of each of the Department of State, Education, and Health and Human Services and shall be appointed by the President, after consultation with the Secretaries of the respective departments.

(4) Six members shall be from the Ukrainian-American community at large and Ukrainian-American chartered human rights groups and shall be appointed by the Chairman of the Commission in consulation with congressional members of Commission, the Ukrainian-American community at large, and executive boards of Ukrainian-American chartered human rights groups.

(b) The term of office of each member shall be for the life of the Commission.

(c) Each member of the Commission who is not otherwise employed by the United States Government shall be paid from the sum appropriated to carry out this Act, the daily equivalent of the rate of basic pay payable for GS-18 of the General Schedule for each day, including travel time, during which he or she is attending meetings or hearings of the Commission or otherwise performing Commission related duties as requested by the Chairman of the Commission. A member of the Commission who is an officer or employee of the United States Government or a Member of Congress shall serve without additional compensation. Each member of the Commission shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Not later than thirty days after all members have been appointed to the Commission, the Commission shall hold an organizational meeting to establish the rules and procedures under which it will carry out its responsibilities.

(b) The Commission shall hire experts and consultants in accordance with section 3109 of title 5, United States Code, from the academic community to assist in carrying out the famine study. Such experts and consultants shall be chosen by a majority of the Commission members on the basis of their academic background and their experience relevant to research on the Ukraine famine. No person shall be otherwise employed by the Federal Government while serving as an expert or consultant to the Commission.

(c) The Commission shall have a staff director, who shall be appointed by the Chairman.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission or any member it authorizes may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission or any such member may administer oaths or affirmations to witnesses appearing before it.

(b)(1) The Commission may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) The subpenas of the Commission may be issued by the Chairman of the Commission or any member designated by him and may be served by any person designated by the Chairman or such member. The subpenas of the Commission shall be served in the same manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(3) If a person issued a subpena under paragraph (1) refuses to obey such subpena, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished as a contempt of the court.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(c) The Commission may obtain from any department or agency of the United States information that it considers useful in the discharge of its duties. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

(d) The Commission may appoint and fix the pay of such personnel as it considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter 53 of such title, relating to classification and General Schedule pay rates. No individual so appointed may receive pay in excess of the maximum annual rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(e) The Commission may solicit, accept, use, and dispose of donations of money, property, or services.

(f) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(g) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) The Commission may procure by contract any supplies, services, and property, including the conduct of research and the preparation of reports by Government agencies and private firms, necessary to discharge the duties of the Commission, in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts.

TERMINATION

SEC. 7. The Commission shall terminate sixty days after the report of the Commis-

sion is submitted to Congress under section 4(4) of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There is authorized to be appropriated the sum of $400,000, to remain available until expended, to carry out this Act.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 111 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $775,000 to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of $1,200,000 based on exchange rates at the time of payment of such amounts, to remain available until expended: Provided, That not to exceed a total of $2,500 of such amounts shall be available for official reception and representation expenses.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 114 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$111,100,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 118 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$66,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 121 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$715,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 122 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$571,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 123 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *none of which shall be restricted from use for the purposes appropriated herein*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 127 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *, $9,894,000, of which $1,500,000, to remain available until expended, is for the Eisenhower Exchange Fellowship Program*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: *$114,000,000*

Mr. RUDMAN. Mr. President, we have essentially two amendments. One amendment I will offer, and I believe the Senator from Missouri [Mr. EAGLETON] is going to want to come down here and oppose that amendment, amongst others. That amendment will insist on the Senate position that no money contained in the appropriation for the National Endowment for Democracy be used for the political parties, the National Republican Party and the National Democratic Party. Specifically, the amendment prohibits funding for the independent institutes that those parties have established.

The Senator from South Carolina, I believe, also has an amendment that he will offer. I will let him speak to that himself.

I believe there will be two rollcall votes. There are no time agreements, but it is my belief that we can deal with these amendments in a fairly compressed period of time.

I yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Presiding Officer wanted to be present in opposing my amendment. My amendment is bipartisan and will deal with the elimination of any funds to be used by the National Endowment for Democracy. We will bring that up in proper order after action on the amendment of the Senator from New Hampshire has been completed.

AMENDMENT IN DISAGREEMENT NUMBERED 134

Mr. RUDMAN. Mr. President, I want to speak for a moment to amendment numbered 134.

That amendment was reported in true disagreement in the conference report. The issue is whether the National Endowment for Democracy can give money to the international institutes affiliated with the National Democratic and Republican Parties. It was the Senate position that the political party institutes should not receive taxpayer funds. The House position is that those institutes should be eligible for NED moneys with a series of restrictions which the House placed on those moneys. Nevertheless, the House provides for the awarding of funds to the institutes.

We were unable to resolve our differences in conference. Yesterday the House altered its position slightly when it considered the conference agreement. The amendment before us today, as passed by the House, would still allow the institutes to receive NED funds providing that the institutes are not engaged in partisan political activity and that no officer or employee of the political parties serve on the institute's board.

I appreciate the efforts of the House to address our concerns. Unfortunately, they did not go far enough. My core contention is that the National Democratic Institute for International Affairs and the National Republican Institute for International Affairs should not be eligible for Federal taxpayer moneys under any conditions whatsoever.

What I intend to do, Mr. President, is to table the amendment before us. I have been advised by the Parliamentarian's office that if I prevail this would bring back the original Senate provision which we would then send back to the House.

I am confident that a strong show of support for the Senate position will cause the House to rethink its position. Hopefully, upon further review, the House will recede to the Senate's position.

I will add parenthetically that I was somewhat disappointed with the action of the other body yesterday. The House adopted its provision by voice vote when I had been given, I thought, assurances that the issue would go back to both bodies for a true expression of how each body felt on the issue.

It is my understanding that many of the opponents to the House position were caught by surprise, although it certainly was done within the rules of parliamentary propriety. Nevertheless, the vote did take place on rather short notice by voice vote and, thus, I am not sure that what we have here truly represents the House position. I would like to give the House an opportunity to express themselves in a recorded vote.

I would like to wait until certain people who wish to be heard arrive in the Chamber. But, due to the schedule suggested by the majority leader, and knowing the plans of many if Senators, it seems to me that Senators wish to speak in opposition to this they ought to get here fairly promptly.

I believe the ranking Member will agree with me that we cannot wait indefinitely for people to arrive in the Chamber to oppose our position. I yield the floor.

Mr. HOLLINGS. Mr. President, pending the attendance of those Senators who wish to oppose this amendment, and rather than waste the time in a quorum call, perhaps we can refer generally to the National Endowment for Democracy and save time later on.

Historically, Mr. President, the National Endowment for Democracy was started as a new governmental program in an environment of budget cuts and fiscal restraint.

This particular Senator, along with the Senator from New Mexico, in 1981, introduced the so-called Reagan budget cuts of $35.4 billion and thereafter worked with Senator DOLE, Senator DOMENICI, and Senator BAKER, in the fall of 1981, after we had gotten the $35.4 billion cut for an additional $4 billion cut.

We were all agreed. There was not a difference here. A majority of the Congress on both side of the aisle said we are just going to have to hold the line now. We were running deficits that could get up as high as $100 billion, which was a shock. So what we were trying to do was to take the established functions and purposes of Government and hold the line and certainly not start any new programs.

Thereupon, we did hold that line but the President gave a very enthusiastic presentation to the Houses of Parliament in London in 1982 recommending that we spread democracy. However the speech writers were not in charge of the budgets. In order to follow through with that particular proposal, they said, "Well, we have Charlie Wick at USIA so what we will have is a Project Democracy under the USIA."

There were some misgivings about the administrator of USIA at that particular time. He was answering all kinds of calls for testimony before the Congress. They fumbled the ball.

Our colleagues on the House side, and some on the Senate side, picked up that ball, seeing a wonderful opportunity for expanded government, and said, "All we need to do is institute a little institute and get our moneys and deal up the moneys or cards around to the different interests and we have a sweetheart deal that will take care of all of us."

The budget is in the neighborhood of $30-some million and it was drawn up as an institute for the National Endowment for Democracy and you only have to look at the listing of the officers to be reminded of Plato's little rhyme saying that the politician makes his own little laws and sits attentive to his own applause.

What they did was go ahead and get—this is no disparagement, just a fact. They have Lane Kirkland of South Carolina, head of the AFL-CIO, and Chuck Manatt—he wanted money, too—and some from the Republican Party and they got all the parties together and the Chamber of Commerce and everbody else like that.

You can see how dedicated they are to fiscal responsibility by the very leadership itself, embarrassing to me and many, many other Senators. They came pell-mell down the road for a new Government endeavor, a new Government entity, and more millions to be spent right in the light and time of our trying to cut expenditures.

Here we are, then and now, we are saying, because President Reagan has gone further—not just saying let us eliminate the Department of Energy and eliminate the Department of Education and eliminate the different programs they had red-lined—Women's, Infants' and Children's feeding, Head Start, Material and Child Health Care, and everything else. While the President has not totally eliminated them, he has had general success in at least holding the line and imposing some cuts.

So here we are, holding the line on health care—and more specifically, the vaccination stockpile. Yet, those who are giving the inoculations say that there is, instead of a 6-month supply, only a 1-month supply for DPT. But, health care has been frozen. And many who were getting the particular treatments are not receiving health care due to a so-called policy of fiscal restraint.

We have all had to suffer, both politically and physically, you might say, from this kind of fiscal restraint. But it was a sacrifice in that, in leading the way for the budget cuts in 1981, the previous year, we said, heavens above, let us not start in the right direction like Bossy the cow and after giving a full pail, kick it over with some kind of political slush fund here of $30-some million and give it a highflown title like National Endowment for Democracy. And of course, when fiscal restraint Reagan comes forward and says, "What are you doing?" we say, "Oh, Mr. President, this is what you said, pass around the seeds of democracy and the idea of democracy and this gets us confirmed."

So, here, when we deny that, we start not only freezing health care but cut back under title I for the disadvantaged in education, and under title III, for the minority colleges. We have historically black colleges in our section of the country and these are one of the most deserving groups I could possibly pick out. We all talk about Pell grants and recognize their worth, but I want to also mention the trio program—kids who come to college with bright faces, enthusiastic, getting up at 5 in the morning and working a job, working in the lunchroom and working later in the afternoon and working in the night. They hold down jobs along with loans and grants. We tell thousands of those particular students, all full of ambition and the hope of America, "Do not stay the course," which was the chat at that particular time, "but drop the course; you are out. There is nothing for you; there are no opportunities, no hope—you go ahead and join the welfare rolls." We had high unemployment there in 1982 and 1983 and we were putting them off right and left but still they kept coming down the road for this National Endowment for Democracy, a political slush fund.

WIC, they say, we have not cut, we have held the line yet we only serve one-third of those women and children who are eligible for the program.

There is no need of me expounding on the merits of the WIC Program, we know them intimately. The fact is that serving the remaining two-thirds of the women and the children eligible for WIC would save the Government money. We should extend this program, but under fiscal restraint, we have not.

We take the matter of housing. There are no housing programs now. And, we have cut back on low-income energy assistance. We see them lying around on sidewalks and they are huddled around in cardboard boxes. There is no warmth because we have no money; we have fiscal restraint.

I could go right down the list. I just wonder, sometimes, where the conscience is to carry through with the commitment of fiscal restraint when they come with a new program. I opposed it from the very beginning and I have been around long enough to know that there is a majority view otherwise. In any event, they kept talking and talking with respect to what a wonderful thing it would be and how disciplined and what have you.

I remember the arguments made that I had not seen in my travels, the chambers of commerce overseas in any extensive manner—I have talked to the chambers of commerce in Europe, I have talked to the chambers of commerce in Latin America. Without questioning their record or anything else, I could not find any real contact to spread any kind of seeds of democracy.

I did mention that perhaps labor unions had a better experience. I was shocked this past week to see an article to the effect that here my opposition, plus now the administration's lack of enthusiasm, was going to do away with solidarity. In all the 3 years that we have had this, I never heard about solidarity depending upon a National Endowment for Democracy. Solidarity and the Nobel Prize and everything else were won long ago by Lech Walesa and his leadership and the wonderful solidarity that we have. That has been ongoing.

But they know how to politically zap you in these little columns in the Washington Post, and we have gotten accustomed to that particular nonsense. We are not folding up any solidarity. They do not have to depend on a few things here.

We have regularly instituted governmental programs galore with respect to getting assistance through AID, the Agency for International Development, giving moneys to the Free Trade Union Institute that can give money to solidarity. We have had those going on long before the distinguished Senator from Utah and the distinguished Senator from South Carolina ever came to Congress. These have been going on for years and years. We are not just starting Government because President Reagan made a talk to the Parliament in 1982. The Government has been going on.

We started back 25 years ago, now, with the Peace Corps. We all know

about exchange students, Fulbrights. We welcome those things. My amendment last year was to try to transfer the money, if we really wanted to spread it, to the youngsters, the young college students.

I have traveled in Latin America. In Panama, where we are having difficulties now, thousands of students were going to Patrice Lumumba University in Moscow and to the Isle of Pines in Cuba, where they will be indoctrinated as Marxists.

I say if we really want to do something meaningful, do not cut back on Humphrey, do not cut back on Fulbright, do not cut back on Eisenhower, do not cut back on the scholarship programs that we have been doing in this fiscal restraint. If we are really trying to spread the idea of democracy as the President talked about it before Parliament, let us do it with some responsible groups that could bring about future leaders in these lands.

But, no they said just the day before yesterday at our conference that this would afford us an opportunity. An opportunity for what? Oh, they said they have just come from a meeting down in Barbados. It is cold now. They do not have rain in Seattle, it is freezing up in Seattle, WA, and all through the midcountry and now we have cold weather in the East, so it is time to have a conference in the Barbados. Down in Barbados they can get all the labor leaders and the business leaders and the political leaders, and we can stretch our arms around and relax and enjoy democracy like that is some new idea.

Well let me tell you, we have a half-a-billion dollars' worth of that kind of activity. We have it on page 54 of our report. The Food and Agriculture Organization, the International Energy Agency, International Civil Aviation, labor, telecommunications, United Nations, World Health, meteorological, Inter-American Indian Institute, Cooperation on Agriculture, PanAmerica this, PanAmerica that, International Coffee Organization, Cotton Advisory Commission, Hydrographic Organization, Institute for Unification of Private Law, Lead and Zinc Study, Natural Rubber Organization, Rubber Study Group, Seed Testing Association—ye gods, International Office for Epizootics. I have had to try to fight that.

I had George Meany help us fight it for the International Labor Organization back in the early seventies. He came before our committee and said, "For Heaven's sakes, this is not helping the labor movement. This is helping communism and embarrassing America." So we did not even pay our fees there.

We are paying a half a billion for the Interparliamentary Union that we are all members of, the Law of the Sea Conference, and all these other international organizations. There are many opportunities, such as NATO, SEATO, the arms control negotiations in Geneva. Just let BOB DOLE pronounce sine die and the plane is out there waiting to go. It won't take long before they will be gone around here. They do not need another public entity for a chance to meet and eat and spread democracy. We already have AID, the USIA, the State Department programs, and others like the World Bank to help these nations. So that is totally out of the whole cloth. The amount of money, of course, unquestionably could be used in a much more meaningful way.

I cannot in conscience cut these different substantive programs of Government and start a new one with the political parties and the organizations they have. Now we have the track record. They said back in 1982, "Give us a chance and let us try." The House prevailed. So what we have is the trial run. And what you do when you get loose money around is you get into mischief. The first thing they did, of course, that we could find out—we had not had any real indepth study of it. I have not tried to nag my point and become a national hero or point man until Evans and Novak made me one.

They should have left the sleeping dog lie. I told my labor friends I am not the mother superior around this town, and I have got more things that I am interested in. This is just $18 million. It is just the principle involved that is absolutely unforgivable and cannot be explained in my backyard. I wanted to speak out loudly, and I have done it on several occasions. So I would go along with any amendments to eliminate it. But I had other things I was working on, the textile bill, but you give up a lot of things. You indenture yourself when you are interested in one particular measure. I was interested in that and I was not interested in making any enemies for textiles. I was interested in making friends for textiles.

Now we have that bill where they said you could not get it. We have it on the President's desk, and so now I can move on. Since they continued to write editorials and everything else of that kind, we can move back into this particular vanguard and bring out the truth of exactly what is occurring.

What is occurring is that, as I have indicated, they have gone into Panama. Last year we saw that the moneys flowed through this particular entity into the election down in Panama. Incidentally, we have gotten millions of that through the Central Intelligence Agency. There is no shortage of funds in endeavors of this kind—the House voted no, zero dollars, and then temporarily came out with language indoctrination. They seem to get all kinds of genes moving and physical and mental thrills from language, and so they got language going and, by cracky, they go in some money.

I see the distinguished Senator from Missouri is here and I will cut it short.

So the first thing they did was get into Panama. The next thing I heard of, of course, is the Free Trade Union Institute being mixed up with the overthrow of the Government of Thailand. I could not trace it back. The Free Trade Institute is on the National Endowment for Democracy. We could not say that NED funds went into that particular endeavor, but one of the labor leaders was funded by the Free Trade Institute out there in Thailand, and was involved in the overthrow of that Government.

And then, of course, the day before yesterday—because I have been reading the editorials of my distinguished colleague from Utah in the Washington Times, and they are very deliberate about what a wonderful opportunity this is—they brought us the big happy news that they are now trying to overthrow France.

Isn't that wonderful, overthrow France. We are rebuilding the Statue of Liberty on one end of the ocean and we are trying to overthrow the French Government that gave it to us on the other side of the ocean. Perhaps that is good around this town, but isn't that a wonderful endeavor. So we ought to be sure to get this NED crowd going so we can get rid of France. I do not know of any other friends we might have that we can throw some NED money at, but we will find them.

I see my friend from Missouri, and the others are ready to talk to see if they cannot get some money for political parties.

In our Democratic Party, I say to the Senator from Missouri, there is a substantial group in this body of Senators—I am not a member of the self-appointed caucus, but they call it the leadership council. That was a wonderful title to give themselves. Very humble folks they were. And they had found that we had too many caucuses, so they organized themselves a caucus because of what? Because the Democratic Party was not spreading enough democracy. They do not think they are doing a good enough job at home much less around the world.

I supported my friend Terry Sanford as chairman of the Democratic Party. Paul Kirk beat us, and I am now supporting Paul. I am not supporting the leadership council because we are not spreading enough democracy. I think Mr. Kirk is doing an outstanding job as chairman of our party. I am not against parties.

But the Senator and I have to maintain the integrity of these parties. We cannot go out on all the political speeches and get out the computeriza-

tion letters about how we are for a strong fiscal economy. Nor can we give talks about how we cannot indenture and bankrupt the next generation and all other things we say on the budget and the deficit. Then we cannot say "Provided, however, we get out money for our parties to go to the Barbados and to Geneva and sit around and confer in Paris and all these lovely places where we like to meet and eat, because we don't have that opportunity unless we have NED."

I wish they would look at half-a-billion worth of opportunities that we list in this particular report; that we are financing every kind of endeavor all the way down to the—since the Senator has just come on the floor—International Office for Epizootics. We even have that one. We have them all listed on page 54 of our report.

But let me yield the floor now because the distinguished Senator from Missouri and the distinguished Senator from Utah are ready to talk.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have enjoyed, as usual, my colleague's very clever and interesting and sometimes funny remarks. At the same time, I also have a mandate to be serious about this issue as a person who has long been involved in it and who believes in it.

We can talk humorously, and we can find lots of fault. I suspect any organization that is going to be out there at the forefront of the lines advocating democratic principles is going to be criticized one way or the other and by one side or the other from time to time. Those at the National Endowment for Democracy understand that. I think all of us should understand it. I think the distinguished Senator from South Carolina and the distinguished Senator from New Hampshire, both of whom are very important to me, very close friends, should understand it as well. This is not an easy battle that we are into. We are competing in the worldwide battle for ideas.

I am a strong supporter of our national security interests. I think we have to compete there. We have to maintain our strength. I know both distinguished managers of the bill are also strong supporters of our defense program, and I commend them for it. I do not think anybody would go further to strengthen America than Senators HOLLINGS and RUDMAN, unless it would be myself, perhaps; and I do not think I would go any further in that regard.

Mr. President, we are talking here about $18 million being used to spread democratic principles around the world to offset the $3 to $4 billion expenditure being used by the Soviets to work against democracy all over the world. Even with a mere $18 million, we are winning the battle for ideas. The National Endowment for Democracy is making a tremendous impact for the forces of freedom worldwide.

The amendment under discussion involves whether or not we should have party institutes. Before that, however, let me just read a letter to my colleagues from Vladimir Bukovsky, for whom I think everybody on the floor of the U.S. Senate can have some appreciation. He is somebody who has been there. He knows what it is like to live under totalitarian leadership. He knows what it is like to be persecuted for his ideas. He knows what it is like not to have an opportunity to express himself. He also knows what it is like to have an opportunity to express himself now. We should keep that in mind.

This is a letter that was sent to Senator RUDMAN and, with his permission, has been sent to a number of people.

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

Mr. HATCH. I yield.

Mr. RUDMAN. The letter is an eloquent letter, but I think the Senator will agree that the letter addresses a larger question. It really does not bear on this amendment.

Mr. HATCH. I agree with that. I want to put it in the RECORD at this point, before I specificaly address the amendment of the Senator from New Hampshire. I put it in at this early stage in this debate because we are going to have two basic debates today. One will be whether the party institutes should be funded at all, and the other debate concerns whether or not the National Endowment for Democracy should be funded at all.

I think it sets the tone, to a large degree, as to the important work the National Endowment for Democracy can do. It is a bipartisan institution; the board is bipartisan. I have seen the board demonstrate a tremendous ability to work together in the best interests of democratic principles.

As I have traveled around the world, discussing many aspects of international labor problems, everywhere I go, the one thing people everywhere seem to be interested in—those who are for freedom and democratic principles—is this little National Endowment for Democracy, which has been carrying a lot of weight for this country and other countries in terms of promoting democratic principles and the dissemination thereof.

For the benefit of my colleagues, I would like to read this letter from Vladimir Bukovsky to Senator RUDMAN. I am pleased that Senator RUDMAN is a supporter of the Endowment. I agree that it is a general letter about saving the National Endowment for Democracy, but I also am going to explain why I think it is important that we have party institutes. I have to admit that I come to this issue having at first wondered whether party institutes were proper.

DEAR SENATOR RUDMAN: On behalf of a group of former Soviet and Cuban political prisoners I am writing to plea for your support of the National Endowment for Democracy. We are aware of the current difficulties and controversy the N.E.D. is experiencing and was alarmed by the attempts to put an end to the N.E.D. existence.

Whatever objections might be raised on both sides of the Congress, I assure you that at least those projects sponsored by the N.E.D. which are aimed at promotion of democracy in the Soviet bloc countries are of vital importance for all of us. It is the only hope for our friends behind the Iron Curtain in their everyday struggle for freedom.

For the question of N.E.D.'s existence is not only a question of resources, (which are, unfortunately, indispensible in our activity), but also a question of open commitment of the American people to the cause of freedom and democracy in our countries. This pledge was made publicly by President Reagan in his speech to the British Parliament in 1982, and any changes in this position will be viewed as a victory of the Soviet regime in the context of recent East-West interactions.

With great hope for your understanding and support.

Sincerely

YLADIMIR BUKOVSKY.

Then he writes:

The text is agreed by phone with: Eduard Kusnetsov (Munchen); Alexander Ginsburg (Washington, D.C.); Armando Yallaiares (Madrid); Huber Matos (Miami).

I read this letter in the RECORD for one reason: Because people all over the world are watching what we are going to do concerning the National Endowment for Democracy—pro and con, for an against; those who want to destroy it, those who dearly want to save it.

I have no doubt that we will save the National Endowment for Democracy, and I believe that Vladimir Bukovsky will have played a role in that.

Mr. President, the pertinent issue is, what are we going to do with respect to the party institutes?

I wish to clarify several points concerning the party institutes. The party institutes are absolutely essential to the Endowment's program to promote democracy abroad. Political parties are pivotal institutions in any democracy. Any assistance program to promote democracy abroad must strengthen democratic political parties, and the most effective way to accomplish this is through parallel U.S. institutions.

Mr. President, the United States has suffered by not having appropriate political instruments to carry out party-related work. The two party institutes—the National Republican Institute for International Affairs and the National Democratic Institute for International Affairs—constitute an attempt to fill this vacuum.

Although international activity by political parties is a new idea in the United States, it is an established fact

in many democracies, such as West Germany. In fact, European Party Institutes, with funds provided by their governments, are currently active within our own hemisphere.

Because the party institutes are a new concept in America, this has lead to skepticism and misunderstandings by both conservatives and liberals. As a member of the board of the NED, I would like to set the record straight.

First. The party institutes under the National Endowment for Democracy are not part of the political or campaign operations of either party. They are new—and entirely separate—institutions within the broad range of structures that comprise the Democratic and Republican Parties.

Second. Ironclad safeguards exist in U.S. law and in the endowment's grant agreements to ensure that NED funds provided to the institutes are not used for domestic partisan political activity. Both institutes have voluntarily agreed to offer public audits to the Congress to show their compliance with the provisions of law regarding the separateness of NED funds and domestic partisan political activity.

There is, therefore, no budget impact for this item.

Mr. President, adequate safeguards exist against any abuse by the party institute.

The following actions have been taken:

The two institutes have been set up as nonprofit educational organizations under section 501c(3) of the IRS Code. Partisan activity is prohibited under this section of the law.

The authorization for this appropriation contains the following highly restrictive language:

NED is prohibited from making grants to "any institute, foundation, or organization engaged in partisan activities on behalf of the Republican or Democratic National Committee, on behalf of any candidate for public office, or on behalf of any political party in the United States."

GAO has been auditing the two institutes and the new authorization statute gives USIA auditing rights as well.

Mr. President, I believe the activities of the political institutes are important, necessary, and long overdue if we are to mount an effective challenge on behalf of democracy.

Some of my colleagues seem unable to accept that international activity by political parties is now an unalterable feature of the international arena. Many of these assistance programs run by other parties are conducted with funds provided by foreign governments for the international activities of these parties. Discussion with political leaders from Latin America and elsewhere begin, not with the question, "What are you going to do to help me?" but rather with the question, "Where have your parties been?"

The programs which the institutes have initiated in their first year of operation demonstrate that they approach their task in a highly professional and responsible manner. Among those programs have been:

Republican institute support for a nonpartisan get-out-the-vote campaign in the Grenadian elections.

Democratic institute sponsorship of an unprecedented worldwide gathering of party leaders and a legislative fellowship program for Third World party officials.

Republican institute sponsorship of the recent conference on "The Totalitarian Threat to Democracy."

A joint effort in cooperation with the political foundations of the two major Venezeulan parties to explore ways of collaborating in institution building efforts around the world.

Mr. President, we should not deny ourselves the opportunity to affect the course of democratic political change merely because we are new to it. Our Government—in any of its iterations—cannot effectively involve itself in strengthening democratic political parties. To do so invites—and has already invited—charges of governmental interference in the internal affairs of another soverign nation. Political parties, on the other hand, can involve themselves with democratic political parties abroad.

We have asked dozens of foreign leaders about the interference issue, and the same reply always comes back—the U.S. parties are the only ones not involved in these types of programs. Why is alleged interference not a problem for the Germans, the Venezuelans, the Soviets and the Cubans?

Admittedly, our parties have much to learn in the process. International sophistication does not come overnight. But we also have much to offer, and these skills are available now. We are experts in political communication, infrastructure, the conduct of free elections, and this help is needed.

I was in Nicaragua, in Managua, and I met with every dissident group down there as well as the leadership of the country of Nicaragua. The one thing that they were asking us to help them with was democratic procedures even though they were only preparing for a party primary.

In El Salvador they wanted to know how you conduct a primary, what are political parties, what do they do, what are polls, how do you conduct polls—things that we could answer for them and help them with, without embarrassment to our country or to our own Government.

It is appropriate and necessary that we provide public funds for these activities. In several nations around the world public funds are provided to support international programs by political parties. There is no implied consent of our Government over the use of these funds as has been suggested: Just as there is no implied consent over the activities of the ASIA Foundation, or the Inter-American Foundation.

Finally, ample provisions exist in both oversight and accountability to ensure that Congress has complete access to the programs and operations of the NED and the party institutes. This is first and foremost an open, overt enterprise. It has been tried covertly in the past, and there is no doubt that political assistance is offered most effectively in the open by the party institutes.

Mr. President, the two-party institutes are still relatively new. Like any new organization it will take a while for the Republican and Democratic Party Institutes to reach their full potential.

I believe we have a moral obligation to the millions of people in the world who are not enjoying the benefits of freedom to help establish the framework for peaceful, democratic change. We cannot effectively accomplish this goal without the party institutes.

I urge my colleagues to vote against any measure that would strip the NED of the party institutes. Instead, the Republican and Democratic Party Institutes should be given a chance to do the job they were created to do. That job is to encourage the growth of democratic political processes throughout the world.

Mr. President, with regard to the comments of the distinguished Senator from South Carolina about AID funds being used to fund Solidarity, let us just understand something. AID grants to labor cannot go to Solidarity. They have not gone to Solidarity; and, if they did, they would undermine Solidarity.

That is why we created the National Endowment for Democracy.

What is will hasten to point out to my colleague from South Carolina, is how Solidarity works. I do know a little bit about this, but I am not going to go into all the details because they are difficult to explain in public without embarrassment and hurt to those who have fought the battle in Poland, and I might say elsewhere in the world, who paid this price before the NED came into existence.

How does the distinguished Senator from South Carolina think Solidarity works? Does he think that the pittances those people earn in that totalitarian government have enabled them to put the millions of dollars together to do the printing, the dissemination, the communications, and all of the other work that has helped to bind Solidarity together? I will tell the Senator how it works; and I will tell him

generally, because I will not get into the specifics since there are lives involved. I have followed Solidarity for years before any NED came into existence. It was primarily because of the voluntary efforts of organizations such as the AFL-CIO's Free Trade Union Institute that poured their private moneys into backing free labor unions and individuals that people like Lech Walesa are alive today. Solidarity lives because of people all around the world who we willing to donate funds on their own, who have been drained dry, until the National Endowment for Democracy came in and provided some impetus and some funds.

I do not know whether the distinguished Senator from South Carolina has met with representatives of Solidarity here in this country, but I have. I have met with them here. I have met with them in Belgium. I have met with them elsewhere. And they beg us, as Vladimir Bukovsky has begged us, to keep this institution alive and to keep it vibrant and functioning.

Not too long ago I met two of the top leaders of Solidarity who were from Poland. They were expatriots, now living in Europe, who are responsible in part for keeping Solidarity alive on the outside. They spend a lot of their time trying to raise the pittances that they need to keep Solidarity alive. They acknowledge that the AFL-CIO has been their mainstay and their bulwark until the National Endowment for Democracy came along.

They begged me to find some way to get them $1 million for printing purposes to help Solidarity.

I have to admit I think we should be doing a lot more. Solidarity is just one illustration. When we get into the other debate, I will give you a number of other illustrations of effective efforts by this organization.

I do not think people in this Chamber give enough credit to those who have valiantly fought this fight all over the world without government funds and were bled dry in the process, up until the formation of the NED, the United States has not really been a contributor. Because of Solidarity, and the whole variety of other programs like it, we are winning the battle for ideas with $18 million measly bucks. The amount should be five to ten times that much, in all honesty, but I know that cannot be. I do not think there is anyone who is more fiscally conservative than I am. But we are talking about a battle between good and evil, a battle between totalitarian aggression and democracy, a battle between dictatorships on both the left and the right and democracy.

And we are talking about some of our friends, who have been carrying these battles for the United States of America and for free peoples everywhere and for democratic principles, who are being bled dry because they are not a government and they have limited funds.

We are talking about giving them some extra help to be able to win these battles for ideas.

We cannot do it as a government. But through the National Endowment for Democracy we can help fund people who can do it, like Vladimir Bukovsky, Armando Vallacares, and others, we who are the people who are keeping freedom and democracy alive.

I suspect the distinguished Senator from South Carolina may be right in one respect. If we knocked out the National Endowment for Democracy, there will be people who will sacrifice everything they have to try to keep these free democratic principles alive with or without American help. But wouldn't it be pathetic for us to refuse to help them?

Again, I emphasize that as I have traveled, especially in Central America, virtually every country's leadership begs me to get the party institutes down there and to help them with basic mundane issues that you and I take for granted in this great body, the Senate.

Mr. President, I hate to see the party institutes hurt because I think they have a role to play. I would rather see us circumscribe the role if we feel they are not going to operate properly. I would rather mandate what they can or cannot do, which has already been done by the board of directors and the statute itself.

But I would surely not tie the hands of this country or of these parties from being able to help people to understand the most basic principles of democratic belief. I believe the party institutes have a very important role to play doing that.

I do not want to take anymore time. I know the distinguished Senator from Missouri wishes to speak, as does the distinguished Senator from Connecticut, and others.

So, Mr. President, I will ask unanimous consent to have printed in the RECORD a brief outline of some of the programs of the two-party institutes. These are programs that I support, programs that have been successful, programs that can be more successful in the future with a greater degree of sophistication. These programs can help anyone to understand that there are countries all over the world that are begging for help. They are not sophisticated; they are Third World countries who do not have the knowledge we do and they need help from our party institutes.

I am grateful for this opportunity to defend the party institutes. I believe they deserve defending. I believe those who have sacrificed year after year before NED came into existence deserve the Endowment's help. They are heroes to me. They are those who have sacrificed their lives, their fortunes, and their honor—just like the heroes that started this country—only they are doing it under circumstances that are just as dramatic and just as important as when this country was started. And this country became the greatest bastion of democratic principles in the world.

We have an obligation to disseminate information which promotes the cause of freedom. This is the way to do it. This is one way to do it, and it is a way to do it openly, for the most part, and straight up.

There are some criticisms of the AFL-CIO and its Free Trade Institute because it does not always delineate every jot and tittle about what it is doing. But there is good reason for that: They are dealing with people's lives. They are dealing with whether a person lives or dies or whether a movement lives or dies. And we understand that. We find that year after year. I do not know why it is so difficult to understand.

I will tell you something. I do not necessarily agree with every single thing that the AFL-CIO, through its Trade Union Institute, has done through the years; but I can sure name a lot of wonderful things they have done around this world. And they have done it at their expense for the most part, not at the expense of the Government of the United States. And, to be perfectly frank, it is time to give them some help.

I believe the Chamber is doing some interesting things, as well, and they are becoming more sophisticated. I believe they will do a lot of good for democratic principles around the world.

With that, I ask unanimous consent that a brief list of the party institute's programs be printed in the RECORD at this point.

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

NRI played a key role in strengthening the electoral process in Guatemala, working with a non-partisan group to encourage political participation through polling and other techniques. The initial election was widely praised as "free and fair" and a runoff is now scheduled for December 8. A pullout now would send the wrong signal to anti-democratic forces in the military and would undercut fledgling party institutions as they try to make the new democracy work.

NDI has become a key element in attempting to strengthen the democratic process in Northern Ireland as envisioned by the new agreement reached between Britain and Ireland. The Institute has supported the Social Democratic and Labour Party (SDLP), the party which, by initiating the New Ireland Forum, instigated the historic agreement giving the Republic of Ireland a role in the north. Our Consulate in Belfast said NDI "gave the (SLDP) a shot in the arm and a new, more dynamic spirit . . ." To back away from the SDLP at a time when it is the only major party in Northern Ireland

to support the agreement would be encouraging to extremists on both sides.

NRI has worked with democratic forces in Grenada since the U.S. military mission to rebuild a democracy which had first been undermined by far-right, then far-left, antidemocratic forces.

NDI, working with both major parties in Argentina, has encouraged much needed legislative reform at a time when that nation's democratic institutions have been severely challenged and a state of seige imposed to protect the system. Argentina is in dire need of help; to turn our backs on their request now would be to contradict the many efforts our country had made to bring about the return of democracy in that country.

The two major parties of Venezuela have agreed to conduct joint training of Latin American political leaders with NRI and NDI. These two parties for years have been active in democratic development activities in the Hemisphere and they have expressed great appreciation that the U.S. parties are finally joining the effort.

The full spectrum of political parties in Chile has signed a "national accord" on the transition to democracy. These parties have worked with both institutes and have asked NDI and NRI to structure a follow-up meeting in Washington of "accord" signatories to continue their push for a peaceful transition to democracy.

The two Institutes are also active in dozens of other countries, working with democratic forces to strengthen democracy or to encourage it where it does not exist. This activity has been welcomed all over the world where political party networks long ago became an integral part of non-governmental international relations. As indicated above, stopping this activity now would have serious consequences for U.S. interests; in some countries more than in others.

Mr. DODD. Mr. President, I presume it may come as some surprise to some that the Senator immediately following the Senator from Utah in support of the position he has taken would be the Senator from Connecticut. Senator HATCH and I do not always agree on matters and have had some significant disagreements in my 4 or 5 years in the U.S. Senate. But on this issue this morning, we are united together in our efforts to see that this National Endowment not only survives, but also to see to it that the two institutes which are central, it seems to me, to the success of the endowment survive, as well.

Let me, if I may, Mr. President, address the specific issue, the first amendment that will be offered by the distinguished Senator from New Hampshire, Senator RUDMAN. His proposal will be to table an amendment in true disagreement between the House and the Senate.

A year or so ago, an effort was made to eliminate the role of the two parties, the Republican and Democratic Parties, from participation in this program. As a result of that particular expression here, and concerns expressed in the House of Representatives, a compromise proposition was offered which would substantially modify this proposal and address, I believe, some of the concerns raised in this body and the other body about the role of the political parties.

As a result of those concerns, the draft language which was offered in conference, and which the distinguished Senator from New Hampshire would table with his amendment, is not, in any way, shape, or form, the proposition that was before this body before. It is a different proposal. It is a different concept.

Basically, what the amendment does is guarantee that one, the two institutes would be prohibited from receiving any funds whatsoever if they would be used to finance or support candidates for public office in any country around the globe; two, they would be disallowed from receiving any funds whatsoever if they are involved in the financing of activities of the Republican or Democratic National Committees; third, they would be prohibited from receiving any funds at all if they ended up being used to support any political party or candidate; and, lastly, it prohibits any officer or member of the Democratic National Committee or the Republican National Committee from serving as an officer or member of the institutes boards of directors.

That would mean that Mr. Fahrenkopf, Mr. Kirk, and others would have to resign from the institutes' boards as a result of this amendment. Now that is a substantial change. Those were the issues that were being raised by those who made this proposal to eliminate the funding—we should not be financing political parties in this country and assisting them in this regard. Those were primarily the concerns expressed by members of the RNC, DNC, and others on these boards, as well, the concern about financing political parties or candidates along the way.

This amendment that was drafted in the House says that these institutes cannot receive those funds if they are engaged in any of these practices. I think that satisfies the majority of people here.

Now, if the desire is to eliminate altogether the National Endowment for Democracy, that is a different matter. I understand that thrust. But let us not preserve the National Endowment for Democracy and then rob it of its soul, the reason for its existence. Do not strip it of its essence, which is to assist political parties around the globe.

Now we have seen a lot of debate and discussion over the last few years with regard to Central America, Afghanistan, Africa, and various other places. I recall only a few short months ago debating in this very Chamber whether or not we ought to spend $30-odd million to fund the Contras in Nicaragua. I would suggest to you that the $18 million for the National Endowment for Democracy, those funds will go a lot farther and do a lot more in terms of minimizing the threat of revolution and unrest, not only in this hemisphere, but elsewhere. For those people who are truly interested in seeing the ideals of democracy forwarded, these two institutes and the National Endowment for Democracy do a lot more, it seems to me, in the long run in advancing those goals than the ad hoc, services-oriented foreign policy we seem to engage in to meet the various demands as they are described around the globe.

It is not a perfect program. It is in its infancy. But already those of us in this Chamber and elsewhere who have participated and worked with these institutes have seen first hand what a tremendous benefit it can be.

I remember just a few short weeks ago sitting in a room in this very building with a group of some 20 or 30 representatives of various political parties in Chile and from other countries around Latin America. Eleven different parties in that country of Chile, running from the extreme left to the extreme right, were trying to restore democratic ideals and principles in that country that has been gripped in the hands of an authoritarian government. They were looking for help and assistance and how to go about it, what could be done, how could we assist them, not embracing any one of those particular parties but the principle of democracy.

That is what these institutions have been doing. That is what the Endowment does. What is such a terrible idea about that? In fact, I think most of us appreciate that the political parties in this country have the adhesive quality which has kept this system of Government working. It is not just enough to have an election in this country. What is important is to build institutions, to let them grow roots, to work out their problems in the long run. We have learned in our experience that strong political parties can assist tremendously in that particular effort.

I happen to believe we can, for the small amount, $18 million for the National Endowment—there are no funds whatsoever mentioned in here, by the way, for political parties at all; not a single penny. But with the small amount of $18 million, we can do a lot more for advancing the cause of democracy than we will through a variety of other proposals that I have seen mentioned and offered and supported on the floor of this Chamber with all of the wonderful speeches about how we are going to beat Castro and meet the Marxists and going to beat the Soviet Union.

Well, speeches do not get you very far. They do not really do much for people around the globe who are engaged in the fights to restore democracy in their country, whether a totali-

tarian government or authoritarian government.

What can help them, and what really can be meaningful is the kind of assistance and support they have been getting in the early days of the two institutes and through the National Endowment.

So, Mr. President, I hope that despite the good intentions, I am sure of my colleague from New Hampshire, we do not rob this Endowment of its central ingredient or one of its central ingredients. Let us take this compromise language which I think again addresses the major questions that have been raised by him before, and if an amendment is offered, as I suspect it may be, to wipe out the Endowment entirely, I hope as well that my colleagues will reject that effort.

This is a worthwhile program. It deserves our broad bipartisan support.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, like many Members of this body, I recognize the criticisms made about the National Endowment for Democracy. I am particularly disturbed by reports that one of NED's grantees has been using U.S. tax dollars to undermine the Goverment of French President Francois Mitterand.

However, no more than 10 percent of NED funds are being spent in Western Europe. Western Europe does not need lessons in democracy. It's my view, therefore, that aside from Northern Ireland where there are special problems, no NED money should be spent in Western Europe. Instead, I believe NED's limited financial resources should be devoted to Latin America, Asia, and Africa—places where democracy is only recently emerging or where it does not exist at all.

I am particularly supportive of the work the political party institutes—the National Democratic Institute and the National Republican Institute of International Affairs. They have not been involved in any of these controversies. Indeed, both are doing some very useful work.

As you might expect from someone on this side of the aisle, I am more familiar with the work of the National Democratic Institute. Under the leadership of Executive Director Brian Atwood, NDI has undertaken a number of innovative and challenging projects.

I myself have participated in the program to provide organizational training for the Social Democratic and Labor Party in Northern Ireland—the only Catholic party committed to nonviolent resolution of the conflict through the democratic process. Providing a democratic alternative for Northern Ireland's Catholic population is a key element in finding a peaceful solution to the problems of that intensely divided province.

NDI, working with both major parties in Argentina, has encouraged much needed legislative reform at a time when the Nation's democratic institutions have been severely challenged and a state of siege imposed to protect the system.

Brian Atwood has brought new life to the National Democratic Institute. Among all the programs funded by NED, this has been the least controversial and the most promising.

It would be counterproductive and unfair to prevent the National Democratic Institute and the National Republican Institute of International Affairs from even applying for NED funds.

Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. EAGLETON. Mr. President, I rise to say a few words of support for the political development institutes of the National Endowment for Democracy.

Initially, no one was more opposed than I to funding for the two-party institutes, the National Democratic and the National Republican Institutes for International Affairs. However, after viewing the work of these groups in the past 12 months, I am convinced that their work has made a real difference in the lives of ordinary people around the world.

Mr. President, I emphasize to my colleagues that by law, the parties are prohibited from participating in foreign and domestic elections; by law the parties must have separate financial records and program operations separate and discreet from the Republican and Democratic National Committees; by law the political development institutes are forbidden from supporting any political party in the United States.

I have viewed firsthand the importance of the work of the political development institutes and the enthusiastic responses of political leaders and party activists around the world. Our colleagues overseas have welcomed the initiatives of NDI and NRIIA and praised the outcomes of their efforts.

From Northern Ireland to Southern Africa the National Democratic Institute has worked with political party leaders, extending offers of technical assistance to help the institutions which support democracy to function better. By working in a nonpartisan mode, NDI has made new friends for the United States around the world. For instance, the two major parties in Senegal have applauded the NDI initiated conference on democracy and pluralism in Africa of last July, and expressed their eagerness to work with NDI on a series of projects. The Senegalese and other Africans from 18 countries appreciated the conference because the meeting had focused on practical questions that leaders of parties in new nations need answers for. How do you mobilize citizens? What is the appropriate role of the military in new democracy? Does the Soviet Union have anything to offer developing nations?

Through that conference, NDI made new friends for the United States and the democratic process. The major newspaper in Dakar declared that the conference and its findings would "put its stamp on the history of post-colonial Africa."

NDI has been very active in South America. In May 1985, NDI's historic conference on the renaissance of democracy in South America brought together leaders from the newly democratic nations of the continent, plus democratic forces in Chile and Paraguay. The conference offered a unique opportunity for leaders to meet and form a network/support group with lasting impact.

The conference also served as a catalyst, a facilitator that encouraged the formation of the National Accord, a group of Chilean patriots from across the political spectrum dedicated to a return to civilian democratic government. Mr. President, when I see the impact that a small group—the NDI staff is less than a dozen people—the NRI employs a similarly small group—and very limited resources can have on the fate of a nation and the willingness of its leaders to risk their lives for democratic principles, I know that we as a legislative body will be commiting a grave injustice if we do not support the party institutes. I want to see a democratic Chile and I believe that NDI can help that dream become a reality.

These institutes have introduced the United States and its commitment to party democracy to party leaders in new and innovative ways. Having succeeded, we must not now eliminate the opportunity to strengthen relationships with political parties in other democracies. What kind of message do we as Americans send when we remove a source of assistance and strength for parties, particularly in the developing world?

Mr. President, I urge all my colleagues to support our commitments to democratic development in Chile and Guatemala, in Senagal, Peru and Northern Ireland. Democracy is a very fragile institution and with the safeguards now in place, the political development institutes have a definite role to play in strengthening it.

Mr. President, I urge my colleagues to support the House language and to vote against Senator RUDMAN's motion to table same.

Mr. President, have the yeas and nays been ordered?

Mr. HOLLINGS. I ask for the yeas and nays.

Mr. EAGELTON. Has Senator RUDMAN's motion been made?

The PRESIDING OFFICER. The Chair must advise the Senator there is no question pending before the Senate on which to order the yeas and nays.

Mr. HOLLINGS. I am waiting on the distinguished Senator from New Hampshire to move to table. Then we will ask for the yeas and nays.

Mr. RUDMAN. Mr. President, I want to make sure that any Senators who wished to either discuss the issue or have statements in the RECORD have had an opportunity to do so. Has that been accommodated?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. RUDMAN. Mr. President, before moving to table, I would like to move to reconsider the vote by which the conference report was accepted.

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

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I move to table the amendment of the House to the amendment of the Senate No. 134, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire to lay on the table the amendment of the House of Representatives to the amendment of the Senate, No. 134. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAXALT (when his name was called). Present.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Alabama [Mr. DENTON], the Senator from North Carolina [Mr. EAST], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Maryland [Mr. MATHIAS] are necessarily absent.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I also announce that the Senator from Florida [Mr. CHILES] is absent because of illness.

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

The result was announced—yeas 43, nays 44, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—43

Abdnor	Grassley	Pressler
Andrews	Hecht	Proxmire
Baucus	Heflin	Rockefeller
Boren	Helms	Roth
Boschwitz	Hollings	Rudman
Bumpers	Humphrey	Simpson
Burdick	Johnston	Stafford
Byrd	Kassebaum	Stennis
Chafee	Kasten	Stevens
D'Amato	Long	Trible
Dixon	Mattingly	Warner
Dole	McClure	Weicker
Domenici	Murkowski	Zorinsky
Exon	Nickles	
Gramm	Nunn	

NAYS—44

Bentsen	Harkin	Mitchell
Biden	Hatch	Moynihan
Bingaman	Hatfield	Packwood
Bradley	Hawkins	Pell
Danforth	Heinz	Pryor
DeConcini	Kennedy	Quayle
Dodd	Kerry	Riegle
Durenberger	Lautenberg	Sasser
Eagleton	Leahy	Simon
Evans	Levin	Specter
Ford	Lugar	Symms
Garn	Matsunaga	Thurmond
Glenn	McConnell	Wallop
Gore	Melcher	Wilson
Gorton	Metzenbaum	

ANSWERED "PRESENT"—1

Laxalt

NOT VOTING—12

Armstrong	Cranston	Hart
Chiles	Denton	Inouye
Cochran	East	Mathias
Cohen	Goldwater	Sarbanes

So the motion to lay on the table was rejected.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. RUDMAN. It is the understanding of the Senator from New Hampshire that, at this time, with no further action, the Senate will not yet have concurred with the House amendment. Is that correct?

The PRESIDING OFFICER. The Senator from New Hampshire is correct.

Mr. RUDMAN. Mr. President, I have another parliamentary inquiry:

Would it be in order for the Senator from New Hampshire to ask for an up or down vote, a vote on the merits of the pending amendment?

The PRESIDING OFFICER. Some motion with regard to the amendment must be made for a vote to take place.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum. It will not be very long.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUDMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HOLLINGS addressed the Chair.

Mr. RUDMAN. Mr. President, before my friend from South Carolina moves forward, I want to say briefly that it is my understanding that the amendment the Senator from South Carolina will soon send to the desk will be an amendment to the pending amendment. Is the Senator from New Hampshire correct or incorrect?

The PRESIDING OFFICER. There is no amendment at the desk.

Mr. RUDMAN. Mr. President, I yield to my friend from South Carolina. I think that our intentions will become clear.

AMENDMENT NO. 1323

Mr. HOLLINGS. Mr. President, it is quite obvious that we did not table the idea of the political parties participating. My amendment goes to the entire amount, and it is worded as follows: On behalf of myself, the distinguished Senator from Nebraska [Mr. ZORINSKY], Mr. WEICKER, Mr. RUDMAN, Mr. MATTINGLY, Mr. BUMPERS, and Mr. HEFLIN, I move to concur in the amendment of the House to amendment No. 134 with an amendment as follows: At the end of the amendment insert this language: Notwithstanding any other provision of this act, none of the funds appropriated in the act may be available to the National Endowment for Democracy.

This is the parliamentary way to knock all of the funds out, and I so move.

I yield just for a question.

Mr. EAGLETON. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 1323.

Mr. EAGLETON. And that amendment is debatable, is it not, Mr. President?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk continued reading as follows:

I move to concur in the amendment of the House to amendment numbered 134 with an amendment as follows:

At the end of the Amendment insert:

Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be made available to the National Endowment for Democracy.

Mr. EAGLETON. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. EAGLETON. If the Hollings amendment passes and the nature of the Hollings amendment is to knock out all of the funds in NED——

Mr. HOLLINGS. Exactly.

Mr. EAGLETON. From A to Z, everything—what, $18 million?

Mr. HOLLINGS. NED is dead.

Mr. EAGLETON. Is dead—it will have lost its soul; is that right?

Mr. HOLLINGS. That is right.

Mr. EAGLETON. If the Hollings amendment prevails, then, does that terminate this issue?

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina is a motion to concur with an amendment. If it is agreed to, that will conclude action on amendment 134.

Mr. EAGLETON. Excellent. Let me ask the other side of the coin. If the Hollings amendment fails, then what is before the body?

The PRESIDING OFFICER. If the amendment of the Senator from South Carolina should fail, there will be no amendment before the body.

Mr. EAGLETON. And then would a motion to concur in the House language be in order?

The PRESIDING OFFICER. Such a motion would be in order.

Mr. EAGLETON. Now may I ask the two sponsors—first, the Senator from New Hampshire [Mr. RUDMAN]—if the Hollings amendment fails—and we know not how it is going to go—as far as he is concerned, does that end the procedure on this matter and would we take a voice vote on a motion to concur?

Mr. RUDMAN. I reply to my friend from Missouri that would be so, unless in the next 30 minutes, after looking at this rollcall, I believe there is a chance to switch one or two votes, in which case that would not be my intention.

Mr. EAGLETON. So the Senator has given me an honest but ambiguous answer?

Mr. RUDMAN. It is ambiguous because it is honest, which may be a rarity.

Mr. EAGLETON. Then is there any time limit on the Hollings amendment?

The PRESIDING OFFICER. The Chair will state there is no time limit on the Hollings amendment.

Mr. EAGLETON. Then those of us who do not like the Hollings amendment and believe also that we should concur in the House language, the language which was not tabled, should likewise, since the vote reflected how many Members were present?

Mr. HOLLINGS. Eighty-seven.

Mr. EAGLETON. Eighty-seven—we should inventory our numbers as well?

The PRESIDING OFFICER. The Chair will simply state——

Mr. EAGLETON. Do we want the talkathon to begin now——

The PRESIDING OFFICER. The Chair will simply state that 88 Members were present. One was voting "present."

Mr. HOLLINGS. One voted "present."

Mr. HATCH. Will the distinguished Senator yield?

Mr. EAGLETON. One minute. Do I have the floor?

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. HOLLINGS. I yielded for the parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri was recognized.

Mr. EAGLETON. I am recognized?

The PRESIDING OFFICER. Yes.

Mr. BYRD. Mr. President, who now has the floor?

The PRESIDING OFFICER. The Senator from Missouri was recognized.

Mr. BYRD. The Senator from Missouri?

The PRESIDING OFFICER. He was recognized.

Mr. BYRD. I just want to be sure that we do not get into the situation which occurred the other day.

The PRESIDING OFFICER. The Senator from Missouri was recognized and has the floor.

Mr. BYRD. I thank the Chair.

Mr. EAGLETON. I thank the minority leader.

Shall we have a little quorum call just to sort of see where we are, or do we want to start talking? What is the Senator's preference?

Mr. HOLLINGS. Mr. President, I do not know what—will the Senator yield for a parliamentary inquiry?

Mr. EAGLETON. I will not yield the floor.

Mr. HOLLINGS. Parliamentary inquiry. That is what I yielded to the Senator for.

Mr. EAGLETON. Without losing my right to the floor.

Mr. HOLLINGS. No one is playing that game. The Senator can argue as long as he wants to. I think he is going to get the vote.

Mr. EAGLETON. I yield for a question. I yield for a parliamentary inquiry. I will yield for most anything without losing my right to the floor.

Mr. HOLLINGS. Keep the floor. No one is trying to delay.

Mr. EAGLETON. I am not trying to delay the body, but I am willing to go to a final vote at this time on the Hollings amendment and have it determined yea or nay.

But I would want a commitment from the Senator from New Hampshire that the ball game is over. He wants to reserve the option to reconnoiter troops and redeploy, et cetera. I might want to do that, too. But I am willing to take the final shot now. We go on the Hollings amendment, up or down. If Hollings wins, it is over.

Mr. BYRD. Mr. President, may we have order in the Senate?

Mr. EAGLETON. I am going to make my proposal and others can object.

The PRESIDING OFFICER. The Senator from Missouri will suspend until order is restored in the Senate Chamber. Senators will take their seats or retire to the cloakrooms to carry on their conversations.

The Senator from Missouri is recognized.

Mr. EAGLETON. Speaking for myself—and that is all I can do—if we can vote on the Hollings amendment up or down, if Hollings wins, we know the ball game is over; the President has so ruled. If Hollings loses, the ball game ought to also be over and we ought to voice vote a motion to concur.

Mr. RUDMAN. Will the Senator yield?

Mr. EAGLETON. Yes.

Mr. RUDMAN. Not the floor but for a comment.

Mr. EAGLETON. Not the floor.

Mr. RUDMAN. Let me say to my friend from Missouri I believe that may well be the way we will work this out. At least we are doing this at 20 minutes after 12 p.m. and the Sun is still shining. Nobody ought to feel to much pressure. It is not like what we saw here 2 weeks ago at 3 o'clock in the morning. So I believe that this is the time for the Senate to work its will, and for people to use the rules as they believe fair. I do not wish to delay. I am anxious to get this bill done, obviously. We have worked on it for 7 months. But I am not so sure that the significance of the vote we have just taken has been fully comprehended. I would like a moment to look at the rollcall. If this is not inappropriate, because I can understand what my friend from Missouri is saying, I would like to put in a quorum call with the understanding—for which I would ask unanimous consent—that the Senator from Missouri be recognized first at the conclusion of the quorum call. If that would not be objected to, I would put that request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? Without objection, it is so ordered.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. EAGLETON. Then, Mr. President, under the unanimous-consent procedure, I suggest the absence of a quorum, with the understanding that I will be recognized when the quorum call is rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the Senator from Missouri is recognized.

Mr. EAGLETON. I yield the floor to the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, it is my intention—I believe the Senator from Missouri might like to offer this or I will offer it—to ask unanimous consent that at the conclusion of action on the Hollings amendment now pending the Senate will move to concur, preferably by voice vote, with the previous amendment assuming, of course, that the Hollings amendment is defeated. I further ask that Senator HOLLINGS receive an up-or-down vote on his amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. EAGLETON. Mr. President, reserving the right to object, and I believe I will not object, just to clarify it, we will have some debate on the Hollings amendment. Senator HOLLINGS wishes to debate. Senator RUDMAN has things to say, and perhaps other Members of the Senate. We will then go to a rollcall vote on the Hollings amendment up-or-down. If the Hollings amendment wins the door is shut. If the Hollings amendment loses we will then go to a voice vote on a motion to concur in the House language on the amendment and that item will be disposed of. Is that the understanding of the Chair?

The PRESIDING OFFICER. The Chair will state that a voice vote cannot be part of the agreement. Senators have a constitutional right to seek a recorded vote.

Mr. RUDMAN. Mr. President, if the Senator will yield, I address the Chair: Mr. President, I did not intend that to be part of the unanimous-consent agreement. I simply state it is my preference that the managers will not ask for a rollcall.

Mr. EAGLETON. It will be generally and gentlemanly understood in all likelihood it will be a voice vote on the motion to concur. That is fine with me. I have no objection.

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

Mr. RUDMAN. Mr. President, before my friend from South Carolina proceeds with an amendment, I will be very brief.

I am really troubled by the position that some of us find ourselves in now. The amendment which we failed to table will allow approximately $4.5 million to go to institutes of both parties. I want to note for the record that when we went in good faith to the conference with the House of Representatives, the Senate number for the National Endowment for Democracy was approximately $10 million. I was convinced by many people that we should recede to the House figure of $18 million.

I would say for anyone who is listening, particularly those in the galleries who are interested in NED, I would not have done that had I realized what was going to happen this morning. I also compliment the extraordinary lobbying effort by the political parties on this body. This is a body made of politicians very susceptible to lobbying by other politicians. That is precisely what we have seen this morning.

In the long run I am not sure that this victory might be anything other than a pyrrhic one for NED.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I would like to speak on behalf of the National Endowment for Democracy, for the institutions that it supports, and the idea that it represents.

I think it is known in this body that for many years, almost as soon as they had revived their own economies, the democratic political parties of Europe began to organize themselves in ways that they could provide support for democratic parties in other parts of the world, many of them in undemocratic, nondemocratic, or antidemocratic nations, States, settings somewhat as in the Federal Republic of Germany having gone through the horror of the totalitarian experience of Nazi rule. The Government itself provided some support to the principal democratic parties, the Christian Democratic Party, and the Socialist Democratic Party, and the time came in Europe when large consequences flowed from this commitment.

I think no one who watched the transformation of Portugal from the longest enduring Fascist regime in the 20th century, into a democratic pluralist state, would doubt one bit it was the open and avowed involvement of these democratic political parties from other parts of Europe that significantly affected that probably improbable outcome—I mean, certainly an outcome that was a very reassuring event to Europeans and to the world generally.

That idea began to take hold here in the United States as persons asked why is it that a nation of our size and our experience nonetheless found no open way to do these things?

It was asked in this country beginning about the time of the experience with Portugal in the early 1970's, was it not odd that we had no comparable activities in our country, to which, on reflection, it quickly emerged, well, of course, we did, that the American labor movement had for the whole of the 20th century involved itself in the efforts to develop and to sustain under circumstances of difficult free labor movements in other parts of the world. It is an activity going back to the earliest days of the AFO and Samuel Gompers.

It was an activity that was sustained right through the 20th century. It is no small accident that of the three organizations of the League of Nations which the United States might have joined the one we did join was the International Labor Organization, the ILO to which we are still a member, owing to the fact that the American labor movement had been active in the events that led up in the early part of this century to its inclusion in the Paris Peace Conference and as one of the three basic organizations of the League of Nations of the League itself, the Court, and the ILO.

Indeed, under George Meany, as head of the AFL-CIO, the activities of the American labor movement became one of the basically determining events in the experience of the continent.

In the 1940's, late forties, when the issue of democracy in Europe was one that was going to be settled on the streets and in a series of absolutely critical elections, where was the United States? Who represented the United States? I will tell you where. It was the American labor movement. They went on their own. They raised the moneys on their own. They did not have to introduce themselves to that part of the world. They were part of that part of the world, had been for three generations, and the outcomes seriously were affected: The elections in Italy, the elections in France, the general position of the trade unions of Norway, of the Danish trade unions, the Dutch trade unions, the Belgium trade unions. They had friends from this part of the world and it mattered to them and it offset an equally massive effort by the Communist nations which was a governmental effort as against this one provided by the AFL-CIO at the time.

Under President Kennedy and the Alliance for Progress, the U.S. Government began openly providing some assistance to the American Institute for Free Labor Development.

And when we find a successful democratic election in a country like El Salvador, which has been absolutely indispensable to our policies in Central America, who had been down there getting killed? Who were the first Americans killed in El Salvador in these particular insurgencies of the last 10 years? Representatives of the AFL-CIO. And they have been there, they have been around the whole Central America and Latin America, talking as the oldest organized trade union movement in the world, just possibly with the exception of the Trade Union Congress of the United Kingdom. And

this began in the 1960's and carried on in the 1970's.

The establishment of the National Endowment for Democracy was not in that regard any break in activity, but simply recognized that what had been important and successful and had been sustained and supported could be modestly enlarged and allowed to embrace other activities by other organizations, equally concerned, in the efforts to establish the international labor organization.

Mr. President, the U.S. Chamber of Commerce was for a generation a partner with the AFL and had every reason for which to be active in this kind of affair abroad and we have every reason to wish it to do. And as for our political parties, why not?

On this side of the aisle, Mr. President, we represent the oldest existing political party in the world. We go back to the 1790's. My colleagues across the aisle can claim some genealogy, but, alas, only as it commences with the 1850's and the meeting in Jackson, MI, I believe.

In any event, here we are, as we approach the second century of a constitutional government that has been sustained by political parties with a capacity for institutional maintenance over generations that no other people in history have ever demonstrated. We have something to show the world and, in modest portions and quantities, something to teach those who would learn.

It was not 4 weeks ago that I had dinner, just off the Senate floor, with a group of persons from Northern Ireland, representatives, party workers in the Social Democratic Labor Party, invited here by the Democratic side of the Republican and Democratic organization. And you would have found yourself genuinely impressed to see how important it was to these persons with respect to the minority in Northern Ireland, who represent the insistence that whatever change be democratic change, whatever decisions be majority decisions, that political democracy was possible, and it was not only possible but it was indispensable if there was ever to be peace in that bleeding region of the world; men and women who have put their lives at issue in that belief and how important it was to them to know that there were people here who understood what they were about and wanted to help—help not with the outcome of a particular election, but help with the establishment of a viable instrument of political democracy, which is what a democratic political party ought to be.

And there are such people the world over. They have come to this country, or we have gone there. It is not hard to believe in democracy, in political parties in this country. You do not get shot for it. You do not disappear in consequence of it. You do not spend your life in prison and under torture because of it. It takes a lot more in many parts of the world. And if anything those men and women deserve, it is some statement from this body and this country that we know what they experience, and if we cannot fully comprehend it at least we can state our support for it. And it is a measure of a modest enterprise, learning its way with the great experience of the trade union movement behind it, the not lesser experience of the Chamber of Commerce, which has been involved with the National Chamber for three generations, and our beginning learning efforts.

Mr. President, it was surprising and disappointing that we escaped the abolition of the party institutes by only one vote this morning. But now we have an opportunity to reconsider that and realize how close we came to something that, if we would not regret, in the world around there would be people who would and wonder what really were our intentions about democratic institutions in the world when we made such a decision, reversing ourselves after such a short period of time. If 20 years had gone by and we could say this had not worked, it would be a different matter. We had not given it 4 years of a real trial.

I hope, as we considered the vote, in a sense, which we are going to do shortly, that we will say to ourselves that this is a vote on our commitment to democracy, not just in this country, but in a world which looks to us for standards in these matters and in small ways, but important ways, for help.

Mr. President, I yield the floor.

Mr. ZORINSKY. Mr. President, I rise in support of Senator HOLLINGS' amendment to prohibit the use of funds in the bill for the National Endowment for Democracy.

According to an article in Wednesday's New York Times, the National Endowment for Democracy has been funneling hundreds of thousands of taxpayers' dollars into secret programs to undermine the government of French President Francois Mitterrand. At least one of the recipients of such funds, the Inter-University Union has been linked to an outlawed paramilitary group.

France is, and has been for a very long time, a functioning democracy. Francois Mitterrand is the duly-elected president, having been chosen by an absolute majority of the French voters in the 1981 elections. It is incomprehensible to me why U.S. taxpayers should be trying to finance democracy in that country, much less trying to oppose the elected government.

I would also note that Mitterrand's government has been more supportive of American foreign policy and more critical of the Soviet Union than its conservative predecessors. Although ostensibly intended to combat communist influence in France, the secret program of support for Mitterrand's foes is almost certain to hand the Communists a significant propaganda victory.

The French grants are not the only example antidemocratic or questionable behavior by the National Endowment for Democracy. Earlier this year the American Association of Publishers returned a NED grant after NED President Carl Gershman sought to revise, on ideological grounds, the books the publishers were sending to Moscow as part of the American exhibit in the Moscow book fair. Rather than accept NED interference in the selection of books, the publishers financed their participation in the book fair without Government money.

Last year the National Endowment for Democracy provided $20,000 to support the presidential candidate in Panama backed by the Panamanian Government. The U.S. embassy in Panama sharply criticized the NED involvement, deeming it embarrassing.

U.S. intervention in other people's elections is not, in my view, a convincing way to promote democracy. At a time of record budget deficits I believe it would be much wiser to save the taxpayers $18 million rather than continue to fund an institution with as dubious a track record as the National Endowment for Democracy.

We cannot afford the public financing of election campaigns in this country. I cannot imagine why we are attempting it abroad.

When the United States has $1½ million to spend on promoting democracy in France, it should be no wonder to anyone in this body why we have burgeoning budget deficits.

Trying to promote democracy in France is worse than preaching to the choir—it is more like encouraging choir members to join. They already belong. Why do we not give some money for reinventing the wheel while we are going.

The National Endowment for Democracy is just one more manifestation of the Orwellian logic abounding around here these days. In the name of democracy, we are secretly trying to undermine a democratic government. That is nothing but double-talk and gobbledygook, the likes of which a fifth-grader would laugh at.

I would not blame the French if they asked us to give the Statue of Liberty back.

What I would like to know is, when NED is finished restoring democracy to the democratic countries and overthrowing our allies, can we move on to other places like Poland and Central America? I guess they want to get a few so-called successes under their belt

before moving on to the real challenges.

Mr. WEICKER. Mr. President, I rise today as a cosponsor of the amendment offered by the Senator from South Carolina. For nearly 2 years I have stood shoulder to shoulder with Senator HOLLINGS and advocated zero funding for the National Endowment for Democracy [NED].

NED has been billed as prolabor and probusiness. It has been advertised as a boost to the work of our two political parties. And finally, NED has been described as the advancement of American ideals abroad through the international efforts of this Nation's most powerful institutions.

To all these patriotic claims, I say hogwash. NED has repeatedly been a hotbed of controversy, embroiled in foreign policy fiascos that boggle the mind. My colleagues may recall that last year the AFL-CIO's Free Trade Union Institute, which received about $11 million in NED funds during fiscal year 1985, attempted to influence the election of Nicholas Ardito Barletta in Panama. This action prompted the U.S. Ambassador to that nation to cable Washington and ask that this hare-brained project be discontinued before it hit the fan. Only after the fact did the NED board adopt a resolution prohibiting expenditure of NED funds to finance candidates for political office.

This week I picked up the New York Times to learn that the AFL-CIO Institute has secretly channeled NED moneys overseas to two center-right groups in France that have opposed the policies of President Francois Mitterrand's Socialist Party: $575,000 was committed to an anti-Communist student federation and $830,000 was granted to a French labor union.

Mr. President, let me make two points about the latest NED brouhaha. First, the secrecy of the AFL-CIO grant is particularly bothersome. On April 15, 1985, Euginia Kemble, who heads the AFL-CIO Institute, wrote a memo to Carl Gershman, NED's president, stating:

> As we have discussed, there are a number of projects we are funding where recipients would either be endangered or embarrassed if specific budgets were published or announced. This information is not secret when it comes to accountability, but we would like to avoid advertising it * * *. In these cases either repressive governments or Communist front groups could use the information to hurt individuals or unions we are seeking to help.

Mr. President, the CIA already runs covert foreign policy initiatives, most of which I also find objectionable. But I find it totally incomprehensible that NED, a quasiprivate, federally funded entity, would allow its grantees, which until this year were not even subject to the Freedom of Information Act, to engage in what amounts to covert foreign aid.

Second, the last time I checked, France was our ally. Therefore, I share the concern of a French newspaper that asked recently "why a country where democracy does not seem fragile should have received American taxpayer funds intended to foster democracy in places where it does not exist?"

Now, again after the fact, Mr. Gershman has promised that the AFL-CIO will be subject to full disclosure in the future and that the money channeled to France were not intended to be construed as criticism of the Mitterand government. Well Mr. President, I am tired of apologies after a crisis and promises to do better in the future. I shudder in horror at the thought of other episodes of NED intrigue and international adventure just waiting to hit the fan.

Therefore, I urge my colleagues to support this amendment which eliminates all funding for NED in fiscal years 1986.

Mr. MATTINGLY. Mr. President, I am pleased to join the distinguished ranking member of the Appropriations' Subcommittee on State, Justice, and Commerce, Senator HOLLINGS, in offering an amendment to delete funding for the national endowment for democracy [NED].

Senator HOLLINGS has outlined the origin of the endowment and he has mentioned the speech that President Reagan delivered before the British Parliament in 1982. In that speech the President delivered an eloquent appeal for a "* * * crusade for freedom * * *" that would attempt to, in the President's words, "* * * foster the infrastructure of democracy * * *" in nation's around the world. Unfortunately, the eloquence of the President's appeal has not been matched, in my view, by the effectiveness of the activities that have been undertaken by the endowment. It has become apparent to me that the endowment, despite the best efforts of those who have supported it and who have tried to make it successful, has not been effective in its mission and should be denied further funding.

The spread of democracy and its institutions remains a laudable goal and one that I know is shared by every Member of this body. But there are other, better, and less costly ways to advance toward that objective.

Mr. KASTEN. Mr. President, democracy, as we know it, must be supported if it is to survive. That is why I support the National Endowment for democracy. A strong military alone will not defend our security and protect our interests. The National Endowment for Democracy is essential in helping our democratic friends who often find themselves beleaguered and at a disadvantage in competing with well financed, organized, and trained forces that are opposed to democracy. If we neglect these people, if we do nothing to aid and strengthen democratic forces, then the opponents of democracy will triumph by default.

Democracies do not come about quickly or by decree. Democratic development requires time, preparation, patience, resources, and work. It is precisely for that reason that we need a National Endowment for Democracy. It offers no easy answers, but if the job is done correctly, with sensitivity, prudence, and genuine commitment, we could find the results to be great. This is something we should all be able to agree on, conservatives and liberals, Republicans and Democrats alike.

There are those who agree with the endowment's objective's but feel the work ought to be financed by private contributions. Adequate private funding is not available to do this work. We must provide nonpartisan public funding as a base for private contributions to help obtain a democratic advantage in more disadvantaged countries.

There is also conjecture that this work would be better done by Government agencies. The United States confronts exceedingly sensitive situations in the Third World where democratic leaders find themselves battling groups on the left and right. They cannot be effective if they are perceived, or can be portrayed, as agents of the U.S. Government. This is why they need private partners; counterparts such as unions, business associations, civic organizations and political parties. We must support our democratic friends. We can help strengthen the democratic center and build the infrastructure of democracy abroad. We can help make democracy a reality for the many brave people who share our values and aspirations.

Although the endowment has been in operation for only a short time, it has made a significant beginning in the development of a broad and varied program which pursues these goals. Through the Free Trade Union Institute, it has provided support for strengthening free and independent unions in all regions of the world.

Through the Center for International Private Enterprise, the endowment provided support for a broad program in Peru, Zimbabwe, Mexico, the Dominican Republic, and elsewhere. The center strengthens the role of business associations abroad as advocates of democracy based upon a free political system and an open market economy.

The endowment also supports many other activities:

There is support for schools and literacy programs inside Afghanistan, and for training Afghans in the use of mini-cameras so that they can better tell the world the story of the brutal Soviet occupation of their country.

The endowment assists in an effort to keep La Prensa alive, the Nicaraguan newspaper that has braved harassment and censorship and continues to be a voice for freedom.

It supports efforts to strengthen the network of democratic intellectuals in Europe and the Third World. They also help provide a journal promoting the values of intellectual pluralism among the thousands of Chinese students and scholars studying in the West.

Working with the renowned Cuban poet, Armando Valladares, the endowment is assisting in the establishment of a European coalition for human rights in Cuba.

There are programs to strengthen civic education and participation of women in Argentina and seven African countries, and democratic training of youth in Panama.

And, there is encouragement for democratic Russian language journals that are circulated in the U.S.S.R. and Eastern Europe.

These activities are discussed in an article by Joshua Muravchik called "Exporting Democracy: A Progress Report." I ask that this article be placed in the CONGRESSIONAL RECORD.

These are just a few of the programs the endowment is supporting. They are off to a good start. But the problem is vast. If we are to compete with communism, and we must, then we have to strengthen the democratic alternatives. Democracies are the best guarantors of human rights and also, the surest friends of the United States.

We must help individuals around the world to secure and strengthen the political institutions in their homelands. We can help them before the situation becomes desperate, or we can ignore this urgent need. The choice is ours. I ask your support for the National Endowment for Democracy.

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

EXPORTING DEMOCRACY: A PROGRESS REPORT

(From the pampas to Peking, a new kind of quiet diplomacy is at work.)

A year ago the United States began trying to export democracy. For this purpose, the Congress created the National Endowment for Democracy. The NED was an initiative of the Reagan Administration's, but it is a kind of hybrid, with roots both in Ronald Reagan's quest for ideological rearmament and in Jimmy Carter's human rights policy. Its creation was emblematic of the American people's renewed confidence that their country can and should be a force for good in the world. But in this case, as often, wanting to do good is much easier than knowing how to do it. In less than a year of operation, the NED has begun to support some eminently worthy causes, and has made a start at wrestling with the daunting and neglected question of just how the United States can effectively aid others in securing the blessings of liberty. It has also aroused a curious collection of critics on both the left and right.

There is no doubt that the United States has the capability to spread democracy, at least by some methods. Japan and Germany never succeeded in establishing democracies until occupied by U.S. forces; both have enjoyed ensuring democracy ever since. Even so questionable an exercise of American power as the 1965 invasion of the Dominican Republic resulted in lasting democratic rule (preserved in 1978 by stern diplomatic warnings from the Carter Administration to Dominican officers on the verge of aborting an election which transferred power to the democratic left). More recently in Grenada, the U.S. military showed its continuing efficacy as an instrument of democracy. But in each of these cases, the democratic result was not in itself the principal motive for military action, and a dedicated U.S. policy of spreading freedom by the sword is neither possible nor desirable.

Another method of spreading democracy that has had some success in the past is covert action. In the early postwar years U.S. intelligence agencies had a constructive hand in rebuilding the democratic institutions that stymied Stalin's efforts to add Mediterranean Europe to his empire. But even if covert action has sometimes served democratic ends well, the deception inherent in it is corrosive of the goal. And the CIA revelations of the 1960s and 1970s have robbed this kind of activity of much of its effectiveness.

The Endowment's goal is to discover or develop peaceful, overt ways to spur the growth of democrary everywhere it can. Some of the complexities of this task are illustrated by the very way in which the Endowment was set up. Although funded by the U.S. government, it is a privately incorporated organization responsible to its own board of directors, a carefully balanced mixture of Democrats, Republicans, labor leaders, businessmen, academics, and foreign affairs specialists. Some congressmen object to the creation of a private organization to spend public funds, but this arrangement enables the NED to assist deserving foreign democrats who could not accept direct support from the U.S. government. It was precisely this problem that led the U.S. government, in an earlier time, to give aid covertly.

A further step separating NED's beneficiaries from the U.S. government results from NED's conviction that the best way to encourage pluralism is to enable private American groups to assist similar groups abroad. The Endowment, therefore, does not ordinarily give grants directly to foreign groups, but to American ones for support of particular overseas programs or for transfer to their foreign counterparts. The model for much of this activity is the assistance which for years has been given by institutes affiliated with the AFL-CIO to fledgling labor unions in the Third World, and the biggest share of NED's budget has been earmarked by Congress for an expansion of labor's programs. A smaller, but growing, imitative program sponsored by the U.S. Chamber of Commerce and aiming to encourage civic action by Third World businessmen's groups is NED's second largest program.

Institutes affiliated with each of the two major political parties have been created, inspired by the four *Stiftungen*, or foundations, associated with West Germany's political parties. But Congress last year barred any NED funds from going to these institutes during fiscal year 1985. Apparently, the congressmen were more familiar with the junketeering proclivities of American political professionals than with the highly regarded work done by the *Stiftungen* in the Third World and Iberia, and feared that the Republican and Democratic International Institutes would be used as little more than slush funds by the Democratic and Republican National Committees. The two party institutes have survived, however, albeit with programs scaled back considerably from original plans.

Congress is also concerned about allowing NED to become too "political." Aiding the development of democracy is of course profoundly "political," and NED's President, Carl Gershman, agrues cogently that strengthening political parties is critical to strengthening democracy, but anything that smacks of direct intervention in a foreign election raises hackles in Congress. Last year, when NED funds given to the American Institute for Free Labor Development were passed on to Panamanian labor groups which used them for partisan activity in Panama's presidential election, the House was so distressed that it voted to kill NED entirely. The endowment was saved by the Senate, and it subsequently adopted guidelines designed to sharpen the fine line separating partisan electoral activity—which is forbidden—from other political institution-building.

A good example of how such lines are drawn in practice was seen during last year's elections in Grenada. Some observers feared that cynicism among Grenadan voters, born of experiencing the consecutive betrayals of democratic promises by former strongman Eric promises by former strongman Eric Gairy and then by the New Jewel Movement, would discourage voter participation, and that this might have the ironic result of strengthening Gairy and NJM, both of whom were running with the support of small but dedicated coteries. The NED Affiliates, the Republican Institute for International Affairs and the Free Trade Union Institute, organized programs in Grenada aimed at getting out the vote. They distributed T-shirts, bumper stickers, and ballpoint pens and provided free transportation to the polls. All of the activity was strictly nonpartisan but the large turnout by Grenada's "silent majority" probably contributed to the sweeping victory of the democratic center, an outcome not at all unpleasing to the NED affiliates.

Although NED's ultimate goal—democracy—is the same for all countries, the wide variations in the status of democratic forces in different countries leads it to support widely diverse programs.

The most hopeful situations are those, like many in Latin America, where democratic institutions are now in place but not well established. NED's goal there is to help nourish and deepen democratic roots. In Argentina, for example, Conciencia, a women's civil group founded during the Falklands war, is working to draw traditionally politically passive Argentine women into the political process and to cultivate their attachment to democracy. Conciencia sponsors public service ads about democracy on Argentine television, conducts forums for citizen debate over public issues, and runs a pyramiding scheme of coffee klatches in which Argentine women talk to each other about the virtues and methods of democracy. These tupperware-type parties may seem a rather hokey means of spreading the democratic creed, but they are not much more so than the activities which have long been used by Communists in many countries

to develop cadres dedicated to the destruction of democracy.

Through the Overseas Education Fund (OEF), an internationally oriented spin-off of the League of Women Voters, NED is underwriting Conciencia's drive to expand from nine to thirty chapters. The Endowment is also supporting an attempt by the OEF, with Conciencia's assistance, to set up a similar organization in neighboring Uruguay which has also returned only recently to elected rule.

In Colombia, NED funds are sponsoring a research program by two national labor federations into the voting records of elected officials, a kind of local version of AFL-CIO COPE's legislative scorecard. In Guatemala, which is in transition to elected government, NED affiliates have sponsored the country's first national, issue-related public opinion polls. With any luck, these polls may enable Guatemalan office-seekers to pander to the twisting trends of public opinion as shamelessly as American polls do.

In Nicaragua, NED funds are helping the civic opposition to survive despite the Sandinistas' claim that it is historically doomed, a prophecy that they have been trying in myriad ways to make come true. When the government used its control of foreign currency to prevent the independent newspaper, *La Prensa*, from importing critical printing supplies (the Sandinista newspaper received its supplies as "donations" from East Germany), a NED grant helped *La Prensa* to keep publishing. Other grants are going to support the work of the Permanent Commission on Human Rights and the newly formed Nicaraguan Center for Democratic Studies which will sponsor research, publication, and training for the groups that make up the democratic *Coordinadora* (the alliance of democratic political parties, business and professional associations, and unions that sought in vain to run Arturo Cruz for the presidency last year).

The tragedy of Nicaragua, where a leftist dictatorship verges on consolidating its rule after decades of rightist dictatorship, is an all too familar story. Rightist dictators repress the opposition that they naturally provoke from both democrats and Communists. But the Communists, with their conspiratorial, top-down methods, are far better equipped to survive calandestinely than are the democrats. When popular discontent sooner or later undermines the regime, the democratic center is too weak to offer an effective alternative. In two countries likely to serve as the next scenes for the reenactment of this sad drama—Chile and the Philippines—NED is working to strengthen democratic labor federations. In Chile, NED is also underwriting an International Symposium on Problems of Contemporary Democracy which will bring together Chilean intellectuals with experts from Venezuela, Spain, Argentina, and other countries that have undergone the transition from rightist authoritarian rule to democracy.

Ironically, although Ronald Reagan's people often criticized President Carter's human rights program for focusing so strongly on right-wing regimes, NED too is finding that it is much easier to work in rightist than leftist countries. NED President Carl Gershman notes that even in Chile under General Pinochet, probably South America's harshest right-wing dictatorship, NED is able to find democratic-minded political, labor, business, church, and intellectual leaders with whom to work. These opposition leaders are harassed by the regime, but they still exist, and NED hopes that by strengthening them it can help to hasten the conclusion of Chile's painful authoritarian interlude and to ensure that the Communists will not be its heirs.

In Communist Cuba, by contrast, there is no one with whom NED can work. Opposition exists only clandestinely. Known oppositionists are either in jail or exile. In a closed society such as this, NED can do little more than, as it says, to help "keep alive the flame of freedom." Thus NED is supporting the efforts of Armando Valladares, the poet now living in Europe after surviving two decades in Castro's prisons, to establish a string of committees in European countries that will disseminate information about Cuban human rights abuses and pressure the Cuban government to attenuate the more egregious ones.

But not all Communist countries are as "closed" as Cuba, and sometimes it is possible to find mechanisms to advance the cause of democratization. In Poland, the outlawed Solidarity union survives, and NED is helping to keep it alive. NED funds have purchased food, clothing, and medicine for the families of Solidarity activists who have lost their jobs or are in jail, and have boosted the work of the Polish Legal Defense Fund, a coalition inside Poland that works to defend and succor political prisoners. And, with NED's support, the New York-based Committee in Support of Solidarity is preparing translations of a volume of Solidarity documents into Czech, Hungarian, Russian, and Ukrainian, for circulation in those countries.

The Endowment is also underwriting a new magazine, the Chinese Intellectual, edited by Liang Heng, author of the widely acclaimed book, Son of the Revolution. The magazine's target audience is the 10,000 scholars and students from the People's Republic of China who are studying in the West, most of whom will return home to influential positions.

To Liang's own surprise he has secured permission from the Chinese government to send copies into China. It seems that the reform group among China's rulers may welcome circulation of the magazine as a measure of liberalization, even though it contains material that still could not conceivably be published within the PRC. The magazine began by sending 500 copies and has increased the number, now aiming to send a total of 10,000.

By treading delicately, Liang Heng hopes his magazine can remain on the near side of official tolerance while offering criticism of Marxism-Leninism and Maoism and promoting discussion "of the importance of democracy and the rule of law." One issue did not reach its PRC addressees, apparently for having overstepped some undefined border, but the others have gotten through despite containing material unfamiliar to PRC audiences: articles by such anti-Communist American intellectuals as Sidney Hook, Seymour Martin Lipset, and Irving Louis Horowitz; columns about the rule of law or the role of the media in the U.S.; modernistic Chinese poems; and wide-ranging discussions of philosophy and literature.

Earlier this year, Liang was allowed a two-month visit to China where he was able to secure lists of intellectuals to be added as subscribers, to lay the groundwork for having some of his articles reprinted in officially accepted Chinese magazines, and even to hire the editor of one of these as the official Peking representative of the *Chinese Intellectual*.

Although most of NED's activities are less than a year old, a small-scale campaign has begun against NED in the Soviet media. The fortnightly journal, *Soviet Trade Unions*, recently ran a lengthy satire about the activities of the AFL-CIO and NED, needless to say with the CIA mixed in. A similar polemic ran in a journal of the Ukrainian writers' union. These satires have all the humorous sparkle of a Chernenko report to the Supreme Soviet, but, notably, they also contain accurate figures for recent funding requests and authorizations for NED, suggesting that the Endowment is being watched with some care. When a House appropriations subcommittee met for the routine task of marking up the bill providing funds for NED for fiscal year 1986, no American news reporters were present, but the session was covered by a correspondent from TASS.

The Soviet canard about the CIA was soon echoed by the Washington-based Council on Hemispheric Affairs (COHA), a lobbying group supportive of Nicaragua's Sandinista rulers. COHA lashed out in particular against aid given by the Free Trade Union Institute to one of the two independent trade union federations in Nicaragua still competing with the officially sponsored, Soviet-style Sandinista labor federation. The Sandinista federation's officers are openly appointed by the government and they proclaim that their federation "makes its central concern such questions as labor discipline [and] fulfillment of production goals." In its broadside, COHA condemned Nicaragua's struggling independent unions for standing "outside the mainstream coalition of unions," COHA's phrase for the Sandinista federation.

The attack was then picked up in a "dear colleague" letter circulated by Representative John Conyers, a congressional stalwart of causes of the anti-democratic left, and by columnist Jack Anderson, who condemned NED for supporting "right-wing political parties" in Nicaragua and elsewhere.

Opposition to NED has not come exclusively from the left. Representative Hank Brown, a conservative Republican from Colorado, and columnist James J. Kilpatrick have also gone after it. Brown objects to the fact that as an independent organization, NED is not subject to all of the controls that apply to government agencies. He argues that NED is doing nothing useful that is beyond the powers of existing arms of the U.S. government. To Kilpatrick, any financing of international travel and meetings in a time of budget deficits smacks of "boondoggle" (although only a small fraction of NED's budget is spent on such things).

The Soviets apparently see something in NED that Brown and Kilpatrick don't see. For decades the Soviets have worked to promote Communism around the world unchallenged by any countervailing systemic efforts on our part to promote democracy (except at times through covert action). They obviously do not welcome the competition.

NED will need time, and it will have to learn through trial-and-error which democracy-building programs are most effective. It will have to tread carefully to avoid intruding in a partisan way into foreign elections. But the effort is a necessary one. Most of the programs supported by NED could not be underwritten directly by the U.S. government without compromising them.

America embodies not just territory and population but also an idea, and defense of America requires not just guns, but also political work in defense of that idea. The creation of NED is one more step in America's recovery of national will. To the extent that the Endowment succeeds in its mission, it will bring benefits to others and strengthen our own security as well.

Mr. DIXON. Mr. President, I rise in strong opposition to the amendment offered by my friend, the Senator from South Carolina.

The bottom line, as far as the Senator from Illinois is concerned, is that the National Endowment for Democracy deserves the support of the United States in order to promote democratic values and institutions worldwide. Perhaps the best example of the Endowment's good works concerns Poland.

In that oppressed nation, the brave Polish people continue their struggle against the harsh regime imposed by the Soviet Union. All of us in this Chamber, I am sure, admire their courageous efforts to preserve Polish national culture and regain some degree of freedom from repressive rule.

Freedom does not come easily. There is a price to be paid. How many Senators know that the National Endowment for Democracy gives a high priority to funding a broad range of activities affecting Poland? The Endowment funds cultural, educational, publishing and trade union-related activities which are independent of the Polish Government and Communist Party control, and which reflect the true aspirations of the Polish people.

For instance, the Solidarity office in Brussels receives endowment funds through the Free Trade Union Institute of the AFL-CIO. These funds are used to support Solidarity activities within Poland as well as those in the West which call world attention to the dire situation in that nation. Assistance to political prisoners in Poland is another high priority item for the National Endowment. In fiscal year 1984, one of the first grants provided funds to purchase basic necessities for Polish citizens imprisoned for their political beliefs. Basic necessities, Mr. President, such as food, clothing and medicine.

This is what the National Endowment for Democracy can do if given half a chance, and it is something that must be done, both for moral and strategic reasons. The amendment being offered by the Senator from South Carolina would make this work impossible. Impossible, Mr. President! I don't think that is the direction Congress intends to go, or at the very least, I hope that is not the case. The American people can be proud that our National Endowment for Democracy assists the Polish people in their struggle for democracy and freedom, and I am proud to speak today for continued funding for the Endowment for fiscal year 1986.

In closing, Mr. President, I would like to ask unanimous consent that a letter I received from the president of the Polish-American Congress be inserted at the end of my remarks. My dear friend, Aloysius Mazewski, wrote to me in October concerning the Endowment, and his letter sums up my feelings very well. I urge the Senate to reject the current attempt to shut down the National Endowment for Democracy.

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

POLISH AMERICAN CONGRESS, INC.,
Washington, DC, October 15, 1985.

Hon. ALAN J. DIXON,
U.S. Senator,
Washington, DC.

DEAR SENATOR: The Polish American Congress, an umbrella organization of ten million Americans of Polish descent, is deeply concerned by the decision of the Appropriations Committee of the Senate to cut, almost in half, a small allocation for the National Endowment for Democracy.

You may not be aware that the NED has become almost the only source of very modest help to the Solidarity movement in Poland. The assistance has been channeled either through the AFL/CIO or through other organizations in the West supporting Polish non-violent resistance. For obvious reasons such assistance should not come from the United States government either overtly or covertly. NED has provided the best vehicle for this purpose. Since, however, NED has a commitment to support Democratic forces all over the world reducing its budget from $18 to $10 million would mean either drastic curtailment of aid to Solidarity which is already pitifully small or its total elimination.

The very fact that Polish resistance survived four years since it's legal structure was destroyed, represent an unprecedented challenge to the omnipotence of the Soviet controlled political police. Survival of the skeleton clandestine Solidarity structure in major industrial plants, factories and offices as well as such activities as a large network of underground press and publising houses, extensive cultural and educational activities, flying Universities and legal defense of political prisoners would not have been possible without the constant flow of funds and possible without the constant flow of funds and equipment to maintain communications and dissemination of information and ideas. Discontinuation, or even a considerable reduction, of this aid would deal a mortal blow to the most important civil disobedience movement since Mahatma Gandhi. It would be an irony if Solidarity which has been successfully resisting all onslaught of the totalitarian system should die as a result of action taken by the United States Congress. It would be also entirely inconsistent with the Congressional decision which we strongly support to grant $300 million dollars to Afgan freedom fighters. The non-violent character of the struggle conducted by the Polish people does not make it less important.

We sincerely hope, Mr. Senator, that you will take our appeal under consideration and that you will vote on the floor of the Senate for full restoration of funds originally requested for the National Endowment for Democracy.

Sincerely,

ALOYSIUS A. MAZEWSKI,
President.

Mr. KENNEDY. Mr. President, I support the House amendment now before us. I am aware of the concerns many of my colleagues have raised regarding the possible misuse of NED grants for partisan purposes, but I believe that the amendment accepted yesterday by the House fully addresses those concerns.

The National Democratic Institute has an impressive record of fostering the development of democracy and citizen participation in many countries around the world. It has played a key role in aiding parties in Chile, Venezuela, Korea and Argentina; and it has sponsored conferences of South American and African party leaders that provided valuable forums in which those democratic leaders could exchange and discuss their views.

More important, I know the good work of NDI first hand. One of the institute's most successful programs was conducted this year with the Social Democratic and Labor Party of Northern Ireland. Earlier this year, the leader of the SDLP, John Hume, and 12 members of his party visited the United States to work with the institute over a 2-week period. I met with the staff of NDI involved in the program as well as with the SDLP delegation, and I was extremely impressed by the professionalism of all those involved with the program and their commitment to democratic values. I know that the SDLP delegation gained invaluable knowledge and techniques of ways in which to develop and strengthen their 15-year-old party, at this crucial time for the future of Northern Ireland. In addition, through the work of NDI, many Members of Congress were able to learn about the complex issues facing the SDLP as it attempts to end the violence and terrorism and bring peace and justice to that troubled part of Ireland.

It is entirely appropriate—and I might add, necessary—that the United States develop and strengthen its ties with those in foreign nations who are committed to promoting and improving democracy in their countries. The National Democratic Institute has already proven itself to be extremely capable in this role of enhancing the work of political parties throughout the world as they pursue that process. The Senate has a responsibility to ensure that NDI continue its valuable work, and I urge my colleagues to vote in favor of the House amendment.

Mr. SPECTER. Mr. President, I believe that the 1986 appropriation for the NED should be funded at the full 1986 authorization level of $18.4 million.

This nonpartisan private nonprofit organization was established in 1983 and funded by Congress as a concrete conduit of our commitment to the development of democratic values and institutions around the world and to serve as a counter to Communist efforts to mold political processes to fit their goals.

It has been extremely productive already. In its first year, the Endowment awarded grants to more than 20 private sector organizations to aid projects to reopen schools in central Afghanistan; provide financial and technical assistance to the democratic opposition in Poland; establish European citizen committees to gather and disseminate information about the human rights situation in Cuba to encourage pluralism and respect for human rights in that country; established a network of democratic opinion leaders; and a number of projects to train local citizenry in developing nations to initiate and implement the effective political processes of a democracy. These are but a few of the worthwhile projects aided by these funds.

A key focus of the NED, of course, is the vital role of free trade unions in a democracy. The Free Trade Union Institute, with the help of a NED grant, has conducted a broad range of programs aimed at promoting the development of free and independent democratic trade unions. These efforts must be supported as the only truly effective counter to the Communist trade movement gaining a foothold in so many developing nations.

A second key focus is the U.S. Chamber of Commerce's efforts through CIPE—The Center for International Private Enterprise—in developing free business associations in developing countries. These associations are providing education in free market economics and institutions, and in advocacy of free market enterprise. The development of independent businesses institutions is important as a means of fostering the development of democratic pluralism abroad.

The funding recommended by the Appropriations Committee is minimal and must not be further reduced or eliminated. I, and I am sure many of my colleagues, do not want to risk a program with so many important benefits. When one compares this funding request for the advocacy of democracy to the necessary defense and intelligence appropritions to protect democracy, the $18 million seems like a very fiscally responsible investment indeed.

PARTY INSTITUTES

Mr. President, I can see no valid reason to restrict the National Endowment for Democracy's ability to provide grants to the two political development institutes.

Senators MOYNIHAN and HAWKINS serve, respectively, on the Boards of Directors of the National Republican Institute for International Affairs and the National Democratic Institute for International Affairs. After 2 years of oversight of the programs they feel strongly that removing the Institutes from the Endowment would substantially weaken the NED's effectiveness. In a letter to me dated September 17, 1985, they point out that the institutes provided no travel support to either party's national committee, nor could they under existing authority, and that the RNC and DNC "reap no conceivable partisan benefits from the programs of the two institutes."

There is no self-serving partisan payoff for the party institute; yet, they are being singled out to be ineligible for receipt of NED grants. This is despite the fact that their contribution to the development of democratic institutions is just as important and notable as other NED participants. There is no question, in my mind, of the generally high value of NED programs.

One of the major contribution of the political institutes is the development of political systems and political parties to ensure a vigorous democratic process.

Examples of this include the National Democratic Institute's efforts to build a democratic, nonviolent alternative in the troubled province of Ulster. This effort involved training sessions on party organization, planning, message development and fundraising.

The National Republican Institute spent months prior to the recent election in Grenada teaching officials how to communicate views, increase voter involvement, develop and manage political parties and hold the first free election in years.

Another valuable effort is civic education to teach citizens democratic principles, their rights, and how to exercise those rights. Human resource and leadership development is also practices through Republican and Democratic institutes.

Mr. President, I ask how bipartisan efforts such as I have mentioned could be considered partisan or unworthy of NED funding? These democratic development efforts and successes are so important, just as are economic and social development. I will vote against the amendment to limit the political institutes involvement in development of democracies in other countries. No addition funding is involved, so the fund should be in a position to establish priorities including the political institutes.

Mr. HOLLINGS. Mr. President, at this particular point, I would like to have included in the RECORD a letter from our distinguished colleague on the other side of the Capitol, the Congressman from Florida, Mr. DANTE FASCELL, the chairman of the House Foreign Affairs Committee. He has been a leader in this. He and Brian Atwood, whom I know personally and have a high regard and high respect for, have been working hard on this project. I still have my original misgivings.

I ask unanimous consent that Representative FASCELL's position—so it would be known—that his letter of September 5 be printed in the RECORD.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 5, 1985.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, DC.

DEAR FRITZ: I know that you feel strongly about the wisdom of the National Endowment for Democracy project, which I have worked so hard to get off the ground in the past three years, and that you have publicly and forcefully expressed your misgivings about the value and the feasibility of the Democracy endeavor. I would hope however, as you consider the proposed FY 1986 funding for the project, that you would consider some of the actions that we have taken in the authorization bill, several of which are in response to the well-founded criticism that you and some other colleagues have expressed.

First of all, we adopted strong language prohibiting the Endowment or any of its grantees from spending any appropriated funds for political campaigns, for partisan activities, or for the promotion of candidates for public office. We specifically prohibit the financing of any activities of the Republican National Committee or the Democratic National Committee.

Second, we required the Endowment to consult the State Department prior to the commencement of any overseas program to ensure that U.S. national interests are not compromised and that program activities contemplated are conducted in a manner which will promote stable democratic institutions.

Third, and very importantly, we required the Endowment to fully comply with all of the provisions of the Freedom of Information Act.

Fourth, we provided that the financial transactions of the Endowment for each fiscal year may be audited by the United States Information Agency.

Fifth, we authorized less money than the FY 1985 continuing resolution, cutting my own Committee's recommendation by $13 million dollars.

Sixth, we authorized additional funding for Endowment programs U.S.I.A. that would promote democracy and seek to end the apartheid policies in South Africa. We have already received a commitment from U.S.I.A. to fund this program to the maximum extent possible. This particular provision had broad bipartisan support and the solid backing of the Black Caucus, even though it was a Republican proposal.

All of these things were passed without opposition in the House and unanimously approved by the Conference Committee on both sides. I think they are sound improvements to the Democracy project and strengthen the credibility and integrity of the program. That is not to say that the whole thing is now perfect. Experience has taught us that we need to continue to seek

improvements as with any new program. I certainly welcome any further suggestions you might have as to how we might make additional changes which would further strengthen this endeavor.

As you know, Fritz, I have been a member of the Foreign Affairs Committee for nearly thirty years and have been particularly interested in the activities of the U.S.I.A., in the field of international communication, and in the effort to promote freedom, human rights, and democracy around the world. I have always believed that we could do more—and do it better—to tell America's story around the world and to help others move towards forms of self-governance that would improve their way of life. I have strongly supported the expansion of cultural and educational exchange programs, particularly the Fulbright and Humphrey programs. And—as a result of years of experience and lots of hard work—I came to the conclusion that something like the Endowment was badly needed to supplement all of the other ongoing programs conducted directly by the U.S. Government. Several years ago, even before the Democracy project came along, I introduced legislation to create an institute to promote international human rights and democracy. It could have—had we been able to get the funding—done many of the same things the Endowment seeks to do.

I've worked hard on this project for the past three years precisely because I believe so deeply in it and I am convinced that it can do a lot of good for a lot of people who feel the impulse to move toward democracy and freedom in their own countries. The legislative process—both the authorization and the appropriations aspects—has been like the Perils of Pauline during the last three years. It seemed like every time I turned around a freight train was coming down the tracks to run over us. And—on some parts of the project—I have lost a limb here or there, and I've got the scars to show for it.

I guess what I'm trying to say, Fritz, is that I think we have worked hard to meet the criticisms that have been directed toward the Endowment and that we have made needed changes in its procedures. We have cleared the authorization process with broad bipartisan support and we have cleared the appropriation process on the House side. Yet there is still one more freight train coming down the tracks and you seem to be behind the wheel. I would hope that you would consider the changes and improvements that we have made and try to see if there is some way that you can see your way clear to give this Democracy endeavor a chance to prove its merit.

One final comment about the authorization bill and what is does not contain. We eliminated all earmarkings for grantees of the Endowment. There are no guaranteed funds for any special group—not business, not labor, not either of the institutes identified with Democrats or Republicans. All grant applications will be considered on their merits and will be subject to all of the proper restrictions and oversight provisions now enacted into the law relating to the Endowment. I think this is particularly important with regard to these so-called major institutes since, as many people have pointed out, this should not be an entitlement program for anyone. And, as one who has responsibility for the authorization side, I am aware of the distaste those on the appropriations side have for too many earmarks.

Finally, with regard to the Democratic Institute for International Affairs and the Republican Institute for International Affairs, I think there has been some misunderstanding about who they are and what they do. Both institutes are independent self-governing corporations without direct or formal affiliation with the Democratic or Republican National Committees. Each identifies itself—from a political philosophy and preference point of view—with the respective political parties, but neither is controlled or governed by the official party organizations.

And, from my perspective, these institutes are absolutely essential to the success of the Democracy endeavor. No society can build and maintain democratic institutions or political systems without the development of stable, effective political parties. No one—not government bureaucrats or diplomats, nor businessmen or trade union organizers—can contribute so much to the construction of a democratic society as can those who have experience in political party activities. That is why, for the purpose of technical political and political management training and party building these two Institutes are so important. I have been particularly impressed—and pleased—by the work that the Democratic Institute is doing under the leadership of it's new President, Brian Atwood. The projects that they are undertaking in Africa, the Caribbean, South Korea, Northern Ireland, and Israel are superb—and badly needed. I hope you will take the time to talk to Brian about what they are doing. I think you will be impressed.

I need your help on this project, Fritz, and I'm asking you to consider all these things that I have said in this letter before you make a final decision on this matter. And, of course, I would welcome the opportunity to talk with you about it at your convenience.

Best personal regards,

Sincerely yours,

DANTE B. FASCELL,
Chairman.

Mr. HOLLINGS. Mr. President, let me include at this point in the RECORD, since we are making sure the RECORD is firm, the New York Times article from November 28, on Thanksgiving Day, and a second New York Times article of 2 days ago entitled "Democracy Project Facing New Criticisms" relative to the involvement of the National Endowment for Democracy in France.

I ask unanimous consent they be included in the RECORD.

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

[From the New York Times Dec. 4, 1985]

DEMOCRACY PROJECT FACING NEW CRITICISMS

(By Ben A. Franklin)

WASHINGTON, December 3.—The National Endowment for Democracy is a quasi-governmental foundation created by the Reagan Administration in 1983 to channel millions of Federal dollars into anti-Communist "private diplomacy."

Its bylaws require "openness" and "public accountability" in its stewardship of millions of dollars a year in taxpayer funds, which are distributed to labor, business, education and other groups and organizations overseas to promote democratic ideas.

Today, however, for the second time in its brief existence, the endowment finds itself in trouble with Congress. Some of its "private diplomacy," it turns out, has been more than private; it has been secret.

According to endowment officials and Congressional aides, $1.4 million in endowment money has been secretly channeled through an overseas branch of the American Federation of Labor and Congress of Industrial Organizations to two center-right groups in France that have opposed the policies of President François Mitterrand's Socialist Party.

What is more, the secrecy was maintained for months under an agreement among officials of the A.F.L.-C.I.O., endowment administrators and the Subcommittee on International Operations of the House Foreign Affairs Committee, which oversees the endowment.

The existence of the agreement was confirmed by Carl Gershman, president of the endowment, and by Richard W. McBride, the subcommittee staff director, after it was uncovered by Mark Shipiro, a reporter at the Center for Investigative Reporting here, who was on assignment for the Paris newspaper Libération.

A PIVOTAL TIME

The Shipiro scoop, published last week, came at a pivotal time for the endowment. On Wednesday a Senate-House conference committee is scheduled to make a final judgment on the endowment's appropriation for the 1986 fiscal year, compromising between $18 million voted by the House and $10 million by the Senate.

Last year, on the eve of a crucial vote in the House on the endowment's first full-year appropriation, critics of the program produced a cable to the State Department from the United States Embassy in Panama complaining of an "embarrassing" and "compromising" discovery: $20,000, given by the endowment through another A.F.L.F-C.I.O. overseas branch, had been spent in a Presidential election campaign to support the candidate backed by the Panamanian Army. After that disclosure, the House cut the endowment appropriation to zero, but conferees relented and gave $18 million.

Now, according to Representative Hank Brown, the Colorado Republican who is one of the endowment's most persistent critics, the disclosure of the endowment's "French connection," as he put it, "requires Americans to ask how they would feel if they learned that the French Government was giving millions of dollars to the A.F.L.-C.I.O. to oppose the policies of Ronald Reagan."

Another endowment critic, Representative John Conyers Jr., Democrat of Michigan, said he would demand a Congressional investigation of the endowment's French grants.

Earlier this year, Congressional uncertainty about endowment operations brought an end to an appropriations system that required the endowment to give labor groups up to two thirds of its annual funding. Most of the balance was to be distributed by the Chamber of Commerce of the United States and the foreign institutes of the two major American political parties.

One of the French groups that received endowment funds was the National Inter-University Union, an anti-Communist student federation with reputed ties to the Service d'Action Civique, an outlawed, extreme-right paramilitary group. The other recipient was Force Ouvrière, an anti-Communist trade union.

A week ago, when the story broke that the A.F.L.-C.I.O.'s Free Trade Union Institute

had committed $575,000 in endowment funds to the National Inter-University Union and $830,000 to Force Ouvrière, Mr. Gershman, the endowment president, canceled payment of any undistributed money to the U.N.I., as it is known in France, "until we clear up questions about its antidemocratic character."

Mr. Gershman said all but $73,000 of the money budgeted for U.N.I. publications had already been disbursed, but he said none of it was "intended for activities that in any way could be construed as criticism of the Mitterrand government."

In an interview Mr. Gershman emphasized that the Free Trade Union Institute would be allowed to make no more secret grants. "In the future there will be a full level of detailed disclosure," he said.

Mr. Gershman said details of the grants in France had been "less than fully disclosed" after A.F.L.-C.I.O. officials asserted in a memorandum last April that prior promises of secrecy had been made to its sub-grantees and that publicity would pose "danger or embarrassment" to them or to the United States.

Details on the two programs in France were omitted from the endowment's 1984 annual report, a document whose introduction declares that "we must operate openly." Details were also omitted from reports of the House subcommittee, Mr. McBride said.

OF THE DEMAND FOR SECRECY

Eugenia Kemble, executive director of the Free Trade Union Institute in Washington, who wrote the secrecy memorandum, did not return repeated telephone calls.

But according to other labor union and Congressional aides, the demand for secrecy for the labor institute grants in France reflected the tough anti-Communist style of Irving J. Brown, the 74-year-old official who has been the American labor federation's chief overseas representative since the end of World War II.

In the postwar years, Mr. Brown's leadership of American labor union intervention in Europe was credited with helping defeat Communist attempts to sabotage the Marshall Plan and other economic recovery programs of the United States.

But, Mr. McBride said in an interview, "Today, I think one has to ask the question whether the limited funds available to the N.E.D. should be going to Europe at all, rather than to Central America and the third world countries."

[From the New York Times, Nov. 28, 1985]

UNION IN FRANCE CONFIRMS IT GETS U.S. FUNDS

(By Richard Bernstein)

PARIS, November 27.—A French labor union said today that it had received American Government funds to support foreign trade union activists who had come to France to escape persecution in such countries as Poland and Afghanistan. The union said there was "nothing scandalous" in its activities.

The labor union, the Force Ouvrière, was responding to a report published today in the newspaper Libération. The paper said that a public American foundation had used "secret funds" provided by Congress to support several politically conservative French organizations. The Force Ouvrière is widely regarded as center-right in its political orientation.

The newspaper, under a front-page headline reading "Reagan's Secret Funds in France," reported that over the last year the National Endowment for Democracy, a nongovernmental foundation created by Congress two years ago to foster democracy around the world, had provided $830,000 to the union and $575,000 to an anti-Communist student federation.

The newspaper printed what it said was a photocopy of a confidential internal memorandum addressed to the foundation's president in which France was included among a group of countries where disclosure of the endowment's activities might pose "danger or embarrassment." Among the other countries listed were the Philippines, Paraguay, Chile and Poland.

The report reflected puzzlement here as to why France, which the newspaper called "a country where democracy does not seem fragile," should have received public American funds intended to foster democracy in places where it is weak or does not exist.

The money provided was said to have been channeled though the Free Trade Union Institute, which is affiliate with the A.F.L.-C.I.O., the largest American labor confederation.

Asked why a democratic country like France should be a recipient of funds, Carl Gershman, the president of the Endowment for Democracy, said the group's policy was to give a small part of its funds to organizations in countries that "face stiff competition from antidemocratic rivals.

Mr. Gersham, speaking in a telephone interview from Washington, said that funds were given to the Force Ouvrière because of its long association with the A.F.L.-C.I.O., and because its chief rival was seen to be the Communist-controlled Confédération Générale du Travail.

André Bergeron, the president of the Force Ouvrière, said in a written statement to journalists today that the funds received by the union were used to help "the thousands of trade union activists who are forced to leave their countries and have no accommodation, no money." Among those helped, according to Mr. Bergeron, were trade unionists from Poland and Afghanistan.

"We could not do this without the help of our friends from the American trade unions," he said. "There is nothing scandalous in this."

The Free Trade Union Institute also channeled funds to a little known student confederation known as U.N.I., the French initials for National Inter-University Union. The group was founded in 1969 in reaction to the leftist student demonstrations that swept France the year before but according to Liberation it was linked to an extreme right-wing student group known as the Service for Civic Action.

The memorandum saying that disclosure of the exact nature of some of the grants might pose a "danger or embarrassment" came from the director of the Free Trade Union Institute, Eugenia Kemble, and was addressed to Mr. Gershman.

In a telephone interview, Mrs. Kemble said today that France was clearly not among the countries where anybody would be endangered from an association with the Endowment. "Some of the grantees wanted privacy," she said, "and people here and at the Endowment went along with that."

In a statement today, the Endowment said it was suspending its financing of U.N.I. until it had satisfied itself that the charges about the group's affiliation with the French extreme right were not true.

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

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

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, very briefly, with respect to the money to the political parties, therein is the real dilemma, particularly looking at that last vote. We have had a difficult time establishing the credibility of the political party in America. Certainly it is that this Senator has worked no less than 35 years within the party even attempting a national candidacy, and thereafter unsuccessfully of course I stuck with the party, and not with those who are going out to organize other movements.

I am a professional politician. I have the greatest respect for politics and politicians, and the national political parties. But I am a realist, and understand that the reason we do not have campaign financing in this country is simply and solely the distrust the American people have inherently in our political party.

You do not build that credibility by giving moneys to the parties. You cannot pass a bill for campaign financing by the Government, taxpayers' money, to politicians and political parties.

And the best way to really destroy the credibility is by spending the money around in so-called institutional ways like they have right here to sneak the money to the parties. The Institutes can take care of those who have not got jobs, hirings and everything else, in spite of some of the good work that they do. We can see exactly what has occurred.

The National Endowment for Democracy has not taken on a soul. When the distinguished Senator from Utah comes along with his solidarity talk, and the Senator from Connecticut says we are going to rob the National Endowment for Democracy of its soul, I have to recall—and this is not to call our colleagues scoundrels. They are clever Senators. There is a difference. But it was Samuel Johnson who said the "Patriotism is the last refuge of a scoundrel."

And here we have a simple little political conspiracy going on, with the chamber of commerce getting together with the AFL-CIO, organized labor. That ought to raise some eyebrows. The Republicans are getting together with the Democrats. That ought to raise further eyebrows—all in the spirit of we can get up this pool, with all on the endowment to deal our money around for all our conferences. Then they come and talk about the soul of the party, and how if you even belong to a party in another country you are thrown in jail. That is not the

issue here. The issue here is that we have literally gone beyond our means in the last several years. We have been giving a dollar's worth of government for 75 cents. We are wrecking the economy, and the future of this country.

To come now and talk as if you were the one responsible for such solidarity rather stretches the truth. Let me make the record absolutely clear.

The solidarity was organized around 1980. By October 5, 1983, Lech Walesa had already gotten the Nobel Peace Prize for his leadership and for solidarity.

The authorization for the National Endowment for Democracy was in November 1983. The first funds were appropriated for the fiscal year 1984. So after Lech Walesa had already led his successful move that won the Nobel Peace Prize for it, but here this crowd comes, trying to embrace the success of solidarity, and spewing out these editorials that somehow if you do not vote for it you have taken away the labor movement or the solidarity movement in Poland.

I made the comment about AID assistance to solidarity. I had been told that it was AID. It was Public Law 480 where we do have Government entities to give moneys to Poland. We have not turned them off. We give that money for feeding. It goes through the Catholic Church if they want it. They say that is the whole point. I happen to trust our Government. I never have really appreciated too much this so-called nongovernmental thing that we have got to play the Communist or Marxist game—that somehow the Government does not represent the people, and, therefore, to really get people to people going for heaven's sake, do not put its government in. That is the real anachronism in my mind. I have never been able to go along with it.

But if that is their case in point, let them go down and organize, National Institute for Solidarity, and we will get some public funds or private funds, whatever kind of funds because we all admire the work of the solidarity move in Poland. We have supported it on the floor of the U.S. Senate ever since it started. That is not the issue.

The issue here is when they get a nice, neat conspiracy together, go get money, and it causes mischief. What is the track record? The track record is of course they first got involved with the elections down in Panama. The Ambassador had to write: "For Heaven's sake, get the moneys out of here before we get into real trouble, and it becomes public." Thereafter the House voted absolutely no funds.

This thing has been the 3-year contest now to try to even build some integrity and they all talk in the context of soul, but there is no such thing as soul for the National Endowment for Democracy, and turn around now and say, give it a try. We gave it a try, and tried to clean it up from time to time every time we hear it. We have to wash it up, clean behind its ears, brush its teeth, and every other thing. We still cannot get it to understand common sense.

Therein through the labor movement they say you ought to trust them through the so-called Free Trade Union Institute which was involved in trying to overthrow Thailand. So after trying Panama, then Thailand, come Thanksgiving, we read they were trying to overthrow France. I guess the thing is, let them overthrow another friend like Margaret Thatcher in England. I would have to oppose that.

My constituency down in South Carolina has the St. Andrews Society of 1801 which was before the one of Philadelphia. And they have a big toast around the end of November, on the 30th. Last week, they all got up and said, "To His Excellency, the President of the United States." They shuffled out of their chairs, mumble around—whether it is Democrat or Republican they mumble all around.

Then they toast the Queen of England, Queen of Scots, Ireland, all down through the United Kingdom. That is the crowd. They all stand up, tears flow down their cheeks, and they get right reverent and are all at attention. They do not regret the outcome of the Civil War. They regret the outcome of the Revolution.

We could not overthrow England. I am not going to go along with that. I would have to oppose it.

This thing is just not the National Endowment for Democracy, but the National Endowment for Embarrassment. We have never had it come up that it did not embarrass us. They all run around the table, and they say, "Well, our friends in labor, our friends at the chamber asked for the money." Can you imagine this Government giving money to the chamber of comerce, the richest crowd in the United States?

Here we are going to give Government taxpayer money to the chamber, to the political parties, and tell the recipients of student loans like Pell grants, named after the distinguished Senator from Rhode Island who comes talking for this, freeze the Pell Grant Program, freeze women, infants, children's feeding, public housing, and low-income energy assistance, and so forth.

I think we ought to understand that this has got to be once and for all put to bed, and let us cleanup our own houses, gain some credibility for these national parties. These other movements have gotten this Government—namely, the United States of America, not just France, not just Panama, not Thailand and the others—indirectly overthrowing ourselves right here in Washington.

They balance budgets, they pay bills, and they do the job in Burlington, VT, and up in Manchester, NH, in the city halls and the State capitols in this particular land of ours. But here in Washington we run amuk. They come here with Gramm-Rudman-Hollings, and we have to hold defense and national security; and then to come along with a political slush fund for retired politicians and others who want to make visits to the warm islands during the wintertime is an absolute outrage.

I oppose it. I cannot tell the people of South Carolina, "Look at me, I am working hard trying to do a good job for you," and vote for this nonsense.

Well, I do not want to talk further. Let us do our job and go home.

Mr. HATCH. Mr. President, on December 16, 1983, President Reagan, speaking at the ceremony announcing the birth of the National Endowment for Democracy, proclaimed:

> The establishment of the National Endowment goes right to the heart of America's faith in democratic ideals and institutions. It offers hope to people everywhere.

In the less than 2 short years since that day, the Endowment has made an impressive start toward meeting the high expectations that attended its creation. Although the fruits of many of the Endowment's efforts will only be realized over the long term, it already has a number of notable and visible successes to its credit. Yet the Endowment's work and the nature of the role it can play in the larger context of U.S. foreign policy remain largely misunderstood.

The Endowment owes its birth to the general resurgence of faith in and commitment to democracy that has marked the first half of the present decade. It is not surprising that this spirit of democratic renewal has also influenced the practice of the governmental agencies responsible for carrying out U.S. foreign policy. The Agency for International Development [AID] is devoting somewhat greater emphasis to projects that assist the development of democratic political institutions. The Department of State and the U.S. Information Agency are increasingly attentive to those aspects of public diplomacy that involve the worldwide competition of ideas between democracy and its totalitarian adversaries. Obviously, these are welcome developments. At the same time, however, they have led some critics to question the need for Congress to fund a separate nongovernmental institution like the National Endowment for Democracy.

There are many answers to this question. As an organization solely devoted to the promotion of democracy, the Endowment serves as a focal point

for prodemocratic efforts and as a magnet for both Americans and foreign visitors devoted to the democratic cause. As a private, nongovernmental, bipartisan organization, the Endowment's programs enjoy a credibility abroad that U.S. Government programs may sometimes lack. But the most important answer is that the Endowment can do things that Government agencies are unable to do.

The Endowment has identified as its highest priority those programs that directly assist indigenous groups working to advance democratic ideas and institutions within their own countries. U.S. Government agencies are not in a position to provide assistance to programs of a political nature run by foreign nationals. But even if they were, many private groups abroad would be unwilling to accept aid from a Government agency charged with carrying out U.S. foreign policy. In the past, this problem was often dealt with by providing funds covertly to private organizations. But this covert method has been discredited for good reasons—it damaged the democratic credentials both of the United States and of the recipient organizations. In most cases, there is no reason why support for democrats abroad should not be provided openly.

An excellent example of the Endowment's unique ability to supply this vital type of support is the grant it made to Nicaragua's only independent newspaper, La Prensa. In the fall of 1984, the Endowment received an urgent request for help from the general manager of La Prensa, stating that the Nicaraguan Government's refusal to sell it dollars was making it impossible for La Prensa to obtain from abroad the essential supplies it needed to continue its operations. At its December 1984 meeting, the Endowment Board of Directors approved a $100,000 grant that has supplied La Prensa with the ink and other printing material that has enabled it to continue publishing during 1985.

It didn't take long before La Prensa was attacked for accepting this assistance by the Government-controlled Barricada, which accused La Prensa of being financed by an institute linked with the CIA and the Reagan administration. La Prensa forthrigthly responded to the charge in an editiorial on March 21, 1985. It noted that Barricada had itself received donations from the U.S.S.R., Bulgaria, and East Germany, and thus was acting hypocritically in declaiming against foreign support. And it asserted:

> The statement that the CIA and the national Endowment for Democracy are one and the same is slanderous and represents an act of ill will, because the organization is under the Congress, not the executive branch.

In a more recent editorial on August 31—which was censored, by the way—La Prensa emphasized that it had received support "not from the U.S. Government but from the National Endowment for Democracy. . . ."

Clearly, the Endowment's nongovernmental character was of the utmost importance to its ability to assist La Prensa. Without the presence of the Endowment, La Prensa very well might not be alive today. What greater loss could there be to the democractic cause than the silencing of this voice, which formerly spearheaded the opposition to the Somoza dictatorship and today, in the face of Sandinista censorship and harassment, continues to speak out on behalf of freedom in Nicaragua? No U.S. Government efforts at public diplomacy could ever hope to make up for the demise of La Prensa.

The role of indigenous democratic groups in the struggle for democracy is simply indispensable. Genuine and devoted proponents of freedom and democracy are to be found in almost every country in the world. Often they are working under difficult conditions, competing against well-funded totalitarian rivals, and they need our financial and moral support. The National Endowment for Democracy gives us an instrument to provide such support—publicly and proudly—on behalf of Congress and the people of the United States. Today such support is being provided by the Endowment to those who cherish freedom not only in Nicaragua, but in Chile, Poland, South Africa, Afghanistan, Guatemala and a host of other countries around the world.

In his remarks on December 16, 1983, President Reagan stated that the creation of the Endowment represented the realization of his hope that "America could make clear to those who cherish democracy throughout the world that we mean what we say." Apart from the concrete financial support it provides to democrats abroad, the Endowment serves a vital symbolic function. It sends a message to friend and foe alike that the United States not only cares deeply about the success of democracy in the world, but is prepared to assist those who are struggling on its behalf. That message is being received, with dismay by our foes, and with delight by our friends. The former watch the Endowment closely and attack it bitterly. The latter eagerly seek out the Endowment. In increasing numbers, individuals and private groups from all over the world are submitting proposals for Endowment support for excellent programs to promote democracy in their own countries.

What message will the U.S. Senate be sending out if it votes to cripple or even to obliterate the National Endowment for Democracy? The Endowment is an initiative that, in President Reagan's words, is "more than bipartisan; it is a genuine partnership of Republicans and Democrats, of labor and business, conservatives and liberals, and of the executive and legislative branches of Government." Announced with great fanfare by the President less than 2 years ago, the Endowment has gotten off to a most promising start.

If, through inadvertence or misunderstanding, we fail to sustain the Endowment today, will not our adversaries conclude that the United States is not serious about contesting the ideological and political field on behalf of democracy? And will not our friends who cherish democracy, if we now dash the expectations that we ourselves have raised, conclude precisely that we Americans do not "mean what we say" about our support for their efforts? Let us not send this shameful and dispiriting message.

Let us be clear on one point. Democracy cannot come about quickly or by decree. We cannot lecture people or insist that they become democratic overnight. Democratic development requires time, patience, resources, and work. We have to be prepared to help and work over years and decades. It is precisely for that reason that we need a National Endowment for Democracy. It offers no easy answers, but if the job is done right—with sensitivity, prudence, political sophistication, and genuine democratic commitment—we could find ourselves facing options more palatable than using force to prop up an unpopular and undemocratic government of the right or succumbing to another advance by the forces of the totalitarian left backed by Moscow.

This is something we should all be able to agree on—conservatives and liberals, Republicans and Democrats.

All of us can agree that we should compete more effectively with the Soviet Union on the political level. But how can we do so if they invest billions in political support to totalitarian unions, parties, journalist organizations, youth organizations, student groups, lawyer's groups, women's organizations and so forth, while we debate the merits of spending a few million to support their beleaguered, underfinanced, overlooked, and neglected democratic rivals?

There are those among us who agree with the objective but feel the work ought to be financed out of private contributions. I do not question their sincerity. But have they seriously considered whether adequate private funds are available for overseas political development work? Quite simply, such funds are not available. Either we put a floor of public funding under such work—as the West Germans have done to their enormous political advantage over the last quarter of a century—or the work will not get done at all.

We cannot compete with a multibillion dollar Soviet operation with the relatively insignificant funds that might be available from private sources. And make no mistake—private dollars do not come without strings. These will be partisan dollars, largely given to promote a particular ideological point of view or movement rather than to strengthen democracy. The only nonpartisan dollars are those that are appropriated by the Congress representing all the people.

There are also those who say that the work is better done by agencies of the U.S. Government, as opposed to a privately incorporated organization like the Endowment which supports the efforts of private-sector groups. Here, again, I do not challenge the sincerity of my colleagues. But I wonder if they have adequately considered the nature of the situations the Endowment must confront—exceedingly sensitive situations in the Third World where democratic centrists find themselves battling groups on the left and right. Such democrats simply cannot function under subvention by the U.S. Government. They would be vulnerable to all sorts of attacks upon their independence and political credibility. They cannot be effective if they are perceived—or can be portrayed—as agents of the U.S. Government.

The National Endowment for Democracy represents a profoundly important and long overdue expression by our country of its enlightened self-interest. Over the long run, democratic systems are the most reliable friend of the United States and the most trustworthy defenders of the values we hold dear.

The fact that we have launched the Endowment is a signal to our democratic friends that we have a stake in their struggles and in their well-being, and that we share with them a profound common interest in the success of democracy in the world. We must not let them down.

This work has only begun. May we have the patience, the fortitude, and the wisdom to see it through.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1323) of the Senator from South Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Alabama [Mr. DENTON], the Senator from North Carolina [Mr. EAST], and the Senator from Arizona [Mr. GOLDWATER], are necessarily absent.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from California [Mr. CRANSTON], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Mr. SARBANES], are necessarily absent.

I also announce that the Senator from Florida [Mr. CHILES] is absent because of illness.

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

The result was announced—yeas 32, nays 57, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—32

Armstrong	Gramm	Nunn
Baucus	Harkin	Proxmire
Biden	Hecht	Rockefeller
Boren	Heflin	Roth
Bradley	Helms	Rudman
Bumpers	Hollings	Stennis
Burdick	Kassebaum	Symms
Byrd	Long	Warner
Chafee	Mattingly	Weicker
Domenici	McClure	Zorinsky
Exon	Nickles	

NAYS—57

Abdnor	Hatch	Mitchell
Andrews	Hatfield	Moynihan
Bingaman	Hawkins	Murkowski
Boschwitz	Heinz	Packwood
D'Amato	Humphrey	Pell
Danforth	Johnston	Pressler
DeConcini	Kasten	Pryor
Dixon	Kennedy	Quayle
Dodd	Kerry	Riegle
Dole	Lautenberg	Sasser
Durenberger	Laxalt	Simon
Eagleton	Leahy	Simpson
Evans	Levin	Specter
Ford	Lugar	Stafford
Garn	Mathias	Stevens
Glenn	Matsunaga	Thurmond
Gore	McConnell	Trible
Gorton	Melcher	Wallop
Grassley	Metzenbaum	Wilson

NOT VOTING—11

Bentsen	Cranston	Hart
Chiles	Denton	Inouye
Cochran	East	Sarbanes
Cohen	Goldwater	

So the amendment (No. 1323) was rejected.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to concur in the House amendment to Senate amendment No. 134.

The text of the amendment of the House to Senate amendment No. 134 is as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 134 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 501. None of the funds provided in this Act for the United States Information Agency shall be awarded to the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, or any other organization connected in any manner with any political party operating in the United States, unless said Institutes agree that such funds received from the National Endowment for Democracy shall not be expended to finance the campaigns of candidates for public office in any country; shall not be used to finance activities of the Republican National Committee or the Democratic National Committee; shall not be used for partisan activities on behalf of either the Republican National Committee or the Democratic National Committee or on behalf of any candidate for public office; and agree that no officer or employee of the Republican or Democratic National Committees may serve as an officer or member of the Board of Directors of either Institute.

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

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

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, there is only one remaining item and we will be done with this bill.

Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 138.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HOLLINGS. No objection.

The motion was agreed to

The text of the amendment of the House to Senate amendment No. 138 is as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 138 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: *Provided further,* That whereas on January 23, 1985, the Department of Justice published a document entitled "Vertical Restraints Guidelines", for the stated purpose of explaining Federal policy for enforcing the Sherman Act and the Clayton Act with respect to nonprice vertical restraints of trade;

Whereas such policy guidelines extend beyond the matter of nonprice vertical restraints of trade and propose the avoidance of the per se rule of illegality applied by the Supreme Court in 1911 in Dr. Miles Medical Company against John D. Park and Sons Company (220 U.S. 373) to price-related restraints of trade and subsequently applied by the Supreme Court and endorsed by the Congress on many occasions;

Whereas such policy guidelines are inconsistent with established antitrust law, as reflected in Supreme Court decisions and statements of congressional intent, in maintaining that such policy guidelines do not treat vertical price fixing when, in fact, some provisions of such policy guidelines suggest that certain price fixing conspiracies are legal if such conspiracies are "limited" to restricting intrabrand competition; by blurring the distinction between price and nonprice restraints in analyzing a distribution program containing both types of restraints, thereby qualifying the accepted rule that vertical price fixing in any context is illegal per se; in stating that vertical restraints that have an impact upon prices are subject to the per se rule of illegality only if there is an "explicit agreement as to the

specific prices"; in stating that restraints imposed by a manufacturer at the request of dealers are vertical in nature and therefore not subject to the per se rule of illegality; in aggregating the factors of collusion and foreclosure, thereby failing to distinguish adequately between the separate antitrust concerns associated with vertical territorial restraints and with exclusive dealing practices; in stating that less than absolute territorial restraints are "always legal"; and in arbitrarily specifying a 30 per centum minimum market share in the tying product for assessing the legality of tying arrangements;

Whereas such policy guidelines state that the Department of Justice may refuse to attribute to corporations the illegal conduct of their low-level employees acting within the scope of the authority conferred upon such employees by such corporations, contrary to the common law of corporate responsibility and agency in the antitrust context;

Whereas the general business community would be at risk if it accepted and relied upon such policy guidelines as an accurate statement of existing Federal antitrust laws in the area of vertical restraints of trade;

Whereas such policy guidelines relate to an area in which the Department of Justice has brought no enforcement actions in more than four years and may have been published, in part, as an attempt to influence the courts of the United States to pursue a very narrow and limited vertical restraint analysis in deciding private enforcement antitrust cases;

Whereas previous antitrust enforcement policy guidelines issued by the Department of Justice have been substantially based on existing jurisprudence and congressional intent, and therefore have been given considerable weight by the courts of the United States in evaluating the facts in antitrust litigation; and

Whereas the "Vertical Restraints Guidelines" may affect the development of antitrust law to the detriment of competitive pricing of branded goods and services by direct or mail order retailers: Now, therefore be it

Resolved, That it is the sense of the Congress that the antitrust enforcement policy guidelines stated in "Vertical Restraints Guidelines", published by the Department of Justice on January 23, 1985—

(1) are not an accurate expression of the Federal antitrust laws or of congressional intent with regard to the application of such laws to resale price maintenance and other vertical restraints of trade;

(2) shall not be accorded any force of law or be treated by the courts of the United States as binding or persuasive; and

(3) should be recalled by the Attorney General

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

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

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I will take 15 seconds to thank my friend from South Carolina and his staff, and to thank our staff on this side for getting this bill through the Senate. It will now go to the President. It is $80 million below our 302(B) allocation as scored by the Budget Committee. I thank everyone who helped us to achieve this goal.

Mr. HOLLINGS. Mr. President, I join in the chairman's remarks. I thank the Chair.

SENATE AGENDA

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, I would like to ask the distinguished majority leader if he will state, while a good number of Senators are still on the floor, what the program will be for the rest of the day, whether there will be additional rollcall votes, and what he can tell us about Monday and Tuesday of next week, if possible.

Mr. DOLE. Mr. President, If we could have order in the Senate, I will respond; otherwise it would not do much good.

We have had a number of our colleagues wonder what would be happening the rest of the day and into next week. That pretty much is in the hands of the Appropriations Committee. I have asked the chairman of the committee to respond, if that is satisfactory to the minority leader.

Mr. BYRD. Yes, indeed.

Mr. DOLE. Can we have some general idea from the chairman of the Appropriations Committee?

Mr. HATFIELD. I thank the leadership. I am very happy to respond, but in order to respond accurately and to give some kind of assessment of the situation, I have to take maybe more than a minute.

I should like to say to the body, I hope that those Senators who have approached me at least as manager of the bill and Senator STENNIS as the comanager of the bill, understand that there is a certain background here which controls much of the action that will take place henceforth on the continuing resolution. The President of the United States through the OMB, Office of Management and Budget, had indicated that the continuing resolution as passed by the House of Representatives would be vetoed, or at least the President's senior advisers would not recommend that he sign it, and that is a euphemism for veto.

The President's Office of Management and Budget has issued today a statement to the same effect relating to the Senate committee-reported bill on the continuing resolution. The continuing resolution that we have reported is $20.9 billion under what the President requested. The thing is that the President and the administration do not like the fact that we have allocated it with a different system of priorities within the appropriation process. We are $1.8 billion, according to the OMB scoring system—and I might say that is challengeable from the standpoint of how we would score this—the statement of the OMB is that we are $1.8 billion over the budget resolution for discretionary budget authority in the seven domestic bills that are wrapped into the continuing resolution, but that we are $2.1 billion under the resolution for what was requested in the three bills relating to national security: DOD, military construction, foreign assistance, and related agencies. Consequently, that is where we are.

Now, in the statement of the OMB they further list the fact that we are $35 million over in the D.C. bill. We argued for about a week about $38 million over in budget authority out of $33 billion in discretionary funds in the Labor-HHS bill—$38 million over as they numbered us.

I see the Senator from Idaho sitting here. His Interior bill is subject again to a question of scoring.

Now, all of this comes to this particular situation. I am convinced that the current situation between the OMB and the Congress is that the OMB is determined somehow to find an excuse to veto any continuing resolution that we send down there, any continuing resolution, because there is another interesting reason that they list why they would not sign it. Let me read it:

(That) it does not include extraneous language provisions in either the individual appropriations bills or directly in the continuing resolution.

"Extraneous language"? Well, my colleagues, I can say to you that this could be anything. They do not specify what that is. In my current working relationships—and I can only give you my best assessment—they are anxious to find an excuse to veto the continuing resolution.

Now, that puts us in this kind of a circumstance. There are only two possible alternatives we have to get this particular continuing resolution to conference as quickly as possible and have the conference work out a conference report that will be committed to signing by the White House.

I am convinced from what I understand from my colleagues of the House side that they will not send down any conference report taken by the Senate Appropriations Committee and the House Appropriations Committee that is not precommitted to signing by the White House. They do not want the White House to be put in a position of vetoing any conference report.

Now, if we cannot work it out with the White House representatives who work with us day by day in getting a conference report that could be signed, then the other alternative is to have a fourth continuing resolution. The fourth continuing resolution would probably be a short-termer,

bridging us over into January or whatever.

Now, that is our circumstance. But let me say where we are. This is December 6. We have figured that if we go through the normal process of a continuing resolution, it will take us 3 to 4 days. We can lay it down today and we can sit over here, as we have in the past as managers, and have nobody show up to offer an amendment or very few that will offer any controversial amendments. We can handle the cats and dogs, come back on Monday morning and go through that same thing on Monday, and then by the time we get to Thursday or Friday we might finish the continuing resolution, putting us over into the next week to get a conference report. The President's best friend in the Senate has just been immersed in baptism.

Mr. LAXALT. I think I will move. [Laughter.]

Mr. HATFIELD. Mr. President, we would then be put over into the next week for the conference, putting us at square one. I should like to suggest the possibility of getting to that square early next week. We should understand that no one has lost any rights, but everyone, under the circumstances, should realize that we could spend hours and days on controversial amendments on this floor, and it is going to be an action in futility, because we are not really building on a signable resolution.

If we could then get to the conference with the House by moving this quickly through the Senate and then see what we could work out in conference—and frankly, at this point I would give that situation odds of about 70-to-30 against.

If I were to make any predictions—and I preface that with this statement: I predicted Thomas Dewey's election in 1948. Consequently, my political predictions have not been very good.

If I were to predict today, I would say that we are going to face ultimately a fourth continuing resolution of a short duration.

So the delay is not this weekend. The delay is not a question of Friday and Monday of next week. The question is Christmas.

I urge the Members to consider very carefully the circumstance that if we could lay this matter down today, and if there is a commitment, if any individual Member needs to move it, I am going to be here to manage it, and we will consider it. But I would like to do this: Exercise some restraint, get this measure to conference as quickly as possible, to see if we can work it out with the White House, and if we cannot, to get the fourth CR on the road, where we will have to take action ultimately, anyway, and do that next week, rather than the following week, pushing us up against the deadline of adjournment, expiration, and all the other "must" items we face from time to time.

Mr. DOMENICI. Mr. President, will the distinguished chairman of the Appropriations Committee yield for a question?

Mr. DOLE. The minority leader has the floor.

Mr. DOMENICI. Will the distinguished minority leader permit the Senator from New Mexico to ask a question?

Mr. BYRD. I did not really intend to hold the floor any longer. I hope that when the distinguished chairman and Mr. DOMENICI have finished, the distinguished majority leader will tell us, based on what we have heard, what we can expect for the remainder of the day and Monday and Tuesday.

While I have the floor, I congratulate the chairman of the Appropriations Committee on the outline he has presented. I think it makes a lot of sense. As he said, if this measure passes in the Senate next Wednesday or Thursday, those who want to be around another week will be very pleased. I hope that we will listen and restrain ourselves as much as possible and, on both sides, have as few minutes as possible.

Mr. HATFIELD. Mr. President, will the Senator yield for a followup to that?

Mr. BYRD. I yield.

Mr. HATFIELD. I should like to say that we are not in a situation of confrontation. I do not want to leave that impression.

We have had three appropriations bills signed into law. We have sent another—Military construction—have two more cleared, with the conference reports having been acted upon today—State-Justice-Commerce and Labor-HHS; and by our current signals, they will be signed by the President.

My view has been to try to get each bill signed into law, even though I have reacted against scorekeepers changing the goalposts from budget authority to budget outlays. We have worked diligently with OMB and others to try to get bills at acceptable levels. We will continue to do that, and bills will continue to drop out of the CR as they are signed into law. All I am saying is that at this time we have in Transportation and the Interior bill along with the other remaining bills, and we have reached a point where I am not sure that we have much more maneuvering room.

Mr. BYRD. I thank the distinguished Senator from Oregon.

Mr. DOLE. Milcon, too, will drop out. Is that correct?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if I may ask the distinguished chairman of the Appropriations Committee a couple of questions.

Before I do that, let me say as one who might not agree with the CR in terms of whether it is or is not within budget—it seems to be that it is not and I do not necessarily agree that we should pass it, it does seem to me that what the distinguished chairman of the Appropriations Committee says makes sense.

I should like to be in the position where I do not have to stay on the floor and offer amendments to reduce the bill. I would like to encourage the Senate, as the chairman has said, to get the continuing resolution passed and get to conference.

For me to be in the position of saying I would like to do that, since I think our bill is over and the House bill is over in terms of budget outlays, I wonder if the distinguished chairman would share with us the specific objections of the administration—not necessarily here on the floor, but eventually—with respect to programs of a major size that the administration claims violate some policy on its part. As long as the White House is resisting them and you have to go to conference, it is not apparent to me that I need to duplicate that effort here on the floor. As a member of the Appropriations Committee I would hope to be involved with the executive branch and the appropriations conference on such issues.

So, can the chairman share those with us later?

Mr. HATFIELD. I respond by saying that I would be happy to share them. I do not think it is quite that simple.

As an example, in this little epistle that they released from the Office of Management and Budget, they list one of the specific objections.

If the Senator will recall, the Treasury-Postal Service bill was vetoed by the President. We took that bill and we wrapped it into the continuing resolution yesterday, in the committee action, bringing those excess outlays down by reducing postal subsidies, and so forth. They list that measure today in their little statement as being $108 million over the budget resolution.

I said, "What in the world is the basis for that?"

The response was, "Well, you will have to add that amount in a supplemental later on in the year."

Therefore, they are scoring that bill for what they anticipate might be in a supplemental they have not yet requested, on a bill that is near zero in excess outlays.

If I ever saw a changing goalpost or a shifting sand situation, it is this. I do not know how I can come to any other conclusion than that there is some desire to have some kind of confronta-

tion on this point, if they are not going to score the bill as it is appropriated but under an anticipation of a future administration supplemental request. That is an example.

In talking to Mr. WRIGHT this morning and expressing some concern over some of these things, I found him most cooperative. I hope we can work this out. I say to the chairman of the Budget Committee that this is one of them.

We have a $750 million clean coal item offered by the Senate Democratic leader in the Interior bill. The entire $750 million is not appropriated in fiscal year 1986, but because it is identified in this bill as being made available for obligation over a period of time in the outyears, they are scoring it all as fiscal year 1986 authority. If I am wrong, I ask the chairman of the subcommittee to correct me.

There is another example of how we are really arguing, in a sense, on a system of scoring more than we are on the amount we are over the budget resolution.

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

Mr. HATFIELD. I yield.

Mr. McCLURE. Mr. President, the Senator has stated it correctly. The Congressional Budget Office scores it as we think appropriate and does not score the entire $750 million against us this year, but OMB does. That is a dilemma we have.

I think that under the guidelines we have been following, we follow the CBO scoring in our actions here. But that does not necessarily mean that OMB is going to follow it and would not recommend a veto on the basis of the difference in the way they score.

A second example: We adopted—it may have been in the committee—the Mattingly amendment with respect to oil purchases for the strategic petroleum reserve. We adopted in our actions something that has been floating around here for a long time. Why not use some of our commodities in barter?

Let us take some of those commodities that we hold in surplus and barter it for oil, and the Senate said that makes good sense; let us try that $160 million worth.

They have come back now and, as I understand their argument, saying but that is not $160 million savings, even though you own that corn, because if you use the corn to barter for oil that means that other corn would not be sold and that will either cause the price to be depressed and increase the support deficiency payments or the Government ends up buying more for CCC sometime in the future and, therefore, it is not a saving.

If we start in that business of trying to calculate the offsetting effects of every one of our expenditures and the impact it might have on something else, we have an endless problem.

How in the world could we look at the purchases for the strategic petroleum reserve as an example and say, all right, this is going to cost us more than just the outlays, because it is going to raise the price of oil and cause some other kinds of problems, or maybe we will go over and look at the windfall profit tax and try to calculate the enhanced revenues because the price went up and therefore reduce the impact. That is an endless process.

While those are important considerations and subject to debate, I do not think they are the kind of scorekeeping that gets us anywhere with respect to whether or not we are meeting budgetary goals.

I share with the Senator from Oregon, the distinguished chairman of the Appropriations Committee, the frustration of trying to deal with this and would add only one further thing with respect to the Interior and related agencies appropriations bill that is in this continuing resolution, and that is that there are such wide differences between the House-passed bill and the Senate position that there is only one way to resolve them and that is to get into the conference.

Mr. HATFIELD. That is right.

Mr. McCLURE. Until we get to the conference, we will not know whether we are over or under until we have taken composite actions.

We simply have to at some point pass a bill and get to the conference and try to work it out and then we can start coming to grips with the question of whether we are over or under.

Mr. DOMENICI addressed the Chair.

Mr. DOLE. Could I interrupt because a number of colleagues who would rather not debate it now want to know whether we are going to take it up? The answer is yes. Is that correct? And we will.

Mr. HATFIELD. My attempt would be, if the leadership approves, to take up the continuing resolution and move it quickly as possible, taking any amendments and listening to any arguments on amendments, disposing of those amendments and going to third reading.

Mr. DOLE. Is it that rollcall votes could occur this afternoon?

Mr. HATFIELD. I cannot predict that. But if that is the only way that such amendments that would be offered can be settled then that is up to the author of the amendment.

I would hope that possibly we could move this without any rollcall votes and get this continuing resolution into conference.

I remind the Senate we handled the second continuing resolution in about 3 minutes. No one's rights were impaired or impinged upon.

I think in this case there will have to be some major part of the discussion with the chairman of the Budget Committee on some of these specific concerns and what we are hopeful we can work out in conference. Out of that discussion and dialog, we can dispose of scorekeeping obstacles and then, if individual Members would withhold or restrain themselves from offering amendments we might move this continuing resolution, bearing in mind that in all probability we will have another vehicle coming down the track. As a consequence, no one is going to be forestalled from having some matter taken care of on an appropriations measure.

Mr. DOLE. Mr. President, the distinguished minority leader had to leave the floor temporarily but he wanted me to try to make the record.

So, as I understand it, and I certainly share the view expressed by the chairman, I would hope that we could dispose of this this afternoon without any rollcall votes. There are a number of Members concerned about rollcall votes later today and rollcall votes on Monday. That is going to depend on who offers which amendments and whether or not they are going to be disputed. If we want to leave here next Friday, and I understand that is the desire of most Members, we cannot waste this afternoon and all day Monday and then start on this on Tuesday, or Wednesday, or Thursday. It is all over.

Mr. McCLURE. Will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. McCLURE. I thank the Senator for his statement.

I want in candor to indicate that yesterday when we tabled the interior and related agencies appropriations bill, there was some discussion by the distinguished Senator from Ohio, who is not now on the floor, with respect to what that did to his right to pursue the Synthetic Fuels Corporation amendment. The continuing resolution has within it today a compromise which was worked out in the subcommittee which we are offering to the Senate between the all-or-nothing approach of defeating the Metzenbaum amendment or passing it, or agreeing with the House bill or denying it.

I am not certain that the people who are involved in that discussion such as the Senator from Oklahoma [Mr. NICKLES] who I see on the floor, and Senator MATTINGLY and others who may want to have a vote on that issue before we pass this continuing resolution—will agree unless indeed they can be satisfied that this action is temporary and that they have a shot at that kind of a decision on some other vehicle in the very near future.

Mr. DOLE. Let me indicate there are 89 Members here. There are six absent

on our side and five on the other side. So it is a balanced absentee list. It would not preclude a vote on that this afternoon.

Mr. DOMENICI. Mr. President, I have to leave the floor to go to another conference, but I want to complete my thought.

I want to tell the Senate that as chairman of the Budget Committee I would like to cooperate. It may not be necessary for me to raise the budgetary issues on this bill if I think the budgetary issues can be raised and satisfactorily dealt with in the conference, and that is what I understand the chairman to be saying.

I would just like to be assured that the issues that we perceive to be budgetary have been raised by the White House. If I am satisfied that they are going to be addressed in conference, I may not have to raise them on the floor.

Senators are expecting me to raise issues on the floor because some of the individual bills are over the budget. Indeed, the continuing resolution is over the Appropriations Committee's overall 302(a) outlay allocation in my view.

I am saying I may not raise these issues, not because I agree that the White House has no valid point. They have many valid points. Many of the OMB director's objections are valid in my opinion. In that respect I disagree to some extent with other Senators and with the chairman of the Appropriations Committee. But I do not believe we necessarily have to waste time on them if they can be handled in a conference where both bills differ and the White House is involved.

So I will let the chairman know very soon. I believe I will be able to tell him in 10 or 15 minutes whether I have any objections at all to the bill.

Mr. HATFIELD. If the Senator will yield, let me respond to his statement. Let me assure the Senator, who is not only a member of the Appropriations Committee but is chairman of the Budget Committee, that we could not escape these issues even if we wanted to and we do not want to for two reasons

One, we are determined to get every one of these bills signed in one form or another and that is our commitment; and two, we are in daily communication with the OMB on the administration views, computations, and analysis of our bills. We have in the same kind of relationship with the administration that the Budget Committee does during the budget resolution process. We are working from two positions here but with one perspective, getting a bill signed by having the input of the Office of Management and Budget which counsels the President on whether to sign or veto. That is the way those issues are going to be resolved in conference or in the process that follows that conference.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1986

Mr. DOLE. Mr. President, I do not want to cut anyone off but I understand the minority leader has no objection to taking up the continuing resolution. Maybe we should do that and then have the debate on the continuing resolution rather than prior to taking it up.

I ask unanimous consent that the Senate now turn to the consideration of calendar No. 451, (H.J. Res. 465), the continuing resolution.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. PRYOR. Mr. President, reserving the right to object, and I shall not object, if I might, the Senator from Arkansas is confused about one aspect of the continuing resolution. If the distinguished chairman of the Appropriations Committee would attempt to answer one question on page 3 of the continuing resolution relative to the Department of Defense appropriations, my question to the distinguished chairman is this: If we would, for example, pass the continuing resolution this afternoon or Monday, would we be actually making the 1986 appropriations for the Department of Defense under this continuing resolution?

Mr. HATFIELD. To answer the question, the answer is basically yes. The Senate, in effect, would be passing the defense appropriation bill as reported by the Committee on Appropriations to go to conference and then resolve our differences with the House-passed defense bill in conference.

Now, the two Defense Committees have not met in conference. Therefore, those differences that have not been resolved and the resolution of those differences will be made then by the full committees at the continuing resolution conference, which would then be presided over at that time by Chairman WHITTEN or myself, because we alternate, and the entire conference would then by resolving the differences under the subcommittee chairman, Senator STEVENS, and Chairman CHAPPELL, who is acting for Chairman ADDABBO in the House committee.

Mr. PRYOR. If the chairman will yield further for a question, would this not preclude Members of the Senate, such as myself, who might have an amendment to offer specifically to certain sections of the DOD Appropriations Act of 1986, would not this preclude this Senator's opportunity to offer those amendments?

Mr. HATFIELD. Well, no, the Senator would have an opportunity to do that on the conference report that would come back from the conference after the compromises have been worked out within the defense area. The Senator from Arkansas then would have the conference report before the body.

Mr. PRYOR. Which would be amendable.

Mr. HATFIELD. With the amendment rights to that conference report that incorporates the defense appropriation compromise.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. FORD. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. The Democratic leader was very anxious to get some sort of an answer or scenario for this afternoon and Monday. What I am hearing now, since he had to leave the floor for a few moments, is that we do not know. The chairman of the Budget Committee says he probably will know, he will know in the next 15 or 20 minutes, about votes or objections. The Senator is saying that he hopes that we can just vote on this and send it to conference and work it out there. Others want their amendments to be considered now.

It probably would be easier to amend our continuing resolution than it would be to amend the conference continuing resolution. So I am not sure that any of us are very comfortable with what is going to happen this afternoon and what is going to happen Monday.

I see the majority leader has left the floor. I was asked to try, as best could, to see what would happen the rest of the day and on Monday. Since the majority leader basically has turned control of this over to the distinguished chairman of the Appropriations Committee, could he give us some sort of hope or false hope?

Mr. HATFIELD. Mr. President, I say to the Senator I would like to be able to give him a very explicit answer, but I am not in a position to do so. I have no knowledge of what will be offered as amendments. We are going to be here to handle the bill and to consider the amendments any Members may have. We are going to be very openminded in trying to accommodate and help Members on such amendments, if they have them.

By the same token, we are going to move this bill as rapidly as possible. We are not going to hold it up because somebody is not here. This is a legislative day and are here to conduct business.

Mr. FORD. I have no problem with that. I say to the chairman that I am here, too.

Mr. HATFIELD. I am very hopeful that I could make clear again that, as in the case of the Senator from Arkansas, we are going to have amendments out of that conference that are in disagreement. They are going to have to come back and, of course will be vehicles to consider any further amendments. The Senator from Arkansas, or any other Senator, would be protected by that obvious fact of life that will occur out of that conference.

Now, let me add one further complication. I am not sure that we are going to be able to work out a conference report that would be acceptable to the White House. If we are not able to get a commitment from the White House, as I indicated earlier, I am persuaded, from what I understand now, that the House will not act upon a conference report, even if we agreed to one as between just the House and the Senate, but rather put up a fourth continuing resolution. And, of course, if that happens, the Senator from Arkansas and any other Senator would still have a vehicle to act upon in any single amendment, whether it is on this conference report within those matters in disagreement or in a fourth continuing resolution, or in a supplemental. But, one thing for sure is we have a deadline on the current continuing resolution of Thursday, the 12th of December. That is next week. We are going to have to act upon something.

Mr. METZENBAUM. Will the Senator yield?

Mr. HATFIELD. Yes.

Mr. METZENBAUM. I believe my name was somehow mentioned during the discussion. I did not hear it, but somebody told me that it was.

I would like to advise the Senator that I do have a concern about getting a vote on the Synthetic Fuels Corporation funding of about $7.8 billion. It has been changed to a lower figure in the committee. I do not think anybody is going to be convinced, one way or the other, by any lengthy debate. The Senator from Ohio—and I cannot speak for my colleague from Washington—but I believe we would be willing to agree to a 10-minute time limit on each side in order to place this issue squarely before the body: Do they want to provide some funding, no funding, or full funding?

I say to the Senator that there need not be any lengthy debate, because I have some great speeches but I am self-contained enough that I need not deliver them in connection with the subject. I will find something else.

Mr. HATFIELD. I believe most of us have heard them.

Mr. METZENBAUM. Yes; I thought the Senator would be pleased to hear that.

Mr. HATFIELD. Mr. President, to the Senator from Ohio, I wish to say in response that I understand the Senator's concern on this, and there may be others. Why do we not get onto the bill? Why do we not get an agreement such as this, get this matter up quickly, get a time agreement of 10 minutes on each side, have a vote, and get moving on any other such matters that may have to be brought up?

When I urged the Senate to restrain themselves, I did not expect it to be like the second continuing resolution. All I am saying is that no matter what we decide at this time on this bill, the next decision is not going to be made here. The next decision is going to be made in conference.

But I would be very happy to get on the bill under the unanimous-consent request made by the majority leader and to engage in a time agreement with the Senator from Ohio, to get that issue up, have it disposed of, and those who want to get out of here by 3 or 4 may do so.

Mr. METZENBAUM. Is it my understanding that the unanimous-consent request was merely to get on the bill?

Mr. HATFIELD. It was.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

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

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, this will take only a minute, and I do not want to delay things. I believe the Senator from Oregon, the chairman, has the appropriate direction and we ought to take that.

I join with my colleague from Ohio in agreeing that an amendment on the synfuels industry would be short. But I must say that it is important, in my view, for this and perhaps a few other amendments in areas where we have not had a chance yet on the floor of the Senate, to really get into amendments on either the Defense or the Interior bill.

In this case, it does make a difference, it seems to me, as to what positions the two Houses bring to the conference. The House has already eliminated the synfuels industry. If we are going in with this so-called compromise, which I do not really think is a compromise, then we have a quite different position than if we were to go in having done essentially the same thing the House has done.

I believe it is terribly important to move to have a vote. I agree it is not going to take very long. I believe we ought to proceed on this basis.

The PRESIDING OFFICER. The question is on the unanimous consent request. Is there objection?

Without objection, the Senate will proceed to consider the continuing resolution. The clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 465) making further continuing appropriations for the fiscal year 1986, and for other purposes.

The Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations with an amendment to strike out all after the enacting clause, and insert the following:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.J. RES. 465

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1986, and for other purposes, namely:

SEC. 101. **[**(a) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3037, the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1986, as passed by the House of Representatives on July 24, 1985**]** *(a) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3037, the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1986, as passed by the Senate on October 16, 1985.*

[(b) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 2965, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1986, as passed by the House of Representatives on July 17, 1985.**]**

(b) Such amounts as may be necessary for programs, projects, or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1986 (H.R. 2965), to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report 99-414), as filed in the House of Representatives on December 4, 1985, as if enacted into law: Provided, That such conference report shall be considered as including Senate Amendment Numbered 134.

[(c) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3629, the Department of Defense Appropriations Act, 1986, as passed by the House of Representatives on October 30, 1985.**]**

(c) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3629, the Department of Defense Appropriations Act, 1986, as reported to the Senate on November 6, 1985 (Senate Report 99-176): Provided, That sections 8097, 8098, 8099, and 8100 as passed by the House on October 30, 1985, are hereby deleted.

[(d) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3067, the District of Columbia Appropriations Act,

1986, as passed by the House of Representatives on July 30, 1985.]

(d) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3067, the District of Columbia Appropriations Act, 1986, as passed by the Senate on November 7, 1985.

[(e) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3011, the Department of the Interior and Related Agencies Appropriations Act, 1986, as passed by the House of Representatives on July 31, 1985.]

(e) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3011, the Department of the Interior and Related Agencies Appropriations Act 1986, as reported to the Senate on September 24, 1985.

[(f) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3244, the Department of Transportation and Related Agencies Appropriations Act, 1986, as passed by the House of Representatives on September 12, 1985.]

(f) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3244, the Department of Transportation and Related Agencies Appropriations Act, 1986, as passed by the Senate on October 23, 1985: Provided, That, notwithstanding any other provision of this subsection, the rate for Coast Guard "Operating Expenses" shall be $1,752,000,000, of which $10,000,000 shall be derived from unobligated balances of "Pollution fund" and of which $15,000,000 shall be expended from the Boat Safety Account: Provided further, That, notwithstanding any other provision of the subsection, the rate for Federal Aviation Administration "Operations" shall be $2,714,400,000, of which not to exceed $446,000,000 shall be derived from the Airport and Airway Trust Fund.

(g) Such amounts as may be necessary for programs, projects, or activities provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1986 (H.R. 3424), to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference [(House Report 99-402) as filed in the House of Representatives on November 21, 1985, as if enacted into law] *in the form in which that conference report was adopted by the House of Representatives on December 5, 1985, as if enacted into law, and that report shall be considered to include Senate Amendment Numbered 188 as amended by the House of Representatives.*

(h) Such amounts as may be necessary for programs, projects, or activities provided for in the Military Construction Appropriations Act, 1986 (H.R. 3327), to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report 99-380) as passed by the House of Representatives on November 20, 1985, *and as passed by the Senate on November 22, 1985,* as if enacted into law.

(i) Such amounts as may be necessary for programs, projects, or activities provided for in the Treasury, Postal Service, and General Government Appropriations Act, 1986 (H.R. 3036), to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report 99-349) as passed by the House of Representatives *and the Senate* on November 7, 1985, as if enacted into law except that such conference report shall be considered as not including Senate Amendment Numbered 83 as amended by the Conferees: *Provided, That appropriations made by this joint resolution for the following accounts shall not exceed: $1,019,391,000 for "Internal Revenue Service, processing tax returns"; $1,419,451,000 for "Internal Revenue Service, examinations and appeals"; and $748,000,000 for "Payment to the Postal Service Funds".*

[(j) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in H.R. 3228, the Foreign Assistance and Related Programs Appropriations Act, 1986, as reported to the House of Representatives on August 1, 1985: *Provided,* That not withstanding any other provision of this subsection the following shall apply: no funds in this subsection are earmarked for scholarships for South African students; funding in the amount of $3,689,286,666 shall be available for the "Economic Support Fund"; the amount and requirements associated with a cash transfer to Egypt shall be in accord with the provisions included in section 202(b) of Public Law 99-83; no funds shall be required to be transferred from sections 103 through 106 of the Foreign Assistance Act of 1961 to the "Economic Support Fund" for Zimbabwe; the requirement contained in H.R. 3228, the Foreign Assistance and Related Programs Appropriations Act, 1986, as reported to the House of Representatives on August 1, 1985, that "Economic Support Fund" assistance for Guatemala may be used only for development activities aimed directly at improving the lives of the poor, especially the indigenous population in the highlands, does not apply; funding in the amount of $764,648,000 shall be available for "Military Assistance"; funds in the amount of $5,058,983,333 shall be available for "Foreign Military Credit Sales"; funds in this subsection for the Lavi Program shall be made available in accord with the provisions included in section 101(c)(3) of Public Law 99-83; no foreign military credit sales funds in this subsection shall be transferred to "Military Assistance" or the "Economic Support Fund"; no funds in this subsection are appropriated under the heading "Guarantee Reserve Fund"; section 620(A)(a) of the Foreign Assistance Act of 1961 is amended by inserting "the Export-Import Bank Act of 1945," after "the Peace Corps Act,"; sections 521, 527, 543 and 549 in H.R. 3228, the Foreign Assistance and Related Programs Appropriations Act, 1986, as reported to the House of Representatives on August 1, 1985 do not apply; section 539 of H.R. 3228, the Foreign Assistance and Related Programs Appropriations Act, 1986, as reported to the House of Representatives on August 1, 1985, shall not apply to Bolivia, except for the final provisions; titles I, II, and III of H.R. 2253 as reported on May 15, 1985 and section 3 of H.R. 1948 as introduced April 3, 1985, are hereby enacted; funding in the amount of $337,930,000 shall be available for Migration and Refugee Assistance.]

(j) Such amounts as may be necessary for programs, projects, or activities at the rate for operations and to the extent and in the manner provided for in S. 1816 (except for the provision contained on page 24, line 22 through page 25, line 10 and the proviso contained on page 26, lines 14 through 18), the Foreign Assistance and Related Programs Appropriations Act, 1986, as reported to the Senate on October 31, 1985: Provided, That notwithstanding any other provision of this subsection, not more than $375,000,000, to remain available until expended, shall be available for the second installment of the United States contribution to the seventh replenishment of the International Development Association: Provided further, That notwithstanding any other provision of this subsection, gross obligations for the principal amount of direct loans for the Export-Import Bank of the United States shall not exceed an aggregate of $1,800,000,000: Provided further, That notwithstanding any other provision of this subsection, of the funds provided under the "Economic Support Fund", not less than $15,000,000 shall be made available only for Ecuador, which sum shall be disbursed within thirty days after enactment of this Act; $80,000,000 shall be made available for Portugal; $1,000,000 shall be made available for a program to strengthen the judicial system in Peru; up to $20,000,000 may be made available to carry out the Administration of Justice program pursuant to section 534 of the Foreign Assistance Act of 1961; not less than 35 percent of the funds allocated for the Human Rights Fund for South Africa shall be made available in accordance with section 802(d) of Public Law 99-83; $22,500,000 shall be made available for Tunisia; and $15,000,000 shall be made available for Uruguay: Provided further, That notwithstanding any other provision of this subsection, of the funds provided under the heading "Foreign Military Credit Sales", up to $10,000,000 may be made available for Guatemala: Provided further, That notwithstanding any other provision of this subsection, of the funds provided under the heading "Military Assistance", up to $10,400,000 may be made available for Zaire: Provided further, That notwithstanding any other provision of this subsection, of the funds made available under the heading "International Narcotics Control", $1,000,000 shall be made available to carry out the provisions of section 607 of Public Law 99-83: Provided further, That notwithstanding any other provision of this subsection, of the funds made available under the paragraph "Energy and selected development activities, Development Assistance", up to $100,000 may be made available in accordance with the provisions of section 714(d) of Public Law 99-83: Provided further, That notwithstanding any other provision of this subsection, of the funds made available to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, $1,000,000 shall be made available for literacy and other education programs in Haiti.

(k) Such amounts as may be necessary for continuing the following activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1985, under the terms and conditions provided in applicable appropriations Acts for the fiscal year 1985, at the current rate: *Provided,* That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1985:

Activities under sections 236, 237, and 238 of the Trade Act of 1974: *Provided, That, in*

addition to any sums otherwise provided herein there is appropriated $4,588,000 to the Department of Labor, "Training and Employment Services", for necessary administrative expenses related to those sections of that Act;

Activities under the Public Health Service Act;

Refugee and entrant assistance activities under the provisions of title IV of the Immigration and Nationality Act including $50,000,000 for targeted assistance grants and $4,000,000 for voluntary agency matching grants; title IV and part B of title III of the Refugee Act of 1980; and sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980;

Foster care and adoption assistance activities under title IV-E of the Social Security Act under the terms and conditions established by sections 474(b) and 474(c) of that Act, and sections 102(a)(1) and 102(c) of Public Law 96-272: Provided, That, for the purpose of giving effect to this paragraph, references in such sections to fiscal year 1985 are deemed to be references to fiscal year 1986; and

Minority science improvement activities under section 528(3) of the Omnibus Budget Reconciliation Act of [1981; and

[Payment to the Corporation for Public Broadcasting under the Communications Act of 1934, as amended, for the fiscal year 1988: *Provided*, That for purposes of this payment, the current rate shall be the amount of the payment provided for fiscal year 1987.] *1981.*

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 13, 1985, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1986, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

[SEC. 105. In view of the financial crisis facing many farmers, resulting from embargoes and suspension of exports in 1973, 1974, 1975, and 1980, and failure to use the Commodity Credit Corporation for a loan program which led to a fair price from the user, the Secretary of Agriculture shall use his authority under existing law to provide for nonrecourse loans on basic agricultural commodities at such levels as will reflect a fair return to the farm producer above the cost of production, and to issue such regulations as will carry out this provision and as will provide for payment by the purchaser, rather than by appropriation, for basic commodities sold for domestic use and the Secretary of Agriculture shall issue such regulations as will enable producers of any basic agricultural commodity to produce the amount needed for domestic consumption, to maintain the pipeline, and to regain and retain by competitive sales our normal share of the world market.

[SEC. 106. Public Law 99-88 funded a study by the Department of Agriculture to determine the losses suffered by United States farm producers of agricultural products during the last decade as a result of embargoes on the sale of United States agricultural products and the failure to offer for sale in world markets commodities surplus to domestic needs at competitive prices, for use in determining what part of existing indebtedness of farmers should be canceled as a result of such foreign policy. Pending the completion of the study, the Secretary shall determine, on a case-by-case basis, which borrowers are unable to continue making payments of principal and interest due to embargoes or the failure to sell competitively in world trade and, thereby, qualify for an adjustment of principal and interest due to prevent bankruptcy or foreclosure, all as authorized by existing law.

[Upon presentation of substantial evidence to the Secretary that a borrower qualifies, payment of principal and interest shall be suspended and the Secretary shall forego foreclosure of loans owed to the Federal Government, as authorized by law, for 12 months or until an adjustment is agreed upon. Other creditors shall be requested by the Secretary to postpone payments due on the same basis.]

SEC. 105. Title I, Chapter I of the Act of August 15, 1985 (Public Law 99-88), is amended by deleting, under the heading "Cooperative State Research Service," that portion of the land description dealing with lands to be conveyed to the Sierra Blanca Airport Commission that reads "R10E" and substituting in lieu thereof "R15E".

SEC. 106. Notwithstanding any other provision of this joint resolution, and in addition to amounts appropriated elsewhere, there are appropriated $40,000,000, to remain available until expended, for 'Watershed and Flood Prevention Operations' for emergency measures as provided in sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205).

SEC. 107. Notwithstanding any other provision of this joint resolution, not to exceed an additional $9,549,000 (from assessments collected from farm credit system banks) shall be obligated during the current fiscal year for administrative expenses, as authorized under 12 U.S.C. 2249.

SEC. 108. Notwithstanding any provision of title I of the Local Public Works Capital Development and Investment Act of 1976, as amended (Public Law 94-369) or any other provision of law, any funds authorized and appropriated under title I of such Act, as amended, in any fiscal year for projects in New York, New York but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for any authorized project in New York, New York under title I of such Act, as amended or for any authorized project in New York, New York under title I of the Public Works and Economic Development Act of 1965 as amended.

SEC. 109. (a) Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended by—

(1) striking out "and" at the end of paragraph (5);

(2) striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act.".

(b) Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by—

(1) inserting "(a)" before "Any officer or employee";

(2) inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) adding at the end thereof the following new subsection:

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code.".

SEC. 110. Subsection (c) of section 924 of title 18 of the United States Code is amended by—

(1) adding after the words "during and in relation to any" the words "felony described in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a), or any";

(2) adding after the words "in addition to the punishment provided for such" the words "felony or"; and

(3) adding after the words "term of imprisonment including that imposed for the" the words "felony or".

SEC. 111. (a) For necessary expenses of the Commission on the Bicentennial of the United States Constitution authorized by Public Law 98-101 (97 Stat. 719-723), $20,000,000, to remain available until expended.

(b) Section 5 of Public Law 98-101 (97 Stat. 719) is amended—

(1) in subsection (b), by striking out "up to five persons,"; and

(2) in paragraph (2) of subsection (e), by striking out "the services" through the end of such paragraph and inserting in lieu thereof "services".

SEC. 112. Notwithstanding any other provision of this joint resolution, $10,000,000 shall be transferred from the "Small Business Administration, Disaster Loan Fund" to "Small Business Administration, Salaries and expenses" for disaster loan making activities, including loan servicing.

SEC. 113. Notwithstanding any other provision of this Joint Resolution, on or after May 1, 1986, the Secretary of Defense is directed to make such reductions as are necessary to insure that payments from the Military Personnel accounts shall not exceed a rate in excess of the rate required to limit the total of such payments to the total amount appropriated to these accounts in fiscal year 1986.

SEC. 114. Notwithstanding any other provision of this or any other Act, of the funds appropriated or otherwise made available to or for the use of the Department of Defense in fiscal year 1986, not more than a total of $1,277,793,000 may be obligated or expended for consultants, studies and analysis, and management support contracts; and contract systems engineering and contract engineering technical services (as such activities are identified in the Department of Defense fiscal year 1986 President's Budget documents identified as "PB-21" and "PB-25"): Provided, That such total may be exceeded upon notification to the Congress by the Secretary of Defense that additional funds are necessary to meet critical unforeseen military requirements.

SEC. 115. Notwithstanding any other provision of this joint resolution, the limitation on emergencies and extraordinary expenses in "Operation and Maintenance, Navy", is $3,787,000.

SEC. 116. Notwithstanding any other provision of this joint resolution, the amount appropriated for "Operation and Maintenance, Army National Guard", is $1,656,500,000.

SEC. 117. Notwithstanding section 101 of this joint resolution, the amount provided under this joint resolution for "Missile Procurement, Air Force" is $8,770,831,000 without regard to the prohibition on further development or procurement of the Titan 34D7 program.

SEC. 118. Section 1302 of Public Law 98-181 is amended to substitute in the first sentence "period of two years" with "period ending January 1, 1989".

SEC. 119. The Secretary of the Army is directed to accomplish emergency bank stabilization work at Bethel, Dillingham, and Galena, Alaska, at full Federal cost, within available funds, at an estimated cost of $1,500,000. Such funds were previously appropriated in Public Law 99-141 (99 Stat. 564).

SEC. 120. It is the sense of the Congress that all countries receiving United States foreign assistance under the Economic Support Fund, Foreign Military Credit Sales, the Military Assistance Program, International Military Education and Training, the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), development assistance programs, or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating durable solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited and conducted by the country of asylum without respect to race, sex, religion, or national origin.

SEC. 121. Notwithstanding section 102 of this joint resolution, for necessary expenses to carry out title II of the Federal Water Pollution Control Act, other than sections 201 (m)(1-3), 201(n)(2), 206, 208, and 209, $2,400,000,000, to remain available until expended: Provided, That, of the amounts appropriated under this section, only $600,000,000 shall be immediately available, with remaining amounts to become available only upon enactment of a subsequent appropriation act authorizing obligation of such funds: Provided further, That availability of funds appropriated by this section shall not be limited to phases or segments of previously funded projects: Provided further, That allocation of the $600,000,000 initially made available by this section shall be in accordance with the formula in effect on October 1, 1984.

SEC. 122. Notwithstanding section 102 of this joint resolution, up to $8,000,000 of the funds appropriated for the Veterans' Administration under the heading "Medical care" in Public Law 99-160 may be transferred to and merged with the funds provided under the heading "General operating expenses".

SEC. 123. In addition to any other amounts appropriated for the Veterans' Administration for fiscal year 1986 for the purpose of making payments to employers under the Emergency Veterans' Job Training Act of 1983, $55,000,000 for the Veterans' Administration for such purposes. Such amount shall be available only upon the enactment of legislation authorizing the appropriation of the sum contained in the preceding sentence and shall remain available until September 30, 1988.

[SEC. 107. None of the funds made available by this or any other Act for fiscal year 1986 to the Office of the Secretary, Department of the Interior, shall be expended to enter into any agreement with respect to Westlands Water District v. United States, et al. (CV-F-81-245-EDP) unless Congress enacts legislation authorizing the Secretary of the Interior to enter into such an agreement.]

SEC. 124. None of the funds made available by this or any other appropriations Act, which make appropriations for the Office of the Secretary, Department of the Interior, for fiscal year 1986, shall be expended to implement any settlement which may be approved or ordered by the United States District Court for Eastern California with respect to Westlands Water District v. the United States, et al. (CV-F-81-245-EDP) until 120 calendar days have elapsed from the date on which the Congress has received from the Secretary a copy of such court approved or ordered settlement.

[SEC. 108. Notwithstanding any other provision of this joint resolution, $2,500,000 shall be available for the Smithsonian Institution, restoration and renovation of buildings, for the Freer Gallery of Art.

[SEC. 109. Notwithstanding any other provision of this joint resolution, persons other than members of the United States Holocaust Memorial Council may be designated as members of committees associated with the United States Holocaust Memorial Council subject to appointment by the Chairman of the Council.]

SEC. 125. Notwithstanding any other provision of this joint resolution, persons other than members of the United States Holocaust Memorial Council may be designated as members of committees associated with the United States Holocaust Memorial Council subject to appointment by the Chairman of the Council: Provided, That any persons so designated shall serve without cost to the Federal Government.

SEC. 126. For purposes of this joint resolution the proviso beginning on line 7, including the colon, and continuing through the word "received" on line 13, on page 11 of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall not be effective.

SEC. 127. For purposes of this joint resolution, the matter on p. 13, line 15, beginning with "and of which" through "Burr Trail Road" on line 3 of p. 14 of H.R. 3011 as reported by the Senate Committee on Appropriations on September 24, 1985 shall be deemed to read as follows:

"and of which not to exceed $8,700,000 shall be expended for engineering and construction of the Burr Trail National Rural Scenic Road in and adjacent to the Capitol Reef National Park and the Glen Canyon National Recreation Area and an interpretive center near the town of Boulder, Utah, such funds to be transferred to the State of Utah for accomplishment of these activities in accordance with the provisions of a cooperative agreement to be developed among the National Park Service, the Bureau of Land Management, Garfield County, and the State of Utah: Provided, That appropriations for maintenance and improvement of roads within Capitol Reef National Park and Glen Canyon National Recreation Area and construction and maintenance of an interpretive center shall hereafter be available for such purposes without regard to whether title to such road rights of way or lands for the interpretive center is in the United States: Provided further, That in the event the National Park Service fails to maintain the road as provided under the terms of said cooperative agreement, any rights of way which may be transferred to the National Park Service will revert to Garfield County: Provided further, That in the event of reversion of the road to Garfield County, the County shall provide payment to the United States an amount based upon the depreciated value of the capital investment resulting from Federal funds expended on the road for construction purposes".

SEC. 128. For purposes of this joint resolution, the matter on page 17, line 6, before the period of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall be deemed to read as follows: ": Provided further, That the loan ceiling established under section 4(b) of Public Law 97-310, the Wolf Trap Farm Park Act, as amended, is increased to $9,500,000. Notwithstanding the loan repayment provisions of Public Law 97-310, the dollar amount of items paid for by the Wolf Trap Foundation from funds provided by the additional loan authority in this section that is subsequently reimbursed to the Foundation by a court award or insurance settlement shall be repaid to the Secretary of the Interior by the Wolf Trap Foundation within 90 days of the date of the court award or insurance settlement".

SEC. 129. For purposes of this joint resolution, the matter on line 3 on page 18 of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall be deemed to read as follows: "shall be deposited in a special fund to be established on the books of the Treasury and be immediately available for payment of".

SEC. 130. For purposes of this joint resolution, the provisos beginning on page 23, line 9, through line 1, on page 24 of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall not be effective.

SEC. 131. For purposes of this joint resolution, the matter on page 26, line 11, starting with the word "shall" through "September 30, 1985" on line 17 of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall be deemed to read as follows: "shall enter into contracts only for the provision of supplementary educational services for Indian children".

SEC. 132. For purposes of this joint resolution, the matter on page 26, line 25, before the period of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall be deemed to read as follows: ": Provided further, That the Secretary of the Interior shall transfer without cost to the Saint Labre Indian School of Ashlcnd, Montana, the interests of the United States in the supplies and equipment acquired by or for the school during the period when it was financially aided by the Bureau of Indian Affairs".

SEC. 133. For purposes of this joint resolution, the following matter is deemed to be inserted after line 13 on page 35 of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985: "Notwithstanding any other provision of law, of the funds provided under this heading, not to exceed $300,000 shall be used to pay or repay the costs of development of alternative winter stock water supplies by water users who have been deprived of winter stock water from the main channel of Willow Creek, Idaho, below Ririe Dam and

Reservoir because of the operation of the dam and reservoir (hereinafter referred to as claimants).

Any payment to a claimant made under this section shall constitute full settlement and satisfaction of all claims such claimant may have against the United States relating to the loss of winter stock water from Willow Creek, Idaho. The provisions of this section shall not apply to any claim settled prior to the date of enactment of this Act.

The Secretary shall make a payment to a claimant only if—

(1) the claimant notifies the Secretary of his claim within six months after the date of enactment of this Act;

(2) the claimant provides an affidavit proving, to the satisfaction of the Secretary, his use of winter stock water from Willow Creek prior to December 31, 1979; and

(3) the claimant executes a waiver and release, in a manner satisfactory to the Secretary, of any and all claims against the United States relating to the loss of winter stock water from Willow Creek, Idaho. Such waiver and release shall be recorded in the county where the claimant's land is located.

Any claimant who has developed an alternate winter stock water supply since December 31, 1979, shall be eligible for a payment of an amount equal to the actual construction costs incurred by such claimant in the development of such supply, as determined by the Secretary.

Any claimant who has not developed an alternate winter stock water supply as of the date of enactment of this Act, shall be eligible for a payment of an amount equal to the funds necessary for the development of such supply, as determined by the Secretary. The Secretary's determination shall be based on the size and configuration of the claimant's land and on the size and type of the claimant's livestock operation.

Costs and expenses incurred by a claimant in the operation and maintenance of his alternate winter stock water supply shall not be reimbursable.".

SEC. 134. For purposes of this joint resolution, the matter on page 39, line 9, of H.R. 3011 as reported by the Senate Committee on Appropriations on September 24, 1985 shall be deemed to read as follows: "actual earthquakes, floods, or volcanoes; for emergency reclamation".

SEC. 135. For the purposes of this joint resolution, the matter reading "the General Fund of the Treasury of the United States" on page 47, beginning on line 9 and continuing through line 11, of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall be deemed to read as follows: "and merged with the National Forest System appropriation account".

SEC. 136. For the purposes of this joint resolution, the proviso beginning on page 47, lines 4 through 6, beginning with the colon of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall not be effective; and the matter on line 24, on page 52, before the period of H.R. 3011 as reported shall be deemed to read as follows: ": Provided, That not less than $24,000,000 shall be made available to the Forest Service for obligation in fiscal year 1986 from the 'Timber Salvage Sale Fund' appropriation".

SEC. 137. For purposes of this joint resolution, the following matter is deemed to be inserted on page 48, line 8, before the semicolon of H.R. 3011 as reported by the Senate Committee on Appropriations on September 24, 1985: "; and of which $1,500,000 shall be available for emergency flood repairs in the Monongahela National Forest and at the Parsons, West Virginia Forest Research Laboratory".

SEC. 138. For purposes of this joint resolution, the following matter is deemed to be inserted between lines 17 and 18 on page 55 of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985:

"DEPARTMENT OF THE TREASURY

"ENERGY SECURITY ACT

"(RESCISSION)

"Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126) and subsequently made available to carry out part B of title I of the Energy Security Act (Public Law 96-294) by Public Laws 96-304, 96-514, and 98-473, $3,000,000,000 of the amounts initially available only for obligation to synthetic fuels project proposals with letters of intent authorized by the Board of Directors of the United States Synthetic Fuels Corporation on or before June 1, 1984, and not obligated are rescinded: Provided, That the Board of Directors shall proceed to complete action on those project proposals under consideration or negotiation by such Corporation as of October 1, 1985: Provided further, That such actions shall include either the award by the Board of financial assistance to such a project or a determination by the Board that the Corporation will not enter into financial assistance contracts for such project proposals: Provided further, That notwithstanding section 191 of the Energy Security Act (Public Law 96-294), (a) the Board may not make any new awards or commitments for financial assistance pursuant to section 131 of the Energy Security Act for synthetic fuel project proposals after September 30, 1986; and (b) the Corporation, in accordance with subtitle J of said Act, shall terminate on September 30, 1992, except that the President, on recommendation of the Board of Directors, may by Executive order terminate the Corporation at an earlier date, but in no event prior to September 30, 1989: Provided further, That the Corporation shall, by September 30, 1986, transmit to the Committee on Energy and Natural Resources of the Senate and appropriate committees of the House of Representatives a report containing a review of implementation of its phase I business plan dated February 19, 1985: Provided further, That the Corporation shall, by July 1, 1989, transmit to the Committee on Energy and Natural Resources of the Senate and appropriate committees of the House of Representatives a report fulfilling the requirements of section 126(b)(3) of the Energy Security Act (42 U.S.C. 8722(c)(3)).".

SEC. 139. For purposes of this joint resolution, the following matter is deemed to be inserted after line 23 on page 61 of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985:

"SPR PETROLEUM ACCOUNT

"(INCLUDING RESCISSION OF FUNDS)

"Of the aggregate amount of funds appropriated under this heading in Public Law 98-473, that are currently available to the Secretary of Energy for obligation and that may be obligated under section 167 of the Energy Policy and Conservation Act (Public Law 94-163), as amended, $160,000,000 is rescinded: Provided, That the Secretary of Agriculture, at the request of the Secretary of Energy, may exchange agricultural products owned by the Commodity Credit Corporation for petroleum products (including crude oil) to be delivered to the strategic petroleum reserve: Provided further, That the Secretary of Energy shall approve the quantity, quality, delivery method, scheduling, market value and other aspects of the exchange of such agricultural products: Provided further, That if the volume of agricultural products to be exchanged has a value in excess of the market value of the petroleum products (including crude oil) acquired by such exchange, then the Secretary of Agriculture shall require as a part of the terms and conditions of the exchange that the party or entity providing such petroleum products shall agree to purchase, within six months following the exchange, current crop commodities or value-added food products from the U.S. producers or processors in an amount equal to at least one-half of the difference between the value of the commodities received in the exchange and the market value of the petroleum products acquired for the strategic petroleum reserve in such transactions: Provided further, That petroleum acquired pursuant to this section shall count on a barrel-per-barrel basis toward the requirements of subsection 160(d)(1) of the Energy Policy and Conservation Act (Public Law 94-163), as amended.".

SEC. 140. For purposes of this joint resolution, the following matter is deemed to be inserted after "Act" on page 69, line 17, of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985: "and such funds as may be necessary to support American overseas research centers".

SEC. 141. The provisions of section 2(a)(2)(A) of the Mineral Lands Leasing Act of 1920 (41 Stat. 437), as amended by section 3 of the Federal Coal Leasing Amendments Act of 1976 (90 Stat. 1083) shall not take effect until December 31, 1986.

SEC. 142. Notwithstanding any other provision of this joint resolution, there is appropriated, in addition to such amounts otherwise appropriated therefor, $500,000 to carry out section 787 (Educational Assistance to Individuals from Disadvantaged Backgrounds) of the Public Health Service Act.

SEC. 143. No penalty shall be applied nor any State or agency agreement terminated pursuant to sections 1512, 1515, or 1521 of the Public Health Service Act during fiscal year 1986, nor if appropriations under title XV of that Act are reauthorized by July 1, 1986, shall any agency be required to take action to anticipate termination of financial assistance under that title.

SEC. 144. The total principal amount of Federal loan insurance available under section 728 of the Public Health Service Act during fiscal year 1986 shall be granted by the Secretary of Health and Human Services without regard to any apportionment or other similar limitation, unless such apportionment or limitation is explicitly established, after the enactment of this joint resolution, as an amendment to subpart I of title VII-C of that Act.

SEC. 145. Notwithstanding any other provision of this joint resolution, the Secretary of Health and Human Services shall extend, for three additional years, approval of the municipal health services demonstration projects located in Baltimore, Cincinnati, Milwaukee, and San Jose authorized under section 402(a) of the Social Security Amendments of 1967.

SEC. 146. (a)(1) Notwithstanding any provision of title XX of the Social Security Act,

the amount applicable under section 2003(c)(3) of such Act shall be $2,725,000,000 for fiscal year 1986. In addition to any amounts appropriated in this resolution or any other Act, there are hereby appropriated an additional $25,000,000 for carrying out title XX of the Social Security Act, to be used in accordance with the provisions of this section.

(b) Except as otherwise provided in this section, each State's allotment of the additional amount appropriated under this section shall be the same proportion of $25,000,000 as such State's proportional allotment of other title XX funds for fiscal year 1986, as determined under section 2003 of the Social Security Act.

(c) The additional amount appropriated under this section shall be used in the same manner as the funds appropriated under section 401 of Public Law 98-473 were required to be used as specified in subsection (b) of such section 401.

(d) None of the funds appropriated under this section shall be used to make an allotment to any State which has not submitted to the Secretary of Health and Human Services a certification by the State that such State has completed or instituted a process, or plans to institute and complete within 6 months a process, to review its child care licensing or registration standards and monitoring standards, taking into consideration the information and material contained in the Department of Health and Human Services' Model Child Care Standards Act (drafted and distributed to the States by the Department of Health and Human Services pursuant to Public Law 98-473); in order to identify and correct deficiencies in such standards with respect to protecting the welfare of children in child care settings.

SEC. 147. Upon the enactment of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1986, the amount provided therein for the Secretary of Education's discretionary fund for programs of national significance (from sums appropriated for carrying out title II of the Education for Economic Security Act) shall immediately become available for obligation.

SEC. [110] *148.* (a) In the administration of subchapter III of chapter 83 of title 5, United States Code, title II of the Social Security Act, chapter 21 of the Internal Revenue Code of 1954, and title II of Public Law 98-168, the individual holding the position of Chief of the United States Capitol Police on January 1, 1985—

(1) shall be held and considered to have been appointed to that position before January 1, 1984,

(2) during the 60-day period following the date of the enactment into law of this section, shall be eligible to elect coverage under the provisions of such subchapter III, and

(3) upon such election, shall not be covered by section 210(a)(5)(G) of the Social Security Act, and section 3121(b)(5)(G) of the Internal Revenue Code of 1954, with respect to periods of service performed by such individual in such position after the election.

(b) Any period of service performed by such individual as Chief of the United States Capitol Police prior to making any such election shall, after such election and payment by or on behalf of such individual of appropriate contributions and interest covering such period of service, be considered as creditable service for purposes of such subchapter III and shall not be considered as covered service for purposes of title II of Public Law 98-168.

(c) Service performed by such individual as Chief of the United States Capitol Police after December 31, 1983, and prior to the election referred to in subsection (a), shall also be considered "employment" for purposes of the provisions of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, if such service would have been "employment" under such provisions but for this section.

SEC. 149. Notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1986 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

SEC. 150. Notwithstanding any other provision of this joint resolution, there is appropriated $1,000,000 for fiscal year 1986 for the establishment and operation of the Biomedical Ethics Board and the Biomedical Ethics Advisory Committee pursuant to section 381 of the Public Health Service Act.

SEC. 151. The Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3001 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 9. For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.".

SEC. 152. (a) The first sentence of section 225(b)(3) of the Federal Salary Act of 1967 (2 U.S.C. 352(3)) is amended by inserting "and with respect to fiscal year 1987" before the period at the end thereof.

(b) Section 225(f) of such Act (2 U.S.C. 356) is amended by adding at the end thereof the following flush sentence: "In reviewing the rates of pay of the offices or positions referred to in subparagraph (D) of this subsection, the Commission shall determine and consider the appropriateness of the executive levels of such offices and positions.".

(c) The second sentence of section 225(g) of such Act (2 U.S.C. 357) is amended by striking out "January 1 next following the close" and inserting in lieu thereof "December 15".

(d) Section 225(h) of such Act (2 U.S.C. 358) is amended—

(1) by inserting "under section 1105(a) of title 31, United States Code," in the first sentence after "transmitted"; and

(2) by striking out the second sentence.

(e) Section 225(i) of such Act (2 U.S.C. 359) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—

"(1) The recommendations of the President which are transmitted to the Congress pursuant to subsection (h) of this section shall be effective as provided in paragraph (2) of this subsection unless any such recommendation is disapproved by a joint resolution agreed to by the Congress not later than the last day of the 30-day period which begins on the date of which such recommendations are transmitted to the Congress.

"(2) The effective date of the rate or rates of pay which take effect for an office or position under paragraph (1) of this subsection shall be the first day of the first pay period which begins for such office or position after the end of the 30-day period described in such paragraph.".

(f) Section 225(j) of such Act (2 U.S.C. 360) is amended—

(1) by striking out "transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in subsection (b)(2) or (3) of this section shall, if approved by the Congress as provided in subparagraph (i)," and inserting in lieu thereof "taking effect as provided in subsection (i) of this section shall"; and

(2) in clause (A), by striking out "in paragraph (1) of".

(g) Notwithstanding section 225(g) of such Act (2 U.S.C. 357), the Commission on Executive, Legislative, and Judicial Salaries shall not make recommendations on the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of such Act (2 U.S.C. 356) in connection with the review of rates of pay of such offices and positions conducted by the Commission in fiscal year 1985.

[SEC. 111. Notwithstanding any other provision of law or regulation, the Secretary of Transportation shall, within 30 days after enactment of this section, issue in the Federal Register a Notice of Intent to prepare an environmental impact statement for the construction of the north and south legs of the downtown component of metrorail in Dade County, Florida.

[SEC. 112. For necessary expenses to carry out a highway construction project along State Route 113 in north-central California that demonstrates methods of reducing motor vehicle congestion and increasing employment, $23,500,000, to remain available until expended: *Provided,* That such funds shall be exempt from any limitation on obligations for federal-aid highways and highway safety construction programs.

[SEC. 113. Notwithstanding any other provision of law, none of the funds in this act shall be available for the construction of the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan: *Provided,* That the immediately preceding provision shall not apply to $10,000,000 apportioned to the Detroit Department of Transportation.]

SEC. 153. Notwithstanding any other provision of law, the first sentence of section 125(b) of title 23, United States Code, is amended by inserting after "$30,000,000" the following: "($55,000,000 for projects in connection with disasters or failures occurring in calendar year 1985)".

SEC. 154. (a) EXTENSION OF PENALTY FOR NON-COMPLIANCE.—Section 158(a)(2) of title 23, United States Code, is amended by striking out "the fiscal year succeeding" and inserting in lieu thereof "each fiscal year after".

(b) COMPLYING STATE LAWS.—Subsection (a) of section 158 of such title is amended by adding at the end thereof the following new paragraph:

"(3) STATE GRANDFATHER LAW AS COMPLYING.—If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session the legislature of a State convenes after the date of the enactment of this paragraph, such State has in effect a law which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraphs (1) and (2) of this subsection in each fiscal year in which such law is in effect.".

(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—Subsection (b) of section 158 of such title is amended to read as follows:

"(b) Period of Availability; Effect of Compliance and Noncompliance.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1988.—Any funds withheld under this section from apportionment to any State on or before September 30, 1988, shall remain available for apportionment to such State as follows:

"(i) If such funds would have been apportioned under section 104(b)(5)(A) of this title but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

"(ii) If such funds would have been apportioned under section 104(b)(5)(B) of this title but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under section 104(b)(1), 104(b)(2), or 104(b)(6) of this title but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1988.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to such State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State makes effective a law which is in compliance with subsection (a), the Secretary shall on the day following the effective date of such law apportion to such State the withheld funds remaining available for apportionment to such State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(A) Funds apportioned under section 104(b)(5)(A) of this title shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are so apportioned.

"(B) Funds apportioned under section 104(b)(1), 104(b)(2), 104(b)(5)(B), or 104(b)(6) of this title shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) of this title, shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State has not made effective a law which is in compliance with subsection (a), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5) of this title, such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.".

(d) CONFORMING AMENDMENTS.—Such section 158 is further amended—

(1) in subsection (a) by inserting "WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—" before "(1) The";

(2) in subsection (a)(1) by inserting "FIRST YEAR.—" before "The Secretary";

(3) by indenting paragraphs (1) and (2) of subsection (a) and aligning them with paragraph (3) of such subsection as inserted by subsection (b) of this section;

(4) in subsection (a)(1) by inserting "first" before "fiscal year" the second place it appears;

(5) in subsection (a)(2) by inserting "AFTER THE FIRST YEAR.—" before "The Secretary"; and

(6) in subsection (c) by inserting "ALCOHOLIC BEVERAGE DEFINED.—" before "As".

SEC. [114] *155.* The Secretary of the Army, at his discretion, may utilize Reserve Forces to carry out emergency flood recovery and clean up measures in the 29-county area of West Virginia, the 6-county area of Pennsylvania, the 18-county area of Virginia, and Gulf Coast areas, declared entitled to relief under the Disaster Relief Act of 1974 with respect to the flooding occurring on and after August 30, 1985, without reimbursement for such limited assistance.

SEC. [115] *156.* (a) Notwithstanding section 101(i) and section 102(c) of this joint resolution, and notwithstanding any provision of H.R. 3036, if any individual or entity which provides or proposes to provide child care services for Federal employees applies to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which such individual or entity provides or proposes to provide such services, such officer or agency may allot space in such a building to such individual or entity if—

(1) such space is available;

(2) such officer or agency determines that such space will be used to provide child care services to a group of individuals of whom at least 50 percent are Federal employees; and

(3) such officer or agency determines that such individual or entity will give priority for available child care services in such space to Federal employees.

(b)(1) If an officer or agency allots space to an individual or entity under subsection (a), such space may be provided to such individual or entity without charge for rent or services.

(2) If there is an agreement for the payment of costs associated with the provision of space allotted under subsection (a) or services provided in connection with such space, nothing in title 31, United States Code, or any other provision of law, shall be construed to prohibit or restrict payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(3) For the purpose of this section, the term "services" includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone service), and security systems (including installation and other expenses associated with security systems).

SEC. [116] *157.* Section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6101 note) is repealed.

SEC. 158. Section 301(d) of title 31, United States Code, is amended in the first sentence by striking out the phrase "an Under Secretary, an Under Secretary for Monetary Affairs" and inserting in lieu thereof the phrase "2 Under Secretaries"; and by striking out the fourth sentence and inserting in lieu thereof the following new sentence: "The President may designate one Under Secretary as Counselor.".

SEC. 159. Subsection (c) of section 236 of the Trade and Tariff Act of 1984 (19 U.S.C. 58b(c)) is amended by striking out "4" and inserting in lieu thereof "20".

SEC. 160. (a) Except to the extent hereafter expressly authorized by the Congress by a law enacted by it after the date this resolution becomes law, no building or other structure shall be erected, altered, or raised in any manner, within any area of Federal interest, so as to exceed the height of 95 feet.

(b) For purposes of this section, the term "area of Federal interest" means any area within the District of Columbia which is (1) located within the exterior boundaries of the area comprising the National Capital Service Area as set forth under section 739 of the Act of December 24, 1973 (87 Stat. 774, 825); (2) located within a block in which a public building is located; (3) located within a block which is adjacent to, or contiguous with, a block within which a public building is located; or (4) designated by the Secretary of the Interior, from time to time, as an area within which the height of buildings should be limited to not to exceed 95 feet in accordance with this section because of security, aesthetic, or other reasons, such designation to become effective upon its publication by the Secretary in the Federal Register.

(c) The provisions of subsection (a) of this section shall not be applicable to the project under construction on December 2, 1985, commonly referred to as the Metropolitan Square.

SEC. 161. Section 4 of the Presidential Protection Assistance Act of 1976, Public Law 94-524, is amended by striking out "$10,000" and inserting in lieu thereof "$75,000".

SEC. 162. Section 202(a) of title 39, United States Code, is amended by striking out "30 days" each time it appears and by inserting in lieu thereof "42 days".

SEC. 163. Notwithstanding any other provision of law, the Administrator of the General Services Administration and the Secretary of Commerce are hereby authorized, for the purposes of supporting the United States' international trade position, to locate the International Trade Administration Boston District Office in the new World Trade Center, Boston, Massachusetts. A report shall be made to the Committees on Appropriations no later than February 1, 1986 detailing the steps taken and agreements reached to achieve this move.

SEC. 164. (a) Sections 201(1), 202(6), 203(a)(4)(A), 203(a)(4)(B), 204(a), and 206(b)(2)(A)(i) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (97 Stat. 1106; 5 U.S.C. 8331 note) are amended by striking out "January 1, 1986" each place it appears and inserting in lieu thereof "May 1, 1986".

(b) Section 206(c)(3) of such Act is amended by striking out "January 1, 1986" and inserting in lieu thereof "April 30, 1986".

(c) Section 205 of such Act is amended by striking out "and 1986" in subsections (b) and (c) and inserting in lieu thereof "1986, and 1987".

SEC. [117] *165.* The Secretary of the Interior is hereby directed to make every effort during the balance of fiscal year 1986 to resolve the outstanding conflicts with respect to the future leasing and protection of lands

on the California outer continental shelf for oil and gas exploration and development. To this end, the Secretary shall submit to the Congress once every 60 days following the date of enactment of this resolution until the end of fiscal year 1986 a report summarizing the progress of negotiations carried out to resolve these outstanding conflicts. Such negotiations shall be conducted by the Secretary and the following members of Congress to be designated by the Speaker of the House of Representatives and the Majority Leader of the Senate:

(1) The Chairmen and ranking minority members of the following committees and subcommittees of the Congress having jurisdiction over these issues:

(A) The Subcommittee on the Interior of the Committee on Appropriations of the House of Representatives.

(B) The Subcommittee on Energy and the Environment of the Committee on Interior and Insular Affairs of the House of Representatives.

(C) The Subcommittee on the Panama Canal and Outer Continental Shelf of the Committee on Merchant Marine and Fisheries of the House of Representatives.

(D) The Subcommittee on the Interior of the Committee on Appropriations of the Senate.

(E) The Committee on Energy and Natural Resources of the Senate.

(2) Two United States Senators from California.

(3) Seven members of the California delegation to the House of Representatives.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I only wish that we could consider this continuing resolution chapter by chapter, and get those chapters closed as we do in the committee. But that is not possible under unanimous consent that might be made. Therefore, I would like to at this time suggest the absence of a quorum for just a few moments.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. 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. HATFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the first committee amendment to House Joint Resolution 465.

Mr. HATFIELD. Mr. President, we have begun consideration of House Joint Resolution 465, the third and I hope, the last, although I am not very optimistic, continuing appropriations measure for fiscal year 1986.

The resolution covers the 10 regular appropriations bills not yet enacted into law, at various spending rates, namely:

Agriculture provides spending at the rate of the Senate-passed bill; Commerce provides spending at the level of the conference agreement; Defense provides spending at the level of the Senate-reported bill; District of Columbia provides spending at the level of the Senate-passed bill; Foreign Operations provides spending at the level of the Senate-reported bill with adjustments to the provisions relative to the Israeli debt buy-down, the Ex-Im Bank, and the "soft loan" window of the World Bank.

Interior provides spending at the level of Senate-reported bill, with certain additional adjustments, namely a $3,000,000 rescission from funds previously appropriated for synfuels; Labor-HHS provides spending at the level of the conference agreement, adopted earlier today; military construction provides spending at the level of the conference agreement passed by the Senate on November 22; Transportation provides spending at the level of the Senate-passed bill, with an additional $167,000,000 for Coast Guard operating expenses and $300,000,000 for the Federal Aviation Administration; and Treasury provides spending at the level of the conference agreement vetoed by the President, with reductions in postal subsidies and salaries and expenses for the Internal Revenue Service to meet the President's objections.

The total level of spending provided by this continuing resolution, including provisions adopted separately from the general spending rates for the 10 bills covered, is $488,555,097,174. The total provided is $12,625,311,682 below the amounts provided for fiscal year 1985 to date—let me underline, underscore, emphasize, below amounts provided for fiscal year 1985 to date—and $20,936,007,329 below—double underscore—the President's request for these bills for fiscal year 1986. Let me emphasize that. The continuing resolution reported from the Appropriations Committee yesterday is $20,936,007,329 below the President's request. Even the President's own bean counters admit that this resolution is below what the President wants. They admit it in their "statement of administration policy."

Nevertheless, those with veto fever down at the other end of the avenue want to continue to mislead the public and the members of this body with distorted, statements about the budget-busting Congress, and threaten to veto this and other bills on the basis of spending levels for non-Defense programs, so they can continue to pour more money down the rathole of the Pentagon. That money, Mr. President, the hundreds of billions lavished on the Defense Department, does not count as far as the President's counselors are concerned.

So no matter how much money we spend on weapons, it will never increase the deficit. Nor will the billions we spend on foreign aid and mililtary assistance. The administration doesn't count that, either. That money doesn't increase the deficit. According to the people downtown, Mr. President, who profess to be so concerned about deficits, who lambast the Congress as irresponsible budget-busters, the only Federal spending that increases the deficit is the money we appropriate for nondefense programs for our people here at home. Money for weapons doesn't count, but money for Women, Infants, and Children does. Money for foreign assistance doesn't count, but money for farm assistance does. Money for the strategic defense initiative doesn't count, money for the strategic petroleum reserve does.

Well, Mr. President, I don't count money that way, the American public doesn't count money that way, and I think it is time that the administration owned up to its duplicity.

But let us not belabor the point. Let us take this matter up, pass it without delay, get it to conference, and whittle it down some more. Let's not waste time with dozens of extraneous amendments that will only be jettisoned later to meet the objections of wrong-headed policymakers downtown. If we don't do that, we will be here at Christmas and beyond.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, with the exception of the committee amendment appearing on page 47, line 18, through page 50, line 6; and the synfuels recission section appearing on line 12, on page 29, through and including line 2 on page 31 of the committee amendment beginning with line 8 on page 22 through line 17 on page 35; provided that no points of order be waived thereon and the resolution as amended be treated as original text for the purpose of further amendment.

Mr. METZENBAUM. Reserving the right to object, I do not intend to object; is my understanding correct that the proposal is that all amendments be agreed to with the exception of the ones that were spelled out and the one described as the synfuels amendment?●

Will the chairman of the Appropriations Committee respond to that?

Mr. HATFIELD. I am happy to respond.

If the Senator will turn to the bill, it is the synfuels amendment which begins on page 29, and continues through page 31, line 2.

Mr. McCLURE. Mr. President, if I may further respond, that is the amendment offered by the subcommittee that deals with the amount of money to be rescinded from the Synfuels Corporation.

Mr. METZENBAUM. Is it the further intent of the managers that that amendment would then be offered im-

mediately after at the conclusion of this unanimous-consent agreement and that that amendment then be open to amendment by the Senator from Ohio as well as the Senator from Washington?

Mr. HATFIELD. The Senator is in major part correct. What I would like to do in sequence would be to handle the first committee amendment which I identified, which includes the building height language. That amendment was offered on behalf of Senator CHILES by Senator DECONCINI, with the proviso that if it were not objected to by the authorizing committee subsequent to the committee action. It has been objected to by the authorizing committee so we would like to delete that lauguage from the committee amendment. That would mean we would be at the point for the synfuels section to be subject to the amendment offered by the Senator from Ohio.

Mr. EXON. Mr. President, there were only about 10 or 12 Senators on the floor of the Senate, maybe four or five people in the press gallery, to hear what this Senator just heard, the most excellent explanation by the chairman of the Appropriations Committee with regard to one of the most serious problems that face this body: When we try to act in a responsible fashion, there are others who say we are not acting responsibly. Obviously, since it came from the chairman of the committee, it could not immediately be labeled as partisan political rhetoric. It was not rhetoric, it was a factual statement from my very distinguished friend, the chairman of the Appropriations Committee.

I thought it was an excellent statement. I hope maybe somewhere there will be a few lines printed about it in the newspaper, because if there is one thing we need in this country as we face this monumental task of the deficit, it is some understanding that we all have to share proportionately in solving the problem because we all did share to one extent or another in creating it in the first instance. I compliment my friend and colleague, the chairman of the Appropriations Committee, for an excellent statement right on point.

Mr. HATFIELD. I thank the Senator from Nebraska.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the excepted committee amendment, appearing on page 47, line 18, through line 6 on page 50, be modified to strike from line 4 on page 48 through line 2 on page 49. That is the language dealing with the height of the buildings in the District of Columbia that I referred to before agreed to by the committee and proposed to be withdrawn at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HATFIELD. I move the adoption of the committee amendment as modified.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as modified.

The committee amendment as modified was agreed to.

Mr. ABDNOR. I support the action of Chairman HATFIELD in striking the designated committee amendment. We added the amendment yesterday because of a concern I have had and the concern raised with me by other Members regarding the security problems for the President and the White House grounds caused by the construction of the Metropolitan Square project on Pennsylvania Avenue. This project being constructed to a height of 157 feet has a direct line of vision into the White House complex. In fact, when the first tower of this two-tower complex was completed, the Secret Service immediately took action to bar the President from greeting dignitaries at the north portico of the White House. Frankly, I am concerned that this action was approved in the first place, on a square that has had a 95 foot limit since 1910 and has intended to stay at that height by the Home Rule Act, in any case, I would want to be assured that such a situation not occur again, not only for White House security, but for the security of other Federal buildings, including the Capitol Building and our office buildings here on the Hill.

Mr. DECONCINI. I would like to echo the comments just made by Senator ABDNOR and echo his concern that this kind of situation should not be permitted to occur again. In fact, I am a little surprised that it occurred in the first place. Before the Mayor and the City Council approved the special act that permitted this building to be constructed to a height of 157 feet, the city received advice from the Secret Service that construction of this building would cause security problems. I would like to quote from the Secret Service letter. It said:

> Any proposal which raises the current height limits on buildings near the White House would adversely affect the overall security of the White House complex, and seriously interfere with our ability to provide protection for the President and his family as mandated by the U.S. Congress and the American people * * *. In the event that favorable consideration is given to any of the Carr Co. proposals, a situation would be created where a privately owned and operated office complex would have an unobstructed view onto the White House grounds, and this would present an uncontrollable situation from a security standpoint.

Is it correct that the committee has received assurances from the authorizing committee, the Pennsylvania Avenue Development Commission and key development interests in the city that the Secret Service is now being consulted fully and completely on all development projects in the city so that they can review the proposal from a security perspective?

Mr. ABDNOR. Yes; the Senator is correct and, on that basis, I agree with the chairman's motion to strike section 160.

Mr. MOYNIHAN. It is my view that gentleman from South Dakota and the gentleman from Arizona—and I understand that Senator CHILES played a role in initiating this amendment—have all provided a genuine service to the Nation's Capital. Not only is there a security issue, there is also a need to preserve the character and ambience of our Nation's Capital. If we abandon the building height schedule adopted first in 1919, and subsequently amended but frozen by section 602 of the Home Rule Act, we will do so at great peril. This whole matter raises in my mind the need, a pressing one, for a thorough legislative review in the next session of Congress, to see if additional legislation would be appropriate and to assure safeguards to maintain the architectural character of our Nation's Capital.

TREASURY APPROPRIATION HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, a provision was added to the Treasury appropriation during markup on Thursday which, had it been permitted to remain in this continuing resolution, would have had profound effects on the physical development of the District of Columbia.

The provision would have limited the height of buildings to 95 feet in most of downtown Washington and many outlying areas. While I rejoice in Washington's harmonious skyline and support the concept of some height limitation I am dubious about this proposal.

Not knowing the genesis of this amendment and not having been informed that such a proposal would be offered in—of all places—the Treasury appropriation, I am at a loss to understand why such a provision, which is clearly legislation on an appropriations bill, was accepted by the Appropriations Committee. I can only conclude that my colleagues on the committee were unaware of the nature and ramifications of such an amendment. I am pleased to see my colleagues on the Appropriations Committee withdraw this provision.

As chairman of the Subcommittee on Governmental Efficiency and the District of Columbia, I would like to explain to my colleagues the severe consequences of such an ill-conceived proposal.

The Congress, in 1910, enacted the Height of Buildings Act which applied

only in the Nation's Capital and was intended, among other things, to protect the skyline of the Federal city and provide a setting for the many public monuments and memorials which grace this city. In the intervening 75 years, the act of 1910 has served this city well. It has contained development, maintained a relatively low skyline, and, in so doing, made the Nation's Capital unique among American cities.

The Height of Buildings Act of 1910 was carefully conceived to relate the height of buildings to the width of streets on which they fronted. The wider the avenue, the taller the building permitted up to a maximum height of 130 feet. The only place where that maximum height may go even further—to 160 feet—is on Pennsylvania Avenue, the Nation's main street and ceremonial parade route between the Capitol and White House. The other broad avenues support buildings of 13 stories or 130 feet. The more typical streets support buildings of 90 to 110 feet.

The provision attached to the Treasury appropriation would have abrogated the 1910 act, which has stood our Nation's Capital in good design stead for 75 years. Anyone who has lived in Washington for any length of time knows that this city's citizens regard buildings heights—and the 1910 act specifically—very seriously.

Proposing to rewrite that act and make judgments about appropriate building heights in the Nation's Capital without a clear showing of need and without public discussion, let alone a hearing by the appropriate authorizing committee, is ill-considered and a blatant injustice to those who reside, work, and visit here.

Summarily restricting development rights to 95 feet when, under current law and zoning, building heights could, in certain locations, go to 110 and 130 feet, is an uncompensated taking of private property. Such a move is clearly subject to constitutional questions and certain to be challenged in court.

Development interests in any city rely on public policymakers to provide set rules by which they are willing to abide. The act of 1910 and the D.C. zoning code which implements that act are just such rules.

The confusion and litigation over the "taking" issue arising from passage of this provision is sure to last well into the next century.

Mr. President, I ask unanimous consent that four letters to me concerning this sleeper provision be included at this point in the RECORD. The letters are from the Pennsylvania Avenue Development Corp., the Washington Board of Trade, the Federal City Council, and, the Mayor of the District of Columbia.

I am pleased to see this provision withdrawn.

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

FEDERAL CITY COUNCIL,
December 6, 1985.

Hon. CHARLES McC. MATHIAS,
Chairman, Subcommittee on Governmental Efficiency and the District of Columbia, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MATHIAS: It came to my attention last evening that an amendment has been added to the Senate's Continuing Resolution, the effect of which would be to limit buildings in the District of Columbia to a height of 95 feet. Frankly, I am dismayed both by the substance of this amendment and the manner in which this issue has been raised.

As you are well aware, the issue of height limitations in the District has a long history, dating back to the restrictions that were imposed following construction of the Cairo Hotel in the 1870's. The City has had height restrictions for many, many years, restrictions that have maintained the City's horizontal, open quality and that have preserved the Washington Monument and the Capitol as the dominant buildings that define the Nation's Capital. I believe that most thoughtful observers would agree that the City's long-term interests have been well served by the existing height restrictions.

For the Senate of the United States to unilaterally alter the height limitations without any public discussions or debate would be, in my judgment, a profound mistake. Furthermore, the language in the proposed amendment is imprecise, overly broad, and fundamentally incompatible with the City's zoning and land use regulations.

It is also my view, and I know a view that is shared by both City officials and the Pennsylvania Avenue Development Corporation, that this amendment would have a devastating effect on the current efforts to revitalize Washington's old downtown core.

For all of these reasons, I strongly urge you to oppose this ill-advised amendment and to work for its deletion when the Continuing Resolution comes before the full Senate.

If I or other members of the Federal City Council can provide you with any additional information, please do not hesitate to call.

Sincerely,

HARRY MCPHERSON,
President.

PENNSYLVANIA AVENUE DEVELOPMENT CORP.,
Washington, DC, December 5, 1985.

Hon. CHARLES McC. MATHIAS,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR MATHIAS: This afternoon, I was made aware of an amendment, added to the Continuing Resolution, that would limit the height of buildings in the downtown area of the District of Columbia to 95 feet. This amendment, if approved, would have a devastating effect on the ability of the Pennsylvania Avenue Development Corporation (PADC) to carry out its Congressionally-approved plan.

There has been a long history of comprehensive studies that established the current height restrictions throughout downtown and, specifically, in PADC's area, along Pennsylvania Avenue between 3rd and 15th Streets. These restrictions are well conceived to preserve the special spacious ambiance of this unique area while allowing the kind of private development that fullfills the PADC plan's goals of creating high-quality office, hotel, retail and residential uses. Two examples of such major developments are shown on pages 10 and 21 of the attached PADC Annual Report; these developments, in conformance with current height restrictions, are 160 feet (Cadillac-Fairview, page 10) and 130 feet (Market Square—Western Development Corporation, page 21), respectively.

In addition to the affect of this proposed amendment on PADC's activities, I am dismayed that such a far-reaching proposal, so inconsistent with existing zoning and planning standards, could be placed in legislation without full public discussion.

I request that you strongly oppose this amendment and work for its deletion.

Please call me, at 724-9073, if I can provide any further information on this vital matter.

Sincerely yours,

M.J. BRODIE,
Executive Director.

THE GREATER WASHINGTON BOARD OF TRADE,
Washington, DC, December 6, 1985.

Hon. CHARLES McC. MATHIAS,
Member, U.S. Senate, Chairman, Subcommittee on Governmental Efficiency and the District of Columbia, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MATHIAS: It is the Board of Trade's understanding that a provision has been added to the Senate Treasury Appropriations title of the Continuing Resolution that will restrict the height of building in the Federal Service District to 95 feet. The Board of Trade is very concerned both by the substance of this amendment and the manner in which this issue has been raised. We are writing on behalf of the Board of Trade and others who share our views. We urge that you and your colleagues oppose this amendment.

During the past 75 years, current height limits have served the District well, creating a city of majestic views and a positive climate for business and development. It is a mistake to change these regulations now. The language inserted into the Senate Treasury Appropriations title is antithetical to previous intentions of Congress when it passed Public Law 92-578 establishing the Pennsylvania Avenue Development Corporation and height limits corresponding to street widths and the District's monumental character. Congress clearly intended to permit appropriate development in the Federal Service District when it passed this law. The current proposed amendment would jeoparidize the continued work and success of PADC and other downtown revitalization efforts.

If this amendment is enacted it will impact at least 75 city squares which are privately owned and projects abutting on the Federal District Service area. As many as 35 development projects could be stopped. This would have a devastating effect on current efforts to revitalize Washington's old downtown core. Further, this amendment potentially represents an uncompensated taking of private property rights and is certain to be challenged in the courts. It is not only private property owners who are affected, however; the amendment also represents a significant potential loss to the District's tax base and a threat to its economy and employment.

The manner in which this amendment has been raised is also of great concern to the Board of Trade, District officials, and the Pennsylvania Avenue Development Corporation. An amendment with such potentially grave impact should be discussed in a public forum. Particular weight must be given to the recommendations of elected officials of the District of Columbia.

Further, for the Senate of the United States to unilaterally alter the height limitations of the Federal Service District without any public discussion is troubling. The action would be fundamentally incompatible with the City's zoning and land use regulations. As recently as March 16, 1985, the Congress sanctioned the Comprehensive Plan for the National Capital. The plan provides a guiding framework for public and private land use decisions. If the proposed amendment to the Senate Treasury Appropriations title is passed, it will greatly diminish the integrity of the Comprehensive Plan.

We urge that you and your colleagues oppose the height provision added to the Senate Treasury Appropriations title of the Continuing Resolution. Should you require further information or assistance from the Board of Trade in this matter, we stand ready to help.

Cordially,

JULIA M. WALSH.

THE DISTRICT OF COLUMBIA
Washington, DC, December 6, 1985.

Hon. CHARLES McC. MATHIAS,
Chairman, Subcommittee on Governmental Efficiency and the District of Columbia, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MATHIAS: This letter concerns Senate amendment to H.J. Res. 465, Further Continuing Appropriations for FY 1986. I have been made aware that the Senate Committee on Appropriations has adopted an amendment to H.J. Res 465, which would limit the height of buildings in the District of Columbia to 95 feet.

On behalf of the City, I am deeply concerned over the implications of this action with regard to Home Rule, as well as the potential negative effect on orderly economic development.

As you know, the District of Columbia has been favorably served by the most rigorous height limitation statute of any major city in the Nation. The restriction has rightfully ensured that the U.S. Capitol and the Washington Monument remain the dominant landmarks in the Nation's Capital.

However, the amendment in H.J. Res. 465 imposes an arbitrary height limitation that would severely cripple redevelopment of the downtown core and completion of the Pennsylvania Development Plan. This further reduction in height would negatively affect our ability to negotiate preservation of historic structures in the Federal Service District. Moreover, the amendment language is vague and is at variance in both substance and technical form with existing land-use statutes and the District's Zoning Code.

These deficiencies would make interpretation very difficult; and thus, would cloud the development prospects for untold numbers of District properties. The resulting confusion would prove the wisdom of Home Rule and the need for full public discussion.

I realize that there are many pressing demands on your time in the remaining days of the First Session of the 99th Congress. I hope, however, that because of the seriousness of the amendment to H.J. Res. 465, you will actively oppose the measure on the floor of the Senate. The amendment not only infringes on Home Rule, but would appear to conflict with the oversight responsibility of your Subcommittee.

If you need additional information on the matter please contact me. As always, I deeply appreciate your strong support of the District of Columbia.

Sincerely,

MARION BARRY, Jr., *Mayor.*

Mr. HATFIELD. Mr. President, the pending matter before the Senate is the excepted synfuels language, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Mr. President, I wonder if there is a possibility of securing a unanimous-consent agreement on time to be utilized by both sides of the debate. I believe the parties to this amendment have informally agreed, or at least come to some conclusion. Could I inquire of the proponents of the amendment if that is possible?

Mr. METZENBAUM. Mr. President, if I may respond, I would like to suggest, if there are no objections, 10 minutes on a side with respect to the McClure-Johnston amendment, and 10 minutes on a side with respect to the Evans-Metzenbaum amendment to the amendment.

(Mrs. HAWKINS assumed the Chair.)

Mr. HATFIELD. Mr. President, I would propound that as a unanimous-consent agreement at this time. If I understand, the Senator from Idaho agrees to this.

Mr. McCLURE. The Senator is correct.

Mr. METZENBAUM. Is the Senator from Washington comfortable with that?

Mr. EVANS. May I inquire, is it necessary to have a vote on the first-degree amendment? Are we going to have two votes or what would be necessary?

Mr. METZENBAUM. I would respond to my colleague that the first vote would be on the Evans-Metzenbaum amendment, which would be the second-degree amendment. And then if that were defeated, the pending matter would be the first degree amendment of Senator McCLURE and Senator JOHNSTON. If our amendment is adopted, then theirs will no longer be extant and there will be no need for a second vote. My guess is there will be no need for a second vote either way.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BYRD. Reserving the right to object, will the Senator restate the request?

Mr. HATFIELD. The request, Madam President, is that there be on the synfuels committee amendment an amendment to be offered by the Senator from Ohio; that there be a 10-minute per side or total of 20-minute time agreement to debate that. On any secondary amendments, there would be 10 minutes on a side to such subsequent amendment that may follow.

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

Mr. BYRD. Madam President, my problem with that is that the Senate will be entering into a time agreement on amendments that are unknown at this point. We are talking about amendments to the amendment. There is no requirement, I do not believe, that those amendments be germane or relevant. Unless Senators protect themselves against some nongermane amendment or unknown amendment, a very controversial amendment can come in with only a time limit of 10 minutes.

Mr. METZENBAUM. As is so often the case, the minority leader is right on target. I think we are thinking only about our amendments but have not foreclosed the possibility of a host of other amendments coming in. Therefore, I ask the manager of the bill if he would not agree that the first amendment would be the committee amendment as offered; that the second-degree amendment would be the amendment which would be to strike the language with respect to that subject as offered by Senators EVANS and METZENBAUM, and that no other amendments be in order except those two amendments?

Mr. McCLURE. Mr. President, reserving the right to object—and I thank both the Senator from West Virginia and the Senator from Ohio for raising that subject—I have no objection. I think we ought to add that no motions to recommit or otherwise would be in order. But I would want to reserve the right to offer a motion to table.

Mr. METZENBAUM. I ask my colleague from Idaho if he would not think it in order to avoid confusion, because he has an amendment that provides some money. We have an amendment to take away the money. Then he offers an amendment to table that. All we do is wind up confusing the Senate. If the Senator has the votes, he has them. If he does not have the votes and we have them, so be it. I urge the Senator to agree that there would be no tabling motion.

Mr. McCLURE. Reserving the right to object, I certainly will counsel, if the Senator from Ohio would like to do that. I do not want to confuse the subject at all. But what we have to try to argue in the Senate is one amendment rescinds some amount of money, the other rescinds a larger amount of money, and the Senators have a choice between the two positions or strike the provision completely.

Now, I am not certain which is more confusing in that circumstance, to

offer a motion to table, which would leave us then with it, or simply urge them to defeat the amendment to be offered by the Senator from Ohio.

Mr. METZENBAUM. A motion to table then only requires us to have still an additional rollcall vote. We had a motion to table on this subject before. The motion to table did not prevail. I do not think it will prevail this time. I would say let us go ahead and get this ball game on the road.

Mr. McCLURE. Mr. President, in order to try to expedite the business of the Senate, I will not insist upon reserving the right to table the amendment to be offered. I can speak only for myself, but I will not raise that objection.

Mr. METZENBAUM. I gather the manager on this side will not?

Mr. HATFIELD. Mr. President, may I modify my unanimous consent request——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Then to have a 10-minute limitation per side, 20 minutes total, on the committee amendment, a 10-minute limitation per side, 20 minutes total, on a subsequent amendment to be offered by the Senators from Ohio and Washington, without any other amendments being in order or any tabling motion.

Mr. METZENBAUM. And no motion to recommit.

Mr. HATFIELD. Or motion to recommit or motion to recommit with instructions.

The PRESIDING OFFICER. Is there objection? without objection, it is so ordered.

Mr. HATFIELD. I thank the Chair. I thank the Senators for expediting the CR.

I yield the floor at this point.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. I suggest the absence of a quorum.

Mr. METZENBAUM. Will the Senator withhold for a moment?

Mr. HATFIELD. I withdraw that.

Mr. METZENBAUM. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Is the McClure amendment pending? Is that the pending business?

The PRESIDING OFFICER (Mr. GARN). That is correct.

AMENDMENT NO. 1325

Mr. METZENBAUM. Mr. President, on behalf of Senator EVANS and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. METZENBAUM. The amendment is the Evans-Metzenbaum amendment.

The PRESIDING OFFICER. The Chair advises the Senator from Ohio that the amendment is not in order until 20 minutes have expired on the committee amendment.

Mr. McCLURE. Mr. President, I ask amendments consent that it be in order for the Senator from Ohio and the Senator from Washington to offer their amendment at this time, reserving the time on the committee amendment.

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

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself and Mr. EVANS, proposes an amendment numbered 1325.

Mr. EVANS. 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 29, line 15, strike all through page 31, line 2 and insert: Except as otherwise provided in this item, all funds appropriated to the Energy Security Reserve are hereby rescinded. Funds so rescinded shall include all funds appropriated to the Energy Security Reserve by the Department of Interior and Related Agencies Appropriations Act, 1980 (P.L. 96-126), and subsequently made available to carry out Title I, part B, of the Energy Security Act by Public Laws 96-304 and 96-514, and shall be deposited in the general fund of the Treasury. This recission shall not apply to:

(1) Funds transferred from the Energy Security Reserve by this act;

(2) 500,000,000, which may not be used for payments with respect to projects or modules under the Energy Security Act; and

(3) Such amounts as may be necessary to make payments for projects on modules for which obligations were entered into under Title I of the Energy Security Act before the date of enactment of this act.

Mr. EVANS. I yield myself 5 minutes.

Mr. President, this proposal, which is now in the continuing resolution which came from the committee, is essentially termed by its sponsors a compromise. The amendment offered by Senator McCLURE and Senator JOHNSTON is not a compromise. It is a feeble, half-hearted attempt to keep the Synfuels Corporation alive for another 7 years.

The $3-billion rescission still leaves $4 billion plus in the energy securities reserve unobligated funds. The $3-billion rescission comes from the pot of money that is initially available for projects with letters of intent. The purpose of the amendment clearly is to provide the opportunity to fund projects with letters of intent and then allow a substantial amount for further funding.

Mr. President, by a very substantial margin, this body a few weeks ago decided to end the Synfuels Corporation as an independent entity, to return $500 million to the Department of Energy, to once again coalesce the concept of energy research in the agency in which it belongs, to give us a better sense of balance in terms of fundamental research on energy. This compromise simply leaves us a long way from that goal. It is time to act clearly, decisively, and finally on this issue, as the House of Representatives has done.

The purpose of this Synfuels Corporation has not changed with this amendment. It is still misguided and wrong and does not fit with today's energy needs and prospects, even though it might, when the Synfuels Corporation was initiated 6 years ago.

The Synfuels Corporation is still rushing to award financial assistance to projects on letters of intent and perhaps others. There is no prospect, according to EIA estimates, in the short term or immediate term, of oil and gas prices rising substantially.

I believe we will be better able to handle problems of future long-term energy needs by a comprehensive redirected program under the Department of Energy, rather than keeping this one, separate, untouchable agency outside the purview, the oversight, and the recognition of either Congress or a Cabinet agency.

It is interesting to note that even on the ending of this corporation, under the proposed amendment by Senators McCLURE, JOHNSTON, the unobligated funds, if any, remaining are not even returned to the miscellaneous receipts of the Treasury. Our amendment does specifically require that the rescinded funds be returned to the Treasury general account.

Mr. President, although the amount is a little smaller than it was before, there is still no question that in fiscal year 1986 there is an additional saving to be generated by the amendment of the Senator from Ohio and myself. There is even more money to be saved over the intermediate term and the longer term. In my view, we will be better able, not less able, to handle the problems of energy research and development and energy security in the long run by once again coalescing those efforts and direction in the Department of Energy.

Mr. President, I yield the Senator from Ohio such time as he may require.

The PRESIDING OFFICER (Mr. HATFIELD). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Six minutes.

Mr. METZENBAUM. I will allow myself 4 minutes and reserve 2 minutes.

Mr. President, we are talking about compromise in an area where there

should be no compromise. We are talking about providing billions of dollars for the Synthetic Fuels Corporation, an amount of $7.3 billion to $7.8 billion.

The Senate indicated that it was not willing to lay on the table the motion offered by Senator EVANS and me to eliminate those funds and instead to put $500 million into the Department of Energy for synthetic fuel projects. After that, this so-called compromise was brought forward. But the compromise would keep extant and would keep operable an agency that has abused the public trust.

This agency has paid the top 50 of its officials an average of $56,000 in salary. It pays its president $135,000, and it has had two separate presidents. Both were forced to resign as a result of mismanagement and conflict of interest.

Mr. President, $135,000 is almost twice the amount a U.S. Senator receives; and, to the best of my knowledge, it is the top salary paid in the U.S. Government, with the possible exception of the President of the United States and the Vice President.

It further provides that employees' pensions will vest after 6 months on a 50-percent basis and totally after 1 year. Think of that. We do not get any vesting pensions around here until 5 years. But those at the Synthetic Fuels Corporation provide for vesting of pensions at the end of 1 year, a 50-percent vesting at the end of 6 months. They have not cared about the public trust. They have not been concerned about how they have used the public's money. They have abused the privilege.

There is not a Member of the U.S. Senate who fought harder for synthetic fuels than I did in the past years. I thought it was the right answer. Geothermal, solar, gasification, shale oil—many other programs could and should have been provided for. But have they done that? No. Instead, they have just abused the public trust and spent money willy-nilly without regard for what it was purchasing.

Then, when they found that the U.S. Senate was thinking of terminating their operation, they devised a plan, a whole lobbying plan. They named the names of U.S. Senators; and they said: "We'll see this Senator and talk to him about this project, and this Senator." The one they said was lost was the majority leader of the Senate.

Is that what their funds are for, to figure out a way to keep themselves going?

Several weeks ago, the same organization gave $500 million to the Union Oil Co. so that it can receive $67 a barrel for its oil, if and when it is produced.

Sixty-seven dollars a barrel while Mr. Yamani and the Saudis are talking about reducing the price of oil to something like $20 a barrel. That project has not worked in over 2 years.

Earlier this same Synthetic Fuels Corporation awarded $40 per barrel in price guarantees for heavy oil process that was not new, it was not innovative, it was already in use in the private sector.

I believe that the Synthetic Fuels Corporation should be abolished, terminated, brought to an end.

The PRESIDING OFFICER. The Senator has used 4 minutes. He has 2 minutes remaining.

Mr. METZENBAUM. I yield the floor.

Mr. McCLURE. Mr. President, I yield such time as he may consume to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, we have just heard a long list of the sins of the Synthetic Fuels Corporation which I am sick of hearing, as I know all my colleagues are. They did wrong. That is not our fault. It is not the fault of the sponsors of the Synthetic Fuels Corporation and guess what, Mr. President? It is not the fault of those now running the Synthetic Fuels Corporation. The faces have changed at the Synthetic Fuels Corporation and the policies have changed.

It is time we get that clear to our colleagues. It is a new policy, a new group, and they are not responsible for the past sins of the corporation.

The fact that the Reagan administration initially appointed some people who were not qualified who did wrong is beside the point.

Mr. President, the distinguished Senator from Ohio told us that he was for all of these technologies, was a strong proponent of that, but that something has changed.

Nothing has changed, Mr. President, except the dependence upon this country on foreign oil. It continues to go up about 40 percent now. We are dependent on foreign oil while domestic resources go down. The need for synthetic fuels is higher than it ever was and it is going to get higher.

Mr. President, we are also told that this is no compromise. We started off with $20 billion and then we came down to $14,906 million and then last year we rescinded another $7.373 billion, which put us down to $8.6 billion and now we are rescinding another $3 billion which puts us down to $5.9 billion which is about 25 percent of where we started. If that is not a compromise I do not know what is a compromise.

It leaves the essential part of the Synthetic Fuels Corporation, those essential technologies which we should develop, like shale oil—Occidental Petroleum Co., Dr. Armand Hammer just visited with some of us recently and talked about the exciting new breakthroughs of commercialization that he is making to his in situ and also his retarding of shale oil. He thinks it will work. He invested his own money.

We have over $1.4 billion of private funds that have already been invested, Mr. President, in the synthetic fuels technologies.

It is time this country decided to do something and carried it through and does not start and back up and change its mind and change policies and leave the private sector out there hanging with $1.4 billion invested.

Mr. President, this is a compromise. It is about 25 percent of where we started. It keeps those essential technologies like coal gasification and shale oil that we are going to need. The question is not do we need it today. We can get by without it today. We can buy oil all over the world at reasonable prices.

The synthetic fuels movement is not for 1985. It is for the 1990's. But if you are going to have it in the 1990's you have to invest money in it and learn about commercialization and do these things that the Synthetic Fuels Corporation proposes to do today. We need to do it today, Mr. President, so that by the 1990's it will be there when we need it.

Mr. HEINZ. Mr. President, last time the Senate considered funding for the Synthetic Fuels Corporation, it made a serious mistake—today, we have a chance to correct that mistake.

I do not intend to take much time Mr. President, but I urge my colleagues to remember the 1970's when energy was the preeminent issue. Remember those days? Do you remember when all the news commentators and editorialists were asking why this country had no energy policy when we all knew that we were vulnerable to a cutoff of foreign oil? Do you remember how we vowed to never let that happen again? I urge my colleagues to think about those days and to think long and hard before dismantling one of the best hopes we have of achieving energy independence. I do not usually say, "I told you so," but if the Senate does not adopt the McClure amendment, I can guarantee you that the day will come when I will be down here to say, "I told you so." That will be the day when once again our constituents are lining up to buy gasoline—only the energy crisis of the 1990's will be worse, far worse than the energy crisis of the 1970's.

Mr. President, I do not take the floor to defend the management of the Synthetic Fuels Corporation. The Corporation has in the past suffered from very poor management. However, those problems seem to be behind us. Why is it that once the problem appears to have been solved we seek to abolish synfuels? Why is it that just

when the Corporation is on the verge of funding projects which could make greater use of America's most abundant energy resource—coal—we pull the rug out from under it?

Killing the Synthetic Fuels Corporation would be shortsighted in the extreme. If we do not continue funding for the SFC I predict with confidence that we will live to regret it.

Mr. BRADLEY. Mr. President, I wish to speak in favor of the amendment proposed by Senators METZENBAUM and EVANS to cut further funds from the energy security reserves, the account which funds the Synthetic Fuels Corporation.

Mr. President, my colleagues are aware that the energy security of this Nation has long been a major concern of mine. Sound energy policy must include research and development targeted at producing synthetic fuels. There is no question, that while the pressing energy concerns of the early 1970's have subsided, the problems inherent in the consumption of finite resources will return. However, the Synthetic Fuels Corporation has done little to enhance the energy security of our Nation.

Instead the history of the SFC is one of fiscal irresponsibility, poorly designed projects and general mismanagment. With respect to fiscal irresponsibility, we need only to look at the Great Plains coal gasification project. This project is sponsored by a consortium of large, extremely profitable, energy companies. Having failed to obtain private financing, the consortium succeeded in securing Federal support. Today the facility is generating natural gas at a cost of approximately $10 per 1,000 cubic feet. This is over three times greater than the market value of natural gas—which is in plentiful supply in the United States, Mexico and Canada. Yet we have loaned these profitable corporations well over $1.3 billion in taxpayer money to build this facility; and the sponsors have abandoned it to the Department of Energy.

With respect to poorly designed projects, I cite two projects that will use technologies that are already being pursued by other companies in the private sector at their own expense. These are the Forest Hill project which is intended to extract heavy oil in Texas and a Utah methanol project, which will gasify coal and convert the gas to methanol.

With respect to general mismanagement, a GAO report issued earlier this year criticized the SFC for failing to solicit competitive bids for consulting services. This resulted in contractors being reimbursed at up to $1,000 per day. The GAO concluded that "The corporation's contracting practices continue to reflect a complete disregard for Federal procurement regulations."

Mr. President, I support the action taken by the House of Representatives; and it was an action taken with overwhelming agreement. It allowed for the continued support of research and development in synthetic fuels technologies by transferring $500 million to the DOE thereby maintaining our commitment to a secure energy furture. CBO estimates that will result in a savings of $468 million over 3 years—fiscal year 1986-88.

The so-called compromise that now appears in the bill is no compromise. It rescinds funds that the Corporation could not expend, even if it desired to. The compromise does not result in any discernable savings in the near term. Instead, it is a license to continue operations on a business-as-usual basis. In light of past and continuing actions, such a decision on the part of the Senate is clearly unconscionable.

Mr. President, it is absurd that in recognition of our serious deficits we have made substantial cuts in important programs while making no real savings in a misguided, mismanaged, and completely unnecessary Federal entity such as the SFC.

Mr. President, what we have here is a clear indication of the foolishness of establishing a corporation and not requiring that it be held accountable to its stockholders—who, in this case, are the American taxpayers.

Mr. President, a vote to dismantle the SFC and transfer $500 million to the Department of Energy is a vote for the future energy security of our Nation. A vote to dismantle the SFC is budgetary prudence. In fact, Mr. President, there is no justification to continue the existence of the SFC, the House of Representatives has recognized this; the American taxpayer recognizes this; and I hope that the U.S. Senate will recognize this.

Mr. McCLURE. Mr. President, I yield 1 minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

WHY WE NEED THE SYNTHETIC FUELS CORPORATION

Mr. DIXON. Mr. President, in 1980 when I ran for the Senate the biggest issue in my State was the question of synthetic fuels. Since that time the price of oil and gas has dropped, and because that a great many people in the Senate and in Congress are being shortsighted.

Mr. President, regretably too often Congress simply reacts. It does not plan ahead.

I think it would be a tragic error for us to abandon this important project. We should plan ahead, Mr. President, because there will be a shortage again, and our investment in synthetic fuels will be a very wise investment. This country needs a strong and viable Synthetic Fuels Corporation. Killing it would be penny wise and pound foolish.

The SFC that is before us today is not the same SFC that Congress created in 1980. The original law gave SFC $88 billion in obligational authority. Last year Congress had a choice of cutting the program to either $13 billion or $6.9 billion. Congress chose the $6.9 billion. Today we are faced with keeping nothing for the SFC or keeping $3.9 billion. We should keep $3.9 billion.

We have heard of how wasteful SFC has been with the taxpayers money. It has. What we should be doing is make appropriate cuts in the SFC so that we have a more cost-effective program.

The new SFC Board has made a firm commitment to a Synfuels Program which provides commercial operating experience with the major synfuels technologies and resources at the lowest possible cost. The days of multibillion dollar contracts for technological turkeys is over. The business plan created by the SFC last year emphasizes smaller, less costly projects.

If we kill the program as some would advocate for budgetary reasons we fail to acknowledge cost estimates prepared by the Congressional Budget Office [CBO]. According to CBO, only $332 million will be saved through 1990 if we take the remaining $6.9 billion from the SFC. Congress should be looking to cut wherever we can—but this type of misguided budget cutting will only leave America vulnerable to another Middle East energy crisis.

The proponents of this final cut in the SFC budget are unknowingly attempting to steer us on a course that could leave the United States helpless in case of another national energy emergency. The fact remains that we must develop synthetic fuels technology now, so that we know that it will be available when the next crisis occurs.

I once again urge my Senate colleagues to reject this amendment, which would strike all the remaining funds from the SFC, and support, instead, the committee amendment which would seek a cut in the program of $3 billion.

Mr. McCLURE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senater has 5 minutes remaining.

Mr. McCLURE. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, this matter has been before us a number of times and I am not going to belabor the subject except to say that just a year ago we entered into an agreement, a compromise between the House and the Senate and the administration on a reduced and curtailed program. I recently discussed that agreement at length during Senate

debate on the Interior and Related Agencies Appropriations Act.

Just about 8 months ago they finally got enough board members confirmed through the Senate so that they could go forward with the revised business plan.

Now, they are being continually hit over the head after Congress has hamstrung them, continually hit over the head by the fact that they have not produced more. For Heaven's sake, we have not let them produce more. We are as guilty of interference in their affairs as anyone may be. Regardless of what their problems may have been in the past, Congress should not again interfere in that process.

They are going forward now with a business plan that was revised precisely according to the agreement entered into just less than a year ago now. I think they are entitled to move forward.

Second, as the distinguished Senator from Louisiana indicated, our dependence upon imported oil is increasing. I would ask only if you do not look at anything else, look at the new Department of Energy oil import forecast. If you can be complacent in the face of that, I defy your logic or your judgment. You simply cannot be complacent.

My friend from Washington says you can do better in R&D somewhere else. This is an essential distinction. The Senator was not here when this started. But we debated that at length. We are not trying to do R&D. We are trying to demonstrate commercial technology. I read Secretary Harrington's comments about the Union Shale Oil Program. He said we should not put any money into this; it has not been demonstrated that it works.

What is a demonstration program? It is to take the R&D and put it into a commercialization operation to see whether it works.

He said they started it up and ran into trouble.

That is why we go into a demonstration program, to find out if the theory developed in the research laboratory is going to work in the field, and it did not work. They had to revise it.

That is why you have a demonstration program. That is why we spend money on that. When we need to be able to produce oil from shale we will know we can do it, what its technology is, what its costs are, what its opportunities and promise may be—not theoretically but in practice.

I think it is time for us to get out of the way and allow them to complete this phase of the program.

The Senator from Louisiana correctly identified the fact that we have reduced this program several times. I would just observe that this started out to be an $88 billion program when Congress authorized it. The first $20 billion was appropriated and what we have been doing is rescinding that appropriation piece by piece.

In 1980, the Congress responded to the energy crisis of the 1970's by enacting the Energy Security Act. Among its various legislative initiatives, the act created the U.S. Synthetic Fuels Corporation, and mandated as a national goal establishment of the capability for commercial production of synethetic fuels, and also a broader purpose—enhancement of the long-term energy and hence economic security of the United States.

Consistent with this objective, the Energy Security Act also established two alcohol fuel programs: one in the Department of Energy to provide financial assistance to very large scale commercial projects and one in the Department of Agriculture to support smaller scale projects, but still of a commercial scale.

As I reviewed earlier during debate on the Interior Appropriations Act, the justification for the SFC's Program remains valid.

CURRENT SFC FUNDING

When President Reagan declared the SFC operational in 1981 it had $14.9 billion in obligational authority available for conditional financial assistance, not the $88 billion originally proposed and often cited by SFC critics, or the $20 billion authorized in 1980 by the Energy Security Act.

Nevertheless, in recognition of the need in 1981 to reexamine the budgetary effects of Federal programs, such as synthetic fuels, the Deficit Reduction Act for fiscal year 1984 reduced the SFC's obligational authority to $14.1 billion. Subsequently, also in 1984, the continuing resolution for fiscal year 1985 further rescinded $5.375 billion.

CURRENT SFC OBLIGATIONAL AUTHORITY

The current SFC Board was thus left in fiscal year 1985 with only $8.686 billion in obligational authority out of which $5.7 billion was earmarked for eight projects with letters-of-intent authorized on or before June 1, 1984. In the aggregate these letters-of-intent, which were approved by the previous Board on the basis of an in-depth review of each project's strength and maturity, totaled $6.795 billion.

An added feature of this agreement with the administration was provision for recapture of 50 percent of any unobligated balances from this set aside for letter-of-intent projects, and its return to the Treasury.

SFC'S IMPLEMENATION OF 1984 AGREEMENT

In response to this agreement and the appointment of three new Directors, the SFC Board of Directors moved expeditiously to reformulate and scale back its business plan. Within 3 months of reestablishment of a quorum of the Board in December 1984, it had approved its statement of objectives and principles and its phase I business plan. Subsequently, by the end of June 1985, it had submitted to the Congress its comprehensive strategy report.

Mr. President, this restructuring of the SFC's Program will further reduce its potential budgetary impact. Such reduced award targets are reflected in the SFC's recent negotiations and awards to those projects with "letters-of-intent."

The current SFC's business plan, with its reformulated program, when completed, thus will achieve that critical initial commercialization of synthetic fuels, but at less than 10 percent of the cost contemplated by the Congress in the Energy Security Act.

Nevertheless, critics of the SFC remain unsatisfied. Their criticisms, however, fail to take into consideration the high degree of professionalism that has been achieved at the SFC following a continuous upgrading of its management and administrative practices.

CURRENT MANAGEMENT PRACTICES

Because of the SFC's concern that its awards of financial assistance meet the highest standards of excellence it has instituted a number of management reforms. For example, the SFC's statement of principles and objectives, among other matters, provides that any project assistance must represent a sound industrial undertaking; hence any project must satisfy stringent evaluation criteria regarding standards of technical and financial strength. These selection criteria are embodied in the Board's selection criteria as well as SFC staff evaluation procedures.

Comparable requirements also were imposed to ensure managerial capability and the financial resources of sponsors. Although some of the letter-of-intent projects had been under evaluation for 2 years when the reconstituted Board was convened, it ordered a review of the adequacy of the original evaluations and an assessment of the projects against its new statement of objectives and principles and its new business plan.

Following improved management procedures, the scope of the SFC's economic analyses was expanded to include the overall social costs and benefits of individual project proposals and the aggregate SFC Program. In addition, increased emphasis was placed on more stringent, financially quantified termination provisions to better assure continued operation of projects after the period of SFC assistance.

CURRENT ADMINISTRATIVE POLICIES AND PRACTICES

In recent years the SFC has undertaken a number of actions to ensure more efficient and cost-effect administrative practices. The regular full-time staff has been reduced in numbers from a peak of 209 to approximately

130, a decrease of over 34 percent. This was accomplished by the elimination of positions no longer required for the SFC to complete its statutory mission; by consolidation of duties; and by attrition.

Nevertheless, as the Congress recognized in the Energy Security Act, the SFC has a continuing need to attract and maintain a cadre of professional economists and engineers suitable to its mission. This has been accomplished by the SFC, consistent with the practices of Federal agencies with comparable economic and technical missions. For example, the average GS equivalent pay grade for SFC personnel is grade 10, step 9. This compares favorably the National Aeronautics and Space Administration, grade 11, step 1; the Department of Transportation, grade 10, step 9; the Environmental Protection Agency, grade 10, step 8; and the Federal Trade Commission and the Federal Deposit Insurance Corporation, grade 10, step 7. Notably, the SFC's average equivalent GS grade level is exceeded by the Office of Management and Budget, grade 11, step 4; the General Accounting Office, grade 11, step 5; and the Federal Mediation and Conciliation Service, grade 12, step 6.

The SFC's salary schedules thus are comparable to Federal agencies with comparable missions.

BENEFIT PACKAGE

As originally established by the Congress the SFC was designed to have a limited life. Nevertheless there was a need to attract into Government service for a limited time individuals with the necessary financial and engineering expertise for the SFC to satisfy its charter. The SFC thus undertook to design a pension plan which recognized this need. Benefits under the current plan are consistent with general Federal Government policies as well as private industry practices. For example, the benefit costs incurred by the Federal Government are at least 30 percent of payroll; by comparison the SFC's costs have never exceeded 25 percent of payroll. The principal difference is that the SFC's retirement benefits are paid out of current appropriations, while Federal Government retirements benefits are an unfunded liability. But nevertheless a liability.

However, mindful of criticism that have often been directed against its personnel practices, the SFC has undertook to redesign and modify its pay, benefit and personnel policies, so as to achieve savings of over $1,525,000 as of the end of fiscal year 1985. The new Board reduced by two the number of officers. The salaries of most of the officers were frozen at the rates set in September 1983 or earlier. And the senior staff either had their salaries frozen or raises significantly curtailed.

But equally important, if the SFC had adopted a benefit package similar to that provided Federal civil service employees between 1980 and 1985 the SFC would have incurred an additional expenditure of $5,000,000 for employee benefits. For example, a Federal employee's benefit expenses are greater than 30 percent of their salary, compared to under 25 percent of salary while at the SFC.

CASH MANAGEMENT PRACTICES

In response to an internal audit of the SFC's cash management practices for 1983, during 1984 the SFC upgraded its cash accounting practices and procedures regarding travel authorization. In addition, the SFC modified its relocation reimbursement policy so that it is now consistent with other Federal Government policies.

NEGOTIATION STRATEGIES

Early on the SFC developed negotiations procedures that are always explained to project sponsors in an initial negotiations orientation session prior to the start of factfinding discussions.

During 1984 and 1985 the SFC upgraded these procedures to prepare strategic planning documents, to strengthen work plans, to set milestone dates for project development as it proceeds, and to provide a system for prompt documentation of Board decisions.

FINANCIAL DISCLOSURE

The Energy Security Act, as originally enacted, provided that the financial disclosure provisions of the Ethics in Government Act of 1978 would apply to SFC Directors, officers, and higher-salaried employees. In addition, that original act provided that certain provisions of 18 U.S.C. 207 regarding post-employment activities of former officers and employees of the executive branch were made applicable to former SFC employees. Nevertheless, concern was expressed by some that the provisions of Executive Order No. 11222, prescribing standards of ethical conduct for Government officers and employees, did not apply to SFC employees.

In an effort to be responsive to this concern, the continuing resolution for fiscal year 1985 subjected SFC Directors, officers and employees to the same standards of ethical conduct and financial reporting as set forth in Executive Order No. 11222. Subsequently the SFC on June 18 revised its policy on standards of conduct to reflect this change in law.

COMMERCIALIZATION VERSUS R&D

Now let us look at the incorrect suggestion that a DOE Research Program could leap frog over existing synthetic fuels technologies which are ready for commercialization. Such a possibility reflects a basic misunderstanding of what is entailed in the commercialization of a new energy technology such as synthetic fuels. Further research will not provide knowledge on the scaleup of existing systems; it will not provide knowledge on system intergration or component related information on corrosion, erosion, or hydrodynamic behavior of multiple systems processing large volumes of solids. Such knowledge can only be obtained with very large facilities utilizing full-scale commercial equipment.

By comparison, the present DOE's Research Program, if successful, will provide a greater understanding of fundamentals that could eventually lead to evolutionary improvements to existing synthetic technologies. Furthermore, the ideas currently being pursued by DOE's Synthetic Fuels Program, if successful, will be easily incorporated into any plants built using already ready commercial technologies. Such a step also is a necessary condition for reduction into commercial practice of new synthetic fuel developments such as those being pursued by DOE.

REQUIRED ENVIRONMENTAL COMPLIANCE

Critics of the SFC incorrectly alleged that it has broad powers to exempt synthetic fuel projects from the environmental, health, and safety requirements imposed on all other projects of comparable size and potential environmental impact. However, this is totally wrong. Any project receiving SFC assistance is subject to the same environmental laws and regulations as any other commercial industrial project. For example, such projects must obtain all the necessary permits under the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and other applicable Federal, State or local environmental and health statutes. Further, all SFC contracts require as a condition of any assistance that projects comply with any requirements under such permits.

In addition, section 131(u) of the Energy Security Act and the SFC's environmental monitoring plan guidelines require the collection of more extensive environmental and health data from SFC assisted projects than otherwise would be required by such statutes. These SFC requirements extend to the monitoring and reporting of substances not currently regulated under existing law. The collection of such environmental and health information will assist in the development of a domestic synthetic fuels industry along environmentally sound lines.

SFC/SPRO COMPARISON

Mr. President, a couple of weeks ago during the debate on the Synthetic Fuels Corporation, one of my colleagues argued that taxpayer money is much better spent on putting oil into the strategic petroleum reserve than it is to put money in Synthetic Fuels Corporation projects.

The Synthetic Fuels Corporation, and the strategic petroleum reserve

are similar in the sense that both will provide a future capacity to produce oil. However, there is considerable difference in the length of time that each is available to meet our country's oil demands.

I am a strong supporter of the strategic petroleum reserve but it is extremely short sighted to think that the reserve will solve our energy problems. It will not. It does, however, give us a temporary supply of oil that can be used in case of an emergency. According to DOE, the current supply of oil in the strategic petroleum reserve will last only 100 days.

The strategic petroleum reserve is only one part of several pieces of the program necessary to foster energy independence. The Synthetic Fuels Corporation is another piece of that program designed to provide more than a temporary fix to potential energy shortages.

While the strategic petroleum reserve and the Synthetic Fuels Corporation, are tied together it is interesting to compare the costs associated with each.

The costs associated with a barrel of oil for the strategic petroleum reserve are made up of the costs of storage, construction, maintenance, and the actual cost of oil. The average cost of SPR oil from 1977 through 1984 was slightly over $29 a barrel. The total invested capital—including storage, construction, maintenance costs, and increase in interest costs to the national debt—is nearly $50 a barrel.

Of course, these additional storage maintenance, and costs associated with the interest costs are incurred annually and would increase annually. These costs would increase by 1995 at an approximate to $5 per year, thus bringing the total actual cost to $100 per barrel.

By comparison, the Synthetic Fuels Corporation is proposing to guarantee the price of syncrude from the Parachute Creek oil shale plant at approximately $72 a barrel.

CONCLUSION

As I discussed earlier, only last year the Congress addressed the matter of SFC funding. One year has passed since SFC compromise legislation was enacted in the fiscal year 1985 continuing resolution. That agreement called for a scaled-down Synthetic Fuels Program.

Since that agreement, the new Board has responded to Congress and has moved deliberately to produce a statement of objectives and principles, a new business plan, and the comprehensive strategy report to the Congress. The Corporation has restructured its program, as mandated by Congress, to reflect the new business plan. The new program concentr[illegible] on obtaining experience in co[illegible] tion and operation of sc[illegible] projects using commercial scale equipment.

Abolishing the SFC at this time will result in loss of the potential benefits for which we have been pursuing for more than 4½ years. It is budgetarily irresponsible to abandon achievement of these benefits at this critical time, when the SFC's Program is about to reap the rewards which we have sought for so long.

There currently are four successful, commercial synthetic fuels plants which have been assisted by the new SFC Board. Given time, the new Board will approve more well-designed and well managed projects based upon their technical, managerial and economic strengths. We are finally seeing tangible results of a 4 year effort by the Congress and the Reagan administration.

What has always been needed is an entity such as the SFC which can utilize experienced management teams with the expertise to operate commercial facilities. The SFC was created for that purpose, and the SFC has been taking a cautious approach in selecting qualified sponsors and projects which meet its criteria of strength and maturity.

The current SFC Program, now in place, costing a fraction of the original congressional authorization, constitutes an appropriate initial program to foster the development of our synthetic fuels option—which is an insurance policy for the United States.

Mr. President, I ask unanimous consent that a dear colleague letter describing the committee amendment and the fund that would be available do the SFC be reprinted at this point in my remarks.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, December 6, 1985.

DEAR COLLEAGUE: The Senate is commencing debate on H.J. Res. 465, the Continuing Resolution for fiscal year 1986, and once again debate will occur concerning the future of this nation's synthetic fuels development program.

Just last fall the Congress and the Administration agreed to a reduced and restructured program for the U.S. Synthetic Fuels Corporation. Eight months ago, the Senate confirmed three new Board Members which allowed the Corporation to proceed with its smaller, restructured Business Plan. It is now obvious that the Congress wants to further restrict and reduce that program.

In an effort to meet this concern, included in the Continuing Resolution is a Commit[illegible] tee amendmen[illegible] which we believe is resp[illegible] sive to curr[illegible] et realities, while [illegible] same tim[illegible] the long-term [illegible] secur[illegible] this vital e[illegible] gr[illegible] fectively do away with this vital energy program altogether. Specifically, the amendment—

Further rescinds $3 billion of the SFC's obligational authority, leaving the SFC with sufficient budgetary authority to complete implementation of its restructured Business Plan;

Directs the SFC to complete implementation of its Business Plan by a date certain (September 30, 1986), after which the SFC will enter its contract monitoring phase, with a significant reduction in staff;

Restricts the SFC's negotiations to the present list of pending proposals, which, in response to SFC solicitations, were submitted prior to October 1, 1985;

Accelerates the SFC's termination date to as early as 1989, but in no event later than 1992, or 5 years earlier than current law; and

Requires the SFC to submit to the Congress by September 30, 1986, a report reviewing actions taken to implement its Business Plan and by July 1, 1989, a report fulfilling the same statutory requirements placed on the comprehensive strategy submitted to the Congress this year.

In our judgement, this amendment is responsive to concerns of the Congress and to current budgetary realities, while avoiding the potential sacrifice of over $1.4 billion in private sector investments that have been made to date and avoiding the charge that once again the Federal Government will not fulfill commitments that people and companies have relied upon.

We urge your support for this compromise amendment already included in the Continuing Resolution.

Sincerely,

J. BENNETT JOHNSTON,
Ranking Minority Member.
JAMES A. MCCLURE,
Chairman.

[From Energy Daily, Dec. 3, 1985]

HUGE INCREASE IN OIL IMPORTS FORECAST IN NEW DOE STUDY

(The United States faces a continuing longterm decline in domestic oil reserves and production, coupled with increased oil imports. This translates into spiralling costs for imported oil, from roughly $60 milli[illegible] this year to more than $100 billion a ye[illegible] 2000. In total, the U.S. will spend mo[illegible] $2.4 trillion for oil imports from [illegible] according to a draft of the Pre[illegible] National Energy Policy Plan [illegible]

(By Bill Ran[illegible]

The soon-to-be-relea[illegible] completed by the [illegible] Energy staff and i[illegible] federal agencies [illegible]

Although m[illegible] energy obs[illegible] accuracy [illegible] plan [illegible] crea[illegible] im[illegible]

trol, with resulting price increases, according to the preliminary plan.

Using these assumptions as a reference, NEPP predicts:

U.S. domestic oil production (10.2 million barrels a day in 1984) will decline to 9 million b/d in 2000 and 7.6 million b/d by 2010, or 25 percent less than in 1984;

Annual oil import costs (constant 1984 dollars) will grow from $54 billion in 1990 to $106 billion in 2000 and $182 billion in 2010;

Total U.S. oil import costs will be roughly $350 billion for 1984-1990, $800 billion for 1991-2000 and $1.4 trillion for 2001-2010;

By 1990, the U.S. will be more heavily dependent upon oil imports than it was before the 1973 oil embargo; by 2000, oil imports could provide 47 percent of total U.S. oil consumption (versus 1984's 35 percent), an all-time U.S. record; and

From 1990 to 2010, U.S. domestic oil production will drop by 1.6 percent a year (from 10.5 million b/d to 7.6 million b/d), although real oil prices will increase at a substantial 4.6 percent annual rate (from $23 to $57 per barrel).

The preliminary plan predicts oil prices will increase gradually over the next 25 years: by 1990, $23 per barrel; 1995, $30; 2000, $37; 2005, $47; and 2010, $57. This constitutes a significant change of heart by the Administration, which in its 1984 forecast predicted oil prices to rise to $61 a barrel in 2000 and $90 a barrel by 2010. (The Gas Research Institute's projections, however closely track the 1985 NEPP projections. GRI predicts oil prices to cost $26 per barrel in 1990, $38.50 in 2000 and $57 in 2010.)

The preliminary NEPP plan also contains another drastic change from last year's plan. The 1985 draft says that by 2000, net energy imports will supply 17.2 percent of U.S. demand by 2000 and 15.3 percent by 2010. Last year's projection, however, predicted that net energy imports would account for just 8 percent of demand by 2000 and only 2.5 percent by 2010.

But sharing DOE's view of increased imports and decreased domestic production is GRI. Petroleum consumption will increase to 16.9 million b/d by 2010, says the institute. (NEPP says 16.4 million b/d.) "As a result, primary petroleum consumption grows at only 45 percent of the rate of growth in total energy demand," says the GRI forecast.

[illegible]pite the relatively slow growth in pe[illegible] consumption, "declining petroleum [illegible] results in a significant increase [illegible] imports," says GRI. The insti[illegible]at domestic production will [illegible]on barrels per day in 1984 [illegible] per day in 2010. GRI [illegible]een 1984 and 2010, [illegible] imports needed to [illegible]rom 4.8 million [illegible] barrels per [illegible]

[illegible] primary [illegible] 77.8 [illegible]ate [illegible]

U.S. SYNTHETIC FUELS CORPORATION FUND AVAILABILITY, FISCAL YEAR 1985

[In millions of dollars]

	Obligational authority	Commitments: Letters of intent	Commitments: Other	Project commitments
Continuing resolution, fiscal year 1984 (energy security reserve)	8,685.72			
SFC commitments:				
Cool Water		(120.00)		
Dow Syngas		(620.00)		
PMA 131 (u)		(0.47)		
Subtotal		(740.47)		740.47
Administrative expenses			(51.92)	
Fees and receipts (to date)			2.61	
Fiscal year 1984 subtotal		(740.47)	(49.31)	
Balance available, fiscal year 1985	7,895.94			
Subtotals		5,700.00	2,195.95	
SFC Commitments: Forest Hills (LOI)		(60.00)		60.00
Administrative expenses			(13.97)	
Fees			0.07	
Fiscal year 1985 subtotal	(73.90)	(60.00)	(13.90)	
Balance available, fiscal year 1096	7,822.04			
Subtotals		5,640.00	2,182.04	
Committee amendment (November 7)	(3,000.00)	(3,000.00)		
Balance	4,822.04	2,640.00	2,182.04	
SFC commitments: Union I		(500.00)		500.00
Pending projects (LOI's):				
Cathedral Bluffs (reserved)		(2,190.00)		
Great Plans (reserved)		(720.00)		
Hop Kern (withdrawn)		0.00		
Northern Peat (reserved)		(365.00)		
Seep Ridge		(184.34)		
Subtotal		(3,459.34)		2,140.00
Pending proposals			2,045.89	2,045.89
Keystone (coal)				
COGA-1 (coal)				
Utah methanol (coal)				
Virginia Power (coal)				
PR Springs (tar sands)				
Sunnyside (tar sands)				
American Syn-crude (oil shale)				
Paraho-Ute (oil shale)				
Administrative expenses (through fiscal year 1990)			(142.00)	
Fees			5.85	
Balance available	0.00	0.00	0.00	5,426.36

Mr. McCLURE. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. EVANS. Mr. President, let me just briefly reiterate that the fact there are good people, and I would agree they are good people, now in charge of a corporation does not mean that good people should run a bad operation.

Synfuels Corporation as a separate corporation is unnecessary. We can continue research on oil shale. We can continue research in any direction we think is appropriate.

I say to my colleague from Idaho I know very well as [illegible] engineer some[illegible]ime in the distan[illegible] the difference [illegible]ween basic [illegible]pplied re[illegible], demon[illegible] and all [illegible]s search. Nothing prevents us from doing basic research.

But I reiterate we should do it through the appropriations process, through continuing decisions, through priorities which we in Congress set and they do not remain immutable.

The fact that the corporation has come down from $14 billion is merely an indication that we are on the right path. It is time to take it the remainder of the way and put ourselves in position where we are in Congress and the scientists of the Nation, where the Energy Department, energy research and development, and the demonstrated technologies should be concentrated, can do it in a comprehensive fashion.

Mr. President, the administration has consistently, over time, supported the amendment the Senator from Ohio and I have introduced. They continue to support it. I suggest my colleagues do likewise.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLURE. Mr President, I yield 1 minute to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. JOHNSTON. Mr. President, I simply want to say that when it comes to oil shale, when it comes to coal gasification, it is not research we need. We know coal gasification will work. The Germans did it in World War II. We know coal liquefaction will work. The Germans ran their air force on it in World War II. We know you can get oil from shale. They have been doing it in Colorado since the first decade of this century.

What we do not know and what this program is designed to do is to find out whether we can commercialize oil shale, whether you can do it in situ or whether you can do it by retorts, whether the best way to go with coal, liquids from coal, is from the methanol process or go directly from gas to liquids, or a whole host of other things that are designed to be found out in this program, ongoing, and in which $1.4 billion has been put up from the private sector. Let us not stop it now.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLURE. Mr. President, I have 1 minute remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Mr. President, I urge my colleagues to reject the amendment offered by the Senators from Ohio and Washington, which would completely destroy and eliminate the Synthetic Fuels Corporation and its program. We have constrained it under the compromise which we have offered. It must make its initial [illegible]cisions by September 30, 1986. Then

they would scale back only to monitoring the contracts and completing the contracts then in effect.

I hope that the Senate will allow us to proceed with the compromise which has been offered by the committee and reject the amendment which is pending.

The PRESIDING OFFICER. All time has expired.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. METZENBAUM] and the Senator from Washington [Mr. EVANS]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Alabama [Mr. DENTON], the Senator from North Carolina [Mr. EAST], the Senator from Arizona [Mr. GOLDWATER], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from California [Mr. CRANSTON], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Vermont [Mr. LEAHY], the Senator from Maryland [Mr. SARBANES], and the Senator from Nebraska [Mr. ZORINSKY] are necessarily absent.

I also announce that the Senator from Florida [Mr. CHILES] is absent because of illness.

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

The result was announced—yeas 40, nays 43, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—40

Baucus	Glenn	Metzenbaum
Biden	Gorton	Moynihan
Bingaman	Gramm	Nickles
Boschwitz	Grassley	Packwood
Bradley	Harkin	Proxmire
Bumpers	Hecht	Quayle
Chafee	Helms	Riegle
D'Amato	Hollings	Roth
Danforth	Humphrey	Rudman
Dodd	Kassebaum	Stafford
Dole	Kasten	Thurmond
Durenberger	Lautenberg	Wilson
Eagleton	Levin	
Evans	Mattingly	

NAYS—43

Abdnor	Boren	DeConcini
Andrews	Burdick	Dixon
Armstrong	Byrd	Domenici
Exon	Lugar	Sasser
Ford	Mathias	Simon
Garn	Matsunaga	Simpson
Gore	McClure	Specter
Hatch	McConnell	Stennis
Hatfield	Melcher	Stevens
Hawkins	Mitchell	Symms
Heflin	Nunn	Trible
Heinz	Pell	Wallop
Johnston	Pressler	Warner
Laxalt	Pryor	
Long	Rockefeller	

NOT VOTING—17

Bentsen	East	Leahy
Chiles	Goldwater	Murkowski
Cochran	Hart	Sarbanes
Cohen	Inouye	Weicker
Cranston	Kennedy	Zorinsky
Denton	Kerry	

So the amendment (No. 1325) was rejected.

Mr. McCLURE. I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, under the unanimous-consent agreement, there are 20 minutes reserved on the committee amendment. In my conversation with Senator METZENBAUM and Senator EVANS, we agreed that we would be bound by the outcome of this vote. It would be my hope that we could rescind the time and accept the committee amendment by voice vote.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time?

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, I yield 2 minutes to myself.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I think that final vote was 40-43. It is a fact that there were 17 absentees and if you count the absentees, there is some reason to believe that we would have prevailed had they all been here. But it is a further fact that Senator EVANS and I had indicated to Senator McCLURE and Senator JOHNSTON that we would take our chances with that vote. We lost; therefore, we have no objection to vitiating any further action in the matter.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McCLURE. Mr. President, before yielding back my time, I wish to thank both Senator METZENBAUM and Senator EVANS. Senator METZENBAUM does outline it correctly. We had before the vote said we would accept the outcome of the rollcall, regardless of what it was. We also said it was our intention to make the appropriate change in the reconciliation measure to reflect that action. So this will be the final vote for this year on this issue.

I yield back the remainder of my time.

Mr. METZENBAUM. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. McCLURE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD addressed the chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I have been asked many times about the possibility of more votes this afternoon. I also am aware that there have been certain Members who were not on the floor at the time that I outlined the procedure to be followed on this matter around 1 o'clock or 1:30. Let me reiterate briefly.

The current continuing resolution that we are living under—not the one that we have before us today, but the CR currently in effect, in place, expires next Thursday night. That means that we have to take some action between now and Thursday, one of two kinds of action. We either have to get this bill into conference and get a conference report out of conference that the President will sign and back here acted on by Thursday night

Second, if it appears, as it does to me at this moment, that the President is not going to sign any conference report we get out of conference committee and that the House of Representatives will not permit a vote on a conference report until the White House assures Congress that they will sign the conference report, we are headed for a forth continuing resolution, this pending one being the third one.

In that case, that fourth continuing resolution, if I were to make a prediction, would probably be a short termer, bridging us over Christmas into the next session of Congress. Whereupon, Congress at that time would have to take the action again for either a fifth continuing resolution or, in the meantime, hopefully, two more appropriations bills that are wrapped into this continuing resolution will be signed into law; namely, Labor-HHS and State-Justice-Commerce. So we would be dealing with

another continuing resolution in a different configuration.

There are some issues in this bill that the Senate has not had a chance to debate; namely, Defense Department appropriations and foreign relations. Now, everyone has certain concerns and ideas about that, but let me go through procedurally where no one's rights are going to be foreclosed to alter the ultimate product of this continuing resolution if this is one that can ultimately be signed.

First of all, we will have a conference report if we can get the commitments out of the White House and we will have points in disagreement in that conference report. That will come back to the floor of the Senate and that becomes amendable. So on those burning issues, those deep concerns that I know my colleagues have on some of these matters, their right could then be exercised at that point on the conference report. If we do not have a conference report, we will have a fourth continuing resolution. We shall have to have one. That will probably be a stripped-down version of whatever else the House may decide to do with that. That becomes a vehicle upon which a Senator's issue might be considered by this body through the amending process.

There is also the supplemental vehicle that we know is being formulated now in the OMB. That will be coming down the track at a later date.

What I am trying to emphasize at this time, Mr. President, is that really, in effect, this whole vehicle that we are working with and what we are doing now to modify and change it is a sort of exercise in futility, because the simple fact that remains is that this may never even get out of conference, but rather, a whole new vehicle may be sent over to us by the House Appropriations Committee.

The sooner we can get to conference, the sooner, of course, we can get some kind of vehicle back here, either to modify or change or whatever we want to do, and do before Thursday night. That is the situation we are in.

I want to say that in my view, unless we can get this thing, as I had hoped and announced early on at 1:30 today—we were here to do business, we wanted to complete this bill today if possible. That is still our objective. But no Senator's rights are being foreclosed. Those Senators who are trying to find a time of no votes or rollcall votes, I have no other way to express it except to say I am hopeful that we do not have any more rollcall votes, that we can move this to a final voice and get into conference by, hopefully, Monday or Tuesday.

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

Mr. HATFIELD. I am happy to yield.

Mr. BUMPERS. When the Senator refers to this bill coming back in an amendable form, is he referring to amendments or points of true disagreement that come out of conference? Because this vehicle, once it passed here today or Monday or whatever, will not be amendable again, will it, except for a vote on those things which are in true disagreement between the House and the Senate?

Mr. HATFIELD. Or with technical disagreements on technical issues that can be amended. The one I am suggesting here at this time, we will devise some mechanical system in order to make it amendable so that Senators who are not able to be here at this particular moment to offer an amendment may have an opportunity on that vehicle to offer that amendment.

Mr. BUMPERS. If the Senator could give us some assurance—I have an amendment which I feel certain would require a rollcall vote. If I could have some assurance I could have a rollcall vote next week on that amendment, I would be happy to forgo offering it at the moment.

Mr. HATFIELD. The Senator would have two opportunities. No. 1 would be on a conference report that we would make amendable. Or, No. 2, if we are not able to reach an agreement in conference that would be agreed to by the conference, then we will have a fourth, a short-term kind of CR vehicle that will pick up the void that would be created by Thursday midnight.

Mr. BUMPERS. I thank the Senator.

Mr. McCLURE. Would the Senator yield?

Mr. HATFIELD. Yes, Mr. President, I yield.

Mr. McCLURE. There are several Senators who have proposals with respect to the Interior appropriations bill contained in this CR. There are a number of those proposals which are agreeable to the manager of that bill and I think to the minority manager as well. It would be my hope that those which are not controversial and agreed upon between the parties, we would have an opportunity to place in this vehicle before it leaves. It is my understanding we can do that and if anybody raises any controversy about those matters and demands a rollcall vote, then we would have to try to pull the amendment down.

I do not know of any such controversy, but I did want those who have had discussions with me or my staff to know that we are prepared to accept a number of those amendments.

Mr. DECONCINI. Will the Senator yield?

Mr. JOHNSTON. Will the Senator yield?

Mr. HATFIELD. I would be happy to yield.

Mr. DECONCINI. Will the chairman yield?

Mr. HATFIELD. I yield to the Senator from Louisiana and then the Senator from Arizona.

Mr. JOHNSTON. I thank the Senator. Mr. President, I have an amendment—in fact, I have two amendments with respect to the strategic defense initiative, and the distinguished Senator from Arkansas has a second-degree amendment to mine. Now, in the interest of speeding this matter up, I think we may be able to negotiate an agreement—I would hope we can—with Senator STEVENS, if he is somewhere available. I state that in the interest of getting this thing speeded up.

Mr. HATFIELD. I thank the Senator from Louisiana, because I want to accommodate Senators in their rights, not foreclose them, and we will do that in whatever time it may take. I am really trying to get down to I guess a bottom line, for many questions have been asked, will it require a rollcall, will Senators be offering something that will require a rollcall. I am not aware at this point, with the possible exception of Senator GLENN and Senator JOHNSTON—and if that agreement can be worked out, that would vitiate the necessity of a rollcall—I am not aware——

Mr. HOLLINGS. Will the Senator yield? Is Senator JOHNSTON's amendment on the SDI; is that what we are talking about?

Mr. JOHNSTON. That is correct.

Mr. HOLLINGS. But you say it is worked out?

Mr. JOHNSTON. I say it may be possible to work it out.

Mr. HOLLINGS. Because I had gotten two reports from Senator STEVENS, Mr. Chairman, to the effect that there was not going to be one, but if there was one there would be a rollcall. I just talked to him.

Mr. JOHNSTON. What my amendment would do would be to reduce the funding to $2.75 billion, which is the authorized level.

Mr. HOLLINGS. Right.

Mr. JOHNSTON. Senator BUMPERS had a second-degree amendment to reduce that to $2.1 billion, and it may be possible to come together on that.

Mr. HOLLINGS. I would be interested in it. At the present time there could be a rollcall. I would have to inform my colleagues that I might ask for a rollcall.

Mr. JOHNSTON. There would have to be two or three probably unless we could work it out.

Mr. MATTINGLY. It seems to me, after the vote on the synfuels matter, we are sort of assured that the continuing resolution is not going to go anywhere. Now, if the Senator is going to begin offering other amendments, like the Senator from South Carolina, I get concerned when the Senator

starts talking about SDI and everything else. We can start canceling flights right now to make rollcall votes. I think the Senator from Oregon was trying to get through this bill right away by voice vote.

Mr. JOHNSTON. The Senator probably was not listening. I said we would work it out, if there is somebody to work it out with. Now, where is somebody to work it out? If the Senator wants to speak on SDI, well, let us talk about it. If he wants to vote, I am ready to put in an amendment at this point.

Mr. MATTINGLY. I am not. If the Senator is not going to put in an amendment, that is fine. If he is going to have an amendment, I guess there is going to be a lot of us ready for a rollcall vote because I do not think that is an amendment like language we add to a Senate appropriation bill.

Mr. JOHNSTON. Let me say to my disginguished friend, this is not something we have thought up this afternoon. This issue has been around a long time. Lest the Senator be suggesting that somehow I am surprising my colleagues——

Mr. MATTINGLY. Oh, no.

Mr. JOHNSTON [continuing]. Please understand this is an issue in which I have a deep and abiding interest and am ready to bring up that amendment and thought we were today. So please do not make the suggestion that it is I who somehow is holding up this Senate by some new idea that has just sprung full blown on the floor of the Senate. To the contrary, I would like to avoid that vote if we can.

Mr. MATTINGLY. I say to my friend from Louisiana, I would not be surprised.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. HATFIELD. Mr. President, I appreciate the concerns expressed. Let me suggest that we move ahead with some of the amendments that we know are acceptable and urge the Senator from Louisiana and the Senator from Arkansas, the Senator from South Carolina and others who may be interested, to find Senator STEVENS and see if that matter can be worked out to avoid a rollcall. In the meantime, we will just handle other amendments as they may be offered, recognizing that we will press on to try to bring third reading at some point, hopefully this afternoon. If not, then tonight.

Mr. HELMS. Mr. President, will the Senator yield? I am so reluctant to inhibit him at all but I do not feel that I fully understand the situation. May I ask him to look at page 11, line 11?

Mr. HATFIELD. Yes, I have page 11.

Mr. HELMS. As the Senator knows, I have an interest in the title X question. Will the Senator say for the record what my protections are in terms of getting the amendment up? Obviously, there will be a rollcall vote and I do not want to inhibit what he is trying to do this afternoon.

Now, did I understand the Senator to say that in his judgment the House is not going to accept an amended version of this and in any case the President is going to veto it? Is that what the Senator said?

Mr. HATFIELD. What I said was that we have notification from the White House that the President's advisers—well, there is an interesting euphemism they use. The senior advisers to the President would——

Mr. HELMS. I understand; I have heard it.

Mr. HATFIELD [continuing]. Counsel him not to sign it. In other words, we have been assured that the House version would be vetoed and the Senate version which we now have under consideration would be vetoed. They list a number of reasons why. We will have to go to conference ultimately with the House. But what I was saying in effect is, according to my information, the House leadership has indicated their grave question whether they would permit a conference report emanating from the conference on these two bills to be voted on on the House floor, which would have to precede our vote on a conference report, unless they had assurances from the White House that the White House would sign that particular conference report and without that assurance that they would then fall back to a fourth continuing resolution which would be of a short-term bridging from Thursday night next, when the one we are living under expires, into sometime early next year, leaving everything in suspension. But still that continuing resolution would be amendable. So that a Senator's rights to change anything in this particular bill would be protected. You would have one of two possibilities to further act upon this conference report if we in the next 5 minutes voice voted it. You would have a conference report coming back out of conference amendable—well, the disagreements. In other words, we would set up the mechanics of having points of true disagreements or technical disagreements in order to make that report amendable. Or, second, we would have the fourth continuing resolution that would have to pick up the slack on a short-term basis from Thursday night onward to be amendable. So that the ultimate policy——

Mr. HELMS. That would not be any protection for me, though, with reference to line 11, page 11.

Mr. HATFIELD. Is this the same language as the House, is the Senator saying, and therefore nonconferenceable?

Mr. HELMS. There is no language. That is the point, I say to the Senator. Under the rule in the House, Congressman KEMP was prevented from getting a vote on this amendment.

The Senator has been around the track here many times. He has perhaps one of the most difficult jobs in the Senate and I certainly do not want to inhibit it, but the Senator has no doubt that as the process unrolls, I will be protected in terms of the matter that I have mentioned?

Mr. HATFIELD. I understand. And I would say to the Senator, if I could see the wording of what his proposed amendment might be, there may be some possibility of working out that amendment.

Mr. HELMS. That is an excellent idea. I will get the text and then proceed.

Mr. HATFIELD. If the Senator would give me the text, I would be very happy to try to help work that out where it might be accepted by a voice vote.

Mr. HELMS. The Senator is most gracious.

Mr. WALLOP. Will the Senator yield?

Mr. HATFIELD. Yes.

Mr. WALLOP. One of the things that concerns me about what the Senator from Louisiana said was the opportunity that they might have to work out something on SDI. I have one which I wish to offer at some moment in this process which would bring us to full funding of SDI.

Mr. HATFIELD. Just the opposite.

Mr. WALLOP. Just the opposite. I would not want to be foreclosed from the opportunity to let Senators express themselves on that. And I have another one dealing with funding of the United Nations, which I do not anticipate long debate, at least on this Senator's part, only to try to make the case and move.

Mr. HATFIELD. I would hope that maybe on those that do require some kind of a vote we might work out, as we did with the synfuels issue, a time agreement.

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

Mr. HATFIELD. I yield.

Mr. DECONCINI. I advise the chairman that the distinguished Senator from Idaho and I have worked out an amendment that can be accepted, and I am prepared to do it. I know that the Senator from Connecticut has one, too. Maybe we could at least do a few of them and get them behind us.

Mr. HATFIELD. Mr. President, I would like to move ahead with the suggestion to take care of these amendments. The Senator from Connecticut has an amendment which we will accept.

I urge Senators who do have amendments that if there are possibilities to work them out with some kind of arrangement, that is fine. Otherwise,

there may be rollcall votes required later during the consideration, until we reach final passage.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I should like to ask a further question of the chairman, just for clarification of this procedure. Let me pose a scenario, and the Senator can then respond.

What if we very quickly pass this continuing resolution and it goes to conference with the House, and there, by some chance, agreement is reached that is suitable to both the White House and the conferees? Then have we not foreclosed any amendment on those items which are in agreement in the conference?

Mr. HATFIELD. If there are amendments in disagreement in that conference—and I have every reason to believe that there will be, even with the White House approving as to a dollar figure—there are going to be policy issues and technical questions, and we are still going to have the conference report come back here with those amendments in true disagreement or in technical disagreement.

Mr. EVANS. I understand that they are in true disagreement or technical agreement; but if they do not come back with disagreement between the two Houses, there is no further opportunity to enter amendments.

I am thinking now especially of the two major appropriation bills which have not received any opportunity for amendment or debate on the floor of the House—Defense and Interior.

Mr. HATFIELD. As long as there are amendments in true disagreement or in technical disagreement, the conference report is amendable. If the conference report comes back without amendments in disagreement, then it is not.

Mr. EVANS. But if it comes back in disagreement, technical or true disagreement, it is only those disagreements which can be voted upon. Is that correct?

Mr. HATFIELD. Yes and no. You can hang other amendments on those amendments.

Mr. EVANS. So long as they are germane?

Mr. HATFIELD. That is a question for the Chair. It is a question of appeal. There are many things in this bill right now that are subject to a point of order on the question of legislation on an appropriation. Under the Rules of the Senate, we operate with a fairly liberal and loose arrangement.

All I am saying is that it is possible in the Senate to amend a conference report on a true disagreement or a technical disagreement amendment in that report, on any subject in that conference, whether it is in the body of those technical or true disagreement amendments or not. It is a possibility of hanging a hook there of another amendment.

Mr. EVANS. Let me pose another question. I do not want to take much time, but this is very important.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. EVANS. If a Senator has had an amendment, say, put on what was once the Interior appropriation bill, which we do not have a chance to debate or to amend, and a conference is held and the particular subject of that amendment does not appear in disagreement at all, or maybe it is not even mentioned in the conference report, what then would be the position of a Senator who wished to make such an amendment if a conference report came back?

Mr. HATFIELD. I repeat that, in the Senate, such a Senator would have the right to rise and offer an amendment and hang it on one of those technical or true disagreement amendments within the body of the conference report.

To say that that would be unchallengeable by some other Member of the body, I am not suggesting that at all. I am merely saying that under the rules of the Senate, it is possible for any Senator to offer such an amendment to any technical or true disagreement amendment in the body of the conference report.

Mr. EVANS. I thank the Senator.

AMENDMENT NO. 1326

Purpose: To provide for expedited consideration of any joint resolution raising objection to the proposed arms sale to Jordan

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1326.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SEC. . Any joint resolution introduced on or after February 1, 1986, which states that the Congress objects to the proposed sale to Jordan of advanced weapons systems, including advanced aircraft and advanced air defense systems, (submitted to the Congress on October 21, 1985), shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and 51 other cosponsors, including the chairman of the Foreign Operations Subcommittee of the Appropriations Committee and the ranking minority member of that committee, the Senator from Hawaii. The amendment is cosponsored by the following Senators:

Senators CRANSTON, PROXMIRE, KERRY, FORD, SASSER, LEVIN, LAUTENBERG, EXON, KENNEDY, RIEGLE, HEINZ, HAWKINS, HART, GLENN, SARBANES, HARKIN, INOUYE, SIMON, MATSUNAGA, ANDREWS, DECONCINI, and GRASSLEY.

Senators LEAHY, DIXON, D'AMATO, BUMPERS, MELCHER, BIDEN, QUAYLE, BRADLEY, BAUCUS, BINGAMAN, BURDICK, EAGLETON, GORE, JOHNSTON, METZENBAUM, PELL, PRYOR, ROCKEFELLER, KASTEN, MATTINGLY, SPECTER, WEICKER, SYMMS, MITCHELL, BOREN, DURENBERGER, PRESSLER, MOYNIHAN, and RUDMAN.

Mr. President, during consideration of the resolution relating to arms sales to Jordan, I endeavored to offer a substitute measure designed to ensure that a vote would occur on any resolution of disapproval offered on or after February 1, 1986.

I offered this substitute not because of any objection to the substance of the leadership's Jordanian Arms sales resolution. For weeks I had urged the administration to delay any arms sales to Jordan until after the first of the year. The leadership resolution moved in that directon by delaying the sale until March 1, unless direct and meaningful negotiations between Israel and Jordan occurred prior to that. I supported that proposition, providing it was governed by the appropriate safeguards.

My concern went to the procedural question: How to ensure a vote in the Senate on any resolution disapproving this sale prior to March 1, in the event that as we approach that date it becomes obvious that the sale would not advance the peace process and would not be in the best interests of the United States.

Members should be assured of that opportunity. But the resolution as presented and as ordered in under the unanimous consent arrangement did not provide such an assurance. My substitute did and it did so by requiring that any resolution of disapproval relating to the Jordanian arms proposal, introduced on or after February 1, 1986, be considered in accordance with the expedited procedures contained in section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

I was not able to get a vote on my proposal. But in view of the importance which I attach to this procedural aspect of the arms sales question, I have sent an amendment to the desk on this matter.

This amendment—with a total of 51 cosponsors—is virtually identical to the proposal I attempted to have considered October 24. This amendment

simply guarantees that on or after February 1, 1986, any resolution of disapproval relating to the proposed arms sales to Jordan shall be given expedited consideraton and shall be brought to a vote prior to March 1.

This issue is simply too important to allow it it go forward without appropriate procedural safeguards. We all recognize the volatility of the political environment in the Middle East and because of that volatility, we must approach arms sales to the region with great care and caution.

I hope such care and caution are unnecessary in this case; I hope the peace process proceeds apace; and I hope that direct negotiations between Israel and Jordan begin tomorrow.

But I am also a realist, and I realize that when it comes to the Middle East, there is an awful lot of history to suggest that our hopes will not be fulfilled, or at least not fulfilled in the timeframe expected.

The amendment which I am offering simply recognizes the potential dangers that come with any major arms sales to the Middle East. The Jordanian arms sales totals $1.9 billion and it includes some of the most sophisticated weapons systems we have available in our arsenal.

I hope the Senate will adopt my amendment and will approve the kind of procedural safeguards that will guarantee the Congress a meaningful role in making the final decision with respect to going forward with this arms sales proposal.

Mr. President, this amendment covers a situation which could occur in the month of February. Several weeks ago, we passed almost unanimously—with the exception of one vote—a resolution on the Jordanian arms sale. However, one thing we did not provide for during the consideration of that resolution was a protection that would guarantee an expedited procedure should a resolution of disapproval on the arms sale occur during the month of February.

This amendment will provide for a joint resolution to be considered, should such a resolution of disapproval be offered.

I appreciate the cosponsorship of this amendment by so many of my colleagues on both sides of the aisle, to cover that possible situation. I point out that this has been cleared and approved by the chairman of the Foreign Relations Committee as well.

The majority leader and the chairman of the Foreign Relations Committee have given assurance that there would be a vote, should a vote be needed. However, I think we all understand that any Senator, despite those assurances, can cause a delay in consideration of such a matter without an expedited procedure.

Mr. President, I appreciate the support for the amendment, and I ask for its approval.

Mr. KASTEN. Mr. President, I am pleased to be a cosponsor of the amendment offered by the Senator from Connecticut.

As the Senator has stated, the amendment is also cosponsored by the ranking minority member of the Foreign Operations Subcommittee, the Senator from Hawaii, and it is my understanding that the amendment has been cleared by the authorizing committee as well as Senator LUGAR and Senator PELL.

Mr. President, we have no further debate, and I recommend adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1326) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1327

(Purpose: In require plans for expenditure of funds relating to the Navajo and Hopi Indian relocation program)

Mr. DECONCINI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1327.

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

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

The amendment is as follows:

At the end of the joint resolution, add the following:

SEC. . None of the funds available to the Bureau of Indian Affairs for the construction of housing on lands acquired pursuant to section 11(d) of Public Law 93-531, as amended, shall be expended until a report is submitted to the House and Senate Committees on Appropriations detailing the proposed uses of such funds on the lands acquired pursuant to section 11(d) of Public Law 93-531.

In addition to plans for housing, the report shall include a description of other services intended to be provided including, but not limited to, water, sewers, roads, schools, and health facilities. If such services are not to be provided the report shall describe alternative services available. The report shall further identify the proposed sites to which households will be relocated, including the distance from the Joint Use Area to such sites.

The report shall be submitted no later than January 15, 1986, by the Navajo and Hopi Indian Relocation Commission with the concurrence of the Secretary of the Interior.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The minority leader is correct. The Senate will be in order, so that the proponent of the amendment can be heard.

Mr. DECONCINI. I thank the Chair and the distinguished minority leader.

Mr. President, this amendment is in the Interior section of the continuing resolution. I am not going to go into the details of my feelings about this particular section of the Interior bill.

I do want to thank the chairman of the subcommittee and his staff and my staff for working out an arrangement that will require the Navajo-Hopi Indian Relocation Commission to submit a report on January 15 as to where they would spend certain moneys that are specifically set aside for relocating certain Navajo families on new lands acquired under previous legislation.

I ask for the adoption of the amendment.

Mr. McCLURE. Mr. President, I command the distinguished Senator from Arizona for bringing this matter to us in the form that he did and for being so willing to work out the language. The language has been worked out and is acceptable to us.

Mr. JOHNSTON. Mr. President, the amendment is accepted with congratulations.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 1327) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1328

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho [Mr. McCLURE] (for Mr. RUDMAN and Mr. HATCH) proposes an amendment numbered 1328.

At the appropriate place in the resolution insert the following:

SEC. . None of the funds appropriated in this Act or any other Act to the Legal Services Corporation and made available to grantees may be expended by any recipient of such funds until such recipient has expended all funds carried over from previous fiscal years, unless the failure to expend the funds carried over from previous fiscal years has been approved by the Legal Services Corporation.

Mr. McCLURE. Mr. President, this amendment is offered on behalf of Senators RUDMAN and HATCH.

I think it has been cleared on both sides, and I urge its adoption.

The PRESIDING OFFICER (Mr. HECHT). The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, this amendment has been cleared on this side specifically by Senator HOLLINGS.

Mr. McCLURE. Vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1328) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

CLEAN COAL TECHNOLOGY

Mr. BOSCHWITZ. Mr. President, the fiscal year 1986 Interior Appropriations bill contains $750 million for the Department of Energy's Clean Coal Technology Program. As the committee report indicates, this program was established by Public Law 98-473 "for the purpose of conducting cost-shared clean coal technology projects for the construction and operation of facilities to demonstrate the feasibility for future commercial operation." The Department has solicited statements of interest in projects and received 175 responses.

Two of these responses involve a very promising process that would make iron by a new method that does not require coke. United States Corp. and Weirton Steel Corp. have submitted separate proposals for facilities in Minnesota and West Virginia, respectively. The proposals would utilize the Kohle-Reduktion [KR] process which was developed in West Germany by Korf Engineering.

The House committee report included language to clarify that the Clean Coal Technology Program would include industrial applications such as steel and iron ore processing. Neither the Senate bill nor report contain such language. So, I want to ask the subcommittee chairman if he agrees that such proposals are within the scope of this important program.

Mr. McCLURE. Mr. President, I do not want to imply an endorsement for any particular application or process, but I do want to assure my friend from Minnesota that I agree with the language on page 75 of the House report stating that industrial applications, including steel and iron ore processing should be considered for funding under this program.

COOPERATIVE FISH AND WILDLIFE RESEARCH UNIT

Mr. BOSCHWITZ. Mr. President, recently I was contacted by the head of the department of fisheries and wildlife in the College of Forestry at the University of Minnesota. He requested my help in acquiring a U.S. Fish and Wildlife Service Cooperative Fish and Wildlife Research Unit.

I understand that 29 States currently have fish, wildlife, or combined units. Unfortunately, Minnesota is not one of them. This is despite the fact that in 1980 Minnesota ranked fourth among States in fishing license sales and eighth in hunting license sales.

The University of Minnesota, in conjunction with the Minnesota Department of Natural Resources, has developed a program direction statement for a cooperative unit in Minnesota. I want to ask the distinguished chairman of the subcommittee if, upon investigation and study by the Fish and Wildlife Service, this proposal was judged as having merit, would he object to funding this unit from existing funds?

Mr. McCLURE. Mr. President, we have not had an opportunity to study this proposal. However, if after the Service investigates it, they find it feasible to fund this unit in Minnesota, I would have no objection. In addition, I assure my friend that in the event this unit is not funded, we will closely review the proposal during consideration of next year's bill.

KETTLE FALLS HOTEL

Mr. BOSCHWITZ. Mr. President, the National Park Service construction fund in the Senate bill includes $1.1 million to rehabilitate the Kettle Falls Hotel in Voyageurs National Park in Minnesota. The House bill includes $2.13 million. The Park Service itself has identified the need for $4 million to complete the rehabilitation.

I have discussed the state of this project on many occasions with my friend, the chairman of the subcommittee. I appreciate his continued help and support. It is my hope that the Senate conferees will recede to the House on this matter.

Mr. McCLURE. Mr. President, Senator BOSCHWITZ has indeed raised this issue with me many times. I am sympathetic to the need to rehabilitate that facility. I cannot make any firm commitments in what will happen in conference, but I assure my friend from Minnesota that we will give it every consideration when we meet with the House conferees.

Mr. BOSCHWITZ. I thank the Chair.

Mr. President, the National Park Service construction fund in the Senate bill includes $1.1 million to rehabilitate the Kettle Falls Hotel in Voyageurs National Park in Minnesota. The House bill includes $2.13 million. The Park Service itself has identified the need for $4 million to complete the rehabilitation.

I have discussed the state of this project on many occasions with my friend, the chairman of the subcommittee. I appreciate his continued help and support. It is my hope that the Senate conferees will recede to the House on this matter.

Mr. DURENBERGER. Voyageurs National Park is Minnesota's only national park. It is the only water-based park in the United States, with 80,000 acres of its 200,000 acres being water. Lying on the Minnesota-Ontario border, it is an area of spectacular beauty with unique historical significance.

The committee has been very helpful over the years in obtaining funds for land acquisition and other development projects. In late August with a great sense of achievement we held the ground breaking ceremony for the visitor's center.

The Kettle Falls Hotel is an important historical and cultural resources to the park. It is listed on the National Register of Historic Places. For many years it was a gathering place for loggers, and more recently for anglers and tourists.

This hotel has been in a dangerous state of disrepair for several years. During consideration of the fiscal year 1984 Interior appropriation's bill, Senator BOSCHWITZ and I participated in a similar colloquy with you regarding funds for restoration of this valuable historic hotel. You have provided $1.1 million toward that goal and the House has provided $2.1 million. Now that we have a start, it is my hope we can move forward with this project.

Mr. McCLURE. Mr. President, my friends from Minnesota have indeed raised this issue with me many times. I am sympathetic to the need to rehabilitate that facility. I cannot make any firm commitments on what will happen in conference, but I assure my colleagues from Minnesota that we will give it every consideration when we meet with the House conferees.

GRAND PORTAGE NATIONAL MONUMENT

Mr. BOSCHWITZ. Mr. President, the report accompanying the House Interior appropriation bill designated $275,000 from the National Park Service construction account for the administration/interpretive, maintenance complex at the Grand Portage National Monument in Minnesota. The Senate committee reported bill contains no such designation.

I have supported this project for a number of years now. Having funds included in one of the versions of this bill is as far as we have ever progressed. It is my hope the Senate conferees will recede to the House on this project.

Mr. McCLURE. I am very aware of the support of Senator BOSCHWITZ for this project. I cannot give him any firm commitments on what will happen in the conference with the House, However, I assure him we will closely review this project in relation to other spending needs and give it every consideration.

Mr. BOSCHWITZ. Mr. President, the report accompanying the House Interior appropriation bill designated $275,000 from the National Park Service construction account for the administrative/interpretive/maintenance complex at the Grand Portage National Monument in Minnesota. The Senate committee reported bill contains no such designation.

I have supported this project for a number of years now. Having funds included in one of the versions of this bill is as far as we have ever progressed. It is my hope the Senate conferees will recede to the House on this project.

Mr. DURENBERGER. Grand Portage, MN is a place of very great historical significance. It is one of the premier historical sites in North America for the interpretation of fur trade history.

There is a great need for a new interpretive / administrative / maintenance complex for the monument. The interpretive facilities are woefully inadequate. The present administrative headquarters for the monument are located in Grand Marais, some 37 miles to the west. This makes the administration and supervision of the monument very difficult.

The House has made $275,000 in planning funds available for this facility. This represents a giant step forward for the project. It is my hope, and those in Minnesota, that the Senate will consider accepting this project in conference.

Mr. McCLURE. I am very aware of the support of the Minnesota Senators for this project. I cannot give them any firm commitments on what will happen in the conference with the House, however, I assure them we will closely review this project in relation to other spending needs and give it every consideration.

Mr. DURENBERGER. Mr. President, I congratulate my distinguished colleague from Idaho, Senator McCLURE, for his leadership in putting this bill together and bringing it to the floor.

Minnesota is often associated with eastern States. While it is closer to the Atlantic than Pacific, we are really a western State. We are west of the Mississippi. Originally part of the Louisiana Purchase we were known as the Northwest Territory and eventually became the 32nd State to join the Union in 1858.

Historically and culturally we are tied with the West. We had our share of Indian wars. The coming of the railroad did as much for Minnesota as it did for other frontier States in terms of expanding markets and spurring economic development.

The things which brought pioneers west brought them to Minnesota. Fur traders, trappers, timber men, and prairie farmers, those men and women who made America great, found a place in Minnesota.

Mr. President, we really aren't all that different from Idaho. We don't have spectacular mountain ranges or deep, coursing rivers, but we do have many outstanding natural resources of comparable beauty and grace; sparkling glacial lakes, quiet flowing rivers surrounded by fertile farm land and superb waterfowl and wildlife habitat, still forests and wide open plains. One can sing "Home on the Range" in Minnesota and not be out of place.

Finally, we do have strong Federal presence in Minnesota in terms of natural resource management, particularly in northern Minnesota. The Chippewa and Superior National Forests are the largest in the Forest Service's eastern region. The Boundary Water Canoe Area Wilderness is one of the most popular yet complex wilderness areas in the country. Voyageurs National Park is a young park whose potential is yet to be realized.

The Federal Government is also involved in the management and protection of our three major water ways; the Mississippi River, the St. Croix River and the Minnesota River. In addition, the Fish and Wildlife Service manages over 440,000 acres of wildlife refuges around the State and an especially important one in the metropolitan area; the Minnesota Valley National Wildlife Refuge.

To a large extent the funding for this Federal presence is contained in this legislation. Several of these projects are of particular importance to the people of Minnesota.

MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE

First authorized in 1976, Congress last year passed amendments which included a permanent authorization fof $24.9 million for land acquisition and $9.8 million for the visitor's center, increased the size of the refuge from 9,500 acres to 12,400 acres, and included a provision which will allow local governments to donate lands which are inside the boundaries of the refuge.

Minnesota Valley is a unique and valuable component of the National Wildlife Refuge System. Situated in the Minneapolis-St. Paul metropolitan area, the Minnesota Valley National Wildlife Refuge offers extraordinary educational and recreational opportunities not usually available to city dwellers while providing a sanctuary for a large number of migratory waterfowl, fish and other wildlife.

Forming a wildlife buffer between four metropolitan counties and eight suburban communities, the Minnesota Valley National Wildlife Refuge embodies a new and important concept in Federal, State, and local government relations, cooperative management of our natural resource. In addition to the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources, there are over 17 different units of Government involved in the project.

Following the original authorization of 1976, $6.5 million was appropriate for land acquisition. Since that time, however, funding has been scarce and sporadic. The $1.6 million which had been appropriated for land acquisition in fiscal year 1981 was rescinded. Further, no funds were appropriated in fiscal years 1982, 1983, or 1985. The $1 million which was appropriated for fiscal year 1984 was held pending congressional passage of H.R. 1723 which reauthorized the refuge. That money is currently being expended.

With the authorization behind us, we are very eager to move forward with and complete the Comprehensive Refuge and Recreation and Management Plan which was approved in 1984. The committee has graciously included $2 million to continue land acquisition.

$600,000 is included in the House bill for final planning and site preparation for the visitor's center. The site of the proposed visitor's center has been the scene of considerable highway improvement work. That work is near completion and the site will have all of the utilities, access road, major landscaping and interstate highway directional signing ready for the visitor center construction. Senator McCLURE, I am hopeful that the Senate will receed to the House language on this project.

Mr McCLURE. I am aware of the Senator's support and enthusiasm for this project. Although I cannot make a definte commitment, I will give your request every consideration.

Mr. BAUCUS. Mr. President, I wish to discuss with Senators CHAFEE and McCLURE a problem that the State of Montana has with funding under section 6 of the Endangered Species Act. Montana has the largest grizzly bear population in the continental United States. It must manage grizzly bears in three different ecosystem areas: The Yellowstone, Cabinet-Yaak, and Northern Continental ecosystem, yet it does not qualify for matching grants under section 6 of the Endangered Species Act to assist in grizzly bear management.

Everyone agrees that Montana has an aggressive grizzly bear management program. The Fish and Wildlife Service, public interest groups, and stockmen's associations each give high marks to Montana's efforts.

It is not easy living with grizzly bears. They are large predators that need vast areas in which to live. Unlike most species protected by the Endangered Species Act, grizzly bears threaten property and people. If we are ever going to successfully recover the grizzly bear, it takes a commit-

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ment from all levels of government to aggressively manage the species. The Department's postition on section 6 is hampering the recovery of the grizzly bear.

Mr. CHAFEE. I am aware of the problems inherent in the management of grizzly bears. I was inpressed at the hearing this summer by the efforts Montana is making to recover the grizzly bear.

Mr. BAUCUS. The reason Montana does not qualify for section 6 moneys is because they do not have a full authorities agreement for grizzly bears. In February, 1984, the Department of the Interior Solicitor concluded that since Montana law covering the grizzly bear conflicts with the Service's grizzly bear regulations, the State does not qualify for a full authorities agreement.

The opinion then states that under the Endangered Species Act, there is nothing that automatically precludes section 6(d) funding as a matter of law.

When I raised my concern about section 5(d) funding, the Department stated in a budget capability statement, ". . . However, if the State of Montana (the legislature or attorney general) affirms that Federal law supersedes State law, then Montana will qualify for a full authorities agreement for section 6 funding of grizzly bear projects."

The State vigorously enforces the Federal Endangered Species Act. Everyone agrees. To require a letter, when the Department agrees that for all intents and purposes Montana complies with the intent of the law is ridiculous.

Mr. CHAFEE. The Senator from Montana makes a cogent argument. Montana is indeed meeting the spirit of section 6 and should be entitled to a full authorities agreement. The State recognizes that the Endangered Species Act preempts less stringent State law. There seems to be little that would be gained by requiring a letter confirming what is already in agreement. The Department needs to re-examine the opinion of the solicitor's office.

Mr. McCLURE. I am very sympathetic to the concerns of the Senator from Montana. The intent of the Endangered Species Act is to recover species through a cooperative effort with the States. I have no objection to directing the Department to review its solicitor's opinon in order to extend to Montana a full authorities agreement for grizzly bears for the purpose of section 6(d).

Mr. BAUCUS. I want to thank my colleagues, the Senator from Rhode Island and the Senator from Idaho for their assistance in addressing this problem.

ILLINOIS AND MICHIGAN CANAL FUNDS

Mr. DIXON. Mr. President, as my colleagues may recall, last year, the President signed into law a bill which was sponsored by the entire Illinois delegation, creating the Illinois and Michigan Canal National Heritage Corridor and authorizing funds in the amount of $250,000 for the Illinois and Michigan Canal National Heritage Corridor Commission and such sums as may be necessary to the Secretary of the Interior to carry out the Secretary's duties under the Act.

The distinguished chairman of the Subcommittee on Interior Appropriations, Senator McCLURE, at the request of my colleague from Illinois, Senator SIMON and myself, included the Commission funds in the bill. For that, we are very grateful.

However, the House has included an additional $320,000 for the National Park Service, in order for it to meet its responsibilities to the Heritage Corridor. The Act requires the Secretary of the Interior to carry out specific duties which are not currently possible under the Park Service budget. These include providing trail guide brochures for exploring towns along the canal; visitor orientation displays such as video presentations of the historic and recreational facets of the corridor at eight locations along the corridor; a curriculum for local schools and mobile displays depicting the heritage story. Technical assistance in addition to these specific duties is also to be made available upon request by the Commission.

I certainly understand the limitations under which we are operating, however, in order for this project, which has a great deal of national significance, to move forward, this additional funding is critical. This is the first full year of operation of the Commission, having been appointed in May of this year, 9 months after the Illinois and Michigan National Heritage Corridor was established.

It is my hope that in conference with the House, the distinguished members of the subcommittee will give this additional funding every consideration. It is a minimal amount of money, but can mean the difference between success and failure of a fledgeling program which has honored its commitments by raising private, State and local funds. The Federal commitment should be honored as well.

Mr. McCLURE. As my colleagues from Illinois have pointed out, the funds they are requesting for the National Park Service to meet its responsibilities to the Illinois and Michigan Canal National Heritage Corridor are included in the House version of the bill. The distinguished chairman of the subcommittee in the other body will, I am certain, give this matter very careful attention in conference, and I will keep an open mind about these funds within the confines of our budgetary limitations. I recognize that $320,000 is a modest request for the Park Service to meet its obligations to this project, and will give it every possible consideration.

Mr. SIMON. I join my colleague from Illinois in urging consideration of the House appropriation of $320,000 for the National Park Service's responsibilities to the Illinois and Michigan Canal National Heritage Corridor.

I would also like to reiterate our appreciation for the chairman's inclusion of the $250,000 appropriation in the Senate bill. Those funds can go a long way to get this program off to a good start.

But we also need the National Park Service funds. For the 43 Illinois communities and the 18 Chicago neighborhoods along this corridor, the services authorized for the National Park Service are critical supports for their private and public efforts. These communities and neighborhoods have responded to last year's legislation by remodeling storefronts, restoring historic districts, and developing cultural and recreational aspects along the corridor. The potential of the canal has encouraged efforts toward an economic revival in areas that have languished over the decades.

This $320,000 National Park Service appropriation will assist in coordinating and marketing those efforts. The technical assistance, trail guides, and visitor orientation presentations will honor a Federal pledge and contribute to the overall success of the Illinois and Michigan Canal National Heritage Corridor. We believe the return on this appropriation will be a good one and we respectfully urge the chairman and Senate conferees to accept the additional House appropriation of $320,000.

JEFFERSON NATIONAL EXPANSION MEMORIAL

Mr. DANFORTH. Mr. President, last year Congress approved legislation authorizing the expansion of the Jefferson National Expansion Memorial in St. Louis, MO, to include land across the Mississippi River in East St. Louis, IL.

Development of the plans for such an expansion was left in the hands of a newly created Jefferson National Expansion Memorial Commission. Despite the fact that the authorizing legislation was enacted in August 1984, however, the Commission was appointed only just last month.

When the Interior appropriations bill was approved by the House, it included $75,000 for the Commission's work. The Senate Appropriations Committee Park Service budget indicates funding for the Commission would be more appropriately provided by private organizations.

Mr. President, I have no quarrel with that view generally, but it does

seem that some startup funds should be provided for this project. Last year we appropriated $73,000, which the Park Service used to prepare some preliminary survey work. It the Commission had been appointed in a timely way, we might have reasonably concluded that no more public funds should be provided. However, we can hardly blame the Commission for not raising private funds when the Commission did not even exist 2 months ago. In view of these delays and in view of the small amount of money involved, I ask the distinguished chairman (Mr. McCLURE) to look favorably on this request in conference.

Mr. DIXON. The Jefferson National Expansion Memorial addition in East St. Louis, IL, was authorized under title II of Public Law 98-398. This extension was the intention of the designer, Eero Saarinen, as an Illinois linkage to the magnificent Gateway Arch in Missouri. It was his vision that a park on the Illinois side of the river would complete the concept.

The legislation authorizes a commission, which was appointed in October of this year—14 months after the authorization. It consists of 20 members from Illinois and Missouri, as well as representatives from the Departments of Interior, Commerce, Housing and Urban Development, Transportation, Treasury and the Smithsonian Institution. The Commission is charged with the responsibility of developing a plan which it must submit to the Secretary of the Interior within 2 years of enactment—August 24, 1986. Although some preliminary survey work was completed with last year's appropriation of $73,000, contracted by the National Park Service, there are currently no funds available to carry out the responsibilities of the Commission.

Senator PAUL SIMON and I requested that the committee include $75,000 in this year's bill. However, the committee did not include these funds. I can only assume that the rationale for this commission is that at the time the committee marked up its bill, the Commission had not yet been appointed.

October 8, 1985, Secretary of the Interior Hodel did make the appointments. The Commission now stands ready to assume the task before it. However, there are no funds available to them.

I urge the committee to give this funding favorable consideration in conference. It is an important step in finally realizing the completion of the Jefferson National Expansion Memorial, a true national treasure.

Mr. SIMON. I want to associate myself with the remarks of my good friend and colleague, the senior Senator from Illinois.

On November 25 the blue-ribbon Commission chartered by Congress to develop the master plan for this addition to the Jefferson National Expansion Memorial convened for its first meetings in St. Louis, MO, and East St. Louis, IL. I had the privilege of visiting with the Commission and conveying to them some of the history of this concept, and the great opportunity that it offers to carry out the original design of the magnificent Gateway Arch.

The citizens of the States of Illinois and Missouri are anxious to see this project realized. The site is centrally located and across the Mississippi River from the arch—one of the Nation's most notable landmarks and a familiar vista to hundreds of thousands of travelers each year.

I have called upon the Commission to dream big dreams for this site. I have urged them to do something people all over the world will be proud to see and to visit. I am pleased to report that the Commission fully intends to honor its mandate to deliver a first-class blueprint for use of this land. Most of the land involved, incidentally, will be donated to the National Park Service for this purpose.

I also want to commend Charles Odegaard, Midwest regional director of the National Park Service; Ira Whitlock, of the Washington office, and others in the Park Service who are working so capably to carry out the povisions of the charter.

But the Park Service, the Commission, the States of Illinois and Missouri and the two cities can move ahead no faster on this important work than the Congress permits through its appropriations to carry out the work of the Commission and the other provisions of the charter.

I strongly urge the committee and its conferees on the Interior appropriations bill to act favorably to appropriate the funding that has been requested to carry this work forward.

Mr. McCLURE. Mr. President, I share the interest of my colleagues in the Jefferson National Expansion Memorial. I recognize that circumstances have delayed the startup of the work on this project and that the funds from last year were expended by the Park Service. The $75,000 are included in the House version of the bill and I will certainly give these funds every consideration when we go to conference. If it is possible to accommodate my friends from Illinois and Missouri, I will.

Mr. EAGLETON. Mr. President, I would like to join with my colleagues from Illinois in supporting funds for the Jefferson National Expansion Memorial Commission. The Commission has been charged with a very important task, and through no fault of its own, has a very short time to do its job. It must develop a plan to make the Illinois side of the Mississippi River a visual compliment to Missouri's Gateway Arch. It was the dream of designer Eero Saarinen that the other side of the river be an integral part of the memorial to westward expansion.

Last year, the Congress appropriated $73,000 for the National Park Service to do some preliminary survey work on the Illinois park. But this year's appropriation of $75,000 was deleted from the House-passed Interior appropriations bill when it came up in September. The committee's action is understandable in view of the fact that the members had not been appointed to the Commission at that time. However, they were selected in October, and now have only until August 24, 1985, to accomplish their mission.

I hope that the Senate conferees will agree to keep $75,000 for the Jefferson National Expansion Memorial Commission when this item comes up for discussion.

CARBONDALE COAL TECHNOLOGY CENTER

Mr. SIMON. During committee consideration of the Interior appropriations bill, the chairman was unable to grant my request to direct funds to continue ongoing coal technology and coal preparation research at the Coal Technology Center in Carbondale.

This program has a strong record of significant work in this field, and Federal support is vital to its continued contributions in coal research.

The House has agreed to direct $1.5 million over a 12-month period for continued work at the Coal Center. This is not an addition to appropriations, but an ear-marking of funds within the bill. While I appreciate and understand the chairman's concerns in being unable to include this matter in the committee's bill, I wonder if the chairman might be able to give some indication of his willingness to address this matter in conference?

Mr. McCLURE. I would be happy to answer the Senator's question. I am very aware of the quality and capability of the Coal Technology Center in Carbondale, and of the Senator's strong support for this program.

I am also aware of the strong support for this program in the House, and I assure the Senator from Illinois that I will give full consideration to this matter in conference.

Mr. BUMPERS. Mr. President, I have a few questions for the distinguished chairman of the Interior Subcommittee. On page 16 of the Interior Appropriations Subcommittee report, a $20 million appropration was recommended for the Migratory Bird Conservation Account. The committeee report indicates that it understands that $2.5 million of that total would be allocated by the Migratory Bird Conservation Commission for the acquisition of bottomland hardwood wintering areas in four States, including Arkansas, and that the increase of $10 million provided above the House allowance would be allocated by the

Commission. Would the Chairman consider acquisition of bottomland hardwoods in the Cache River Basin a worthwhile use of these funds?

Mr. McCLURE. Yes; these funds could certainly be used to purchase lands in the Cache River Basin.

Mr. BUMPERS. Mr. Chairman, report language directs the Commission to give every consideration to continuing acquisition of lands in the Anderson-Tully Bottoms area in Tennessee and Arkansas. Would this language prohibit the Migratory Bird Commission from using a portion of this $10 million for other land acquisitions outside the Anderson-Tully area, for example for Cache River?

Mr. McCLURE. No; it would not. The committee certainly did not intend by such language to tie the Commission's hands. The Migratory Bird Commission can certainly choose to acquire lands in the Cache River Basin along with the Anderson-Tully area.

Mr. BUMPERS. Does the report language require the Commission to give higher priority to acquisition in the Anderson-Tully area than to acquisition in the Cache River Basin area?

Mr. McCLURE. Not necessarily. Report language is always important, but the Commission sets its own priorities in regard to the use of the unallocated portion of the Migratory Bird Conservation account. We have had a letter from the Governor of Tennessee urging further acquisition in the Anderson-Tully area and are aware that there are a number of landowners who are willing sellers in the area. To the degree that similar conditions exist in the Cache River Basin, and to the degree that similar support exists in the area, we have no objection to the acquisition of lands in the Cache River Basin. Should the Commission decide that the protection of bottomland hardwoods in the Cache River Basin is also a high priority, it may certainly move to purchase those lands.

Mr. BUMPERS. Mr. President, I thank the chairman.

EXTRA FUNDS FOR WYOMING FORESTS

Mr. SIMPSON. This past summer, in hiking through the Shoshone National Forest, it came to my attention that the trails in the area just adjacent to Yellowstone Park are in need of extensive repair, maintenance, and construction work. I also believe that the trails in the Bridger-Teton Forest need additional inclusions of funding to bring them up to par with trails inside Yellowstone Park. We have a situation in Wyoming where trails within Yellowstone Park are funded through the Park Service and trails outside the park are funded by the Forest Service. In many cases these trails are in essence the same trail—one trail may go up into the mountains through the forest and across the park boundary into Yellowstone Park. Yet there are two trail maintenance budgets. The trails inside Yellowstone Park are very well maintained: they have wooden bridges for boggy areas and they have log abutments and other reinforcing characteristics. On the other hand, trails in the two forests adjacent to Yellowstone Park in Wyoming have trails that are barely adequate in some cases. When one rides a horse or backpacks from the forest into the park, the stark contrast between the two trail systems is readily apparent. I am certain that you are aware of similar situations, since I note that you have recommended an increase of $1 million in the "Forest Service trails" committee budget item for fiscal year 1986, an increase of $890,000 over the House allowance. For this reason I would request that the Forest Service be directed to provide $75,000 in additional trail maintenance moneys above the current trail budget for the Bridger-Teton Forest, and an additional $75,000 for the Shoshone Forest in Wyoming. It is my sincere belief that the forest could well use this relatively small infusion of money in order to upgrade the trails to a level that would be at par with the trails in the National Park System. Does the floor manager have any objection to indicating that the Forest Service increase its spending levels for trail maintenance in these two forests at the levels I mentioned—with the funding to come from the overall increase recommended by the committee?

Mr. McCLURE. I agree that funding for trails within the Park System and trails in the forest has been extremely tight in the past few years and that perhaps the National Park Service has suffered less. I do believe that all of the trails you refer to should have similar maintenance and construction schedules in order that users of the public lands in this area are afforded adequate and safe trail systems. I do not have any problem with the earmarking of trail maintenance increases by $75,000 for each of these two magnificent forests.

Mr. SIMPSON. I thank the good Senator from Idaho—I am certain that my colleagues and the Forest Service are conscious that no official in the Forest Service System in Wyoming has requested this use of the money—indeed the forest supervisors are precluded from any such action. This is an initiative and request that was developed by me without any specific request from Forest Service personnel.

WESTERN RESEARCH INSTITUTE AND UNIVERSITY OF NORTH DAKOTA ENERGY RESEARCH CENTER

Mr. SIMPSON. Mr. President, I would take this opportunity to thank the bill managers for the language that was included in the appropriations regarding the Western Research Institute. The Wyoming delegation has always attempted to be cooperative with the Department of Energy and the Appropriations Committee in the eventual defederalization of the former Laramie Energy Technology Center which was a part of the Department of Energy.

I would ask the floor manager of the bill to clarify some report language in this regard. It is my understanting that funds have now been provided for WRI in a phasedown approach. It is also my understanding that WRI may compete for other Federal contract money above and beyond the figures listed in the Interior appropriations bill. It is also my understanding that the funds provided in the bill are baseline sums which are meant to be phased out over time with emphasis on a thorough search by WRI for alternate sources of funding.

Mr. McCLURE. The Senator is correct—we have provided funding for WRI and UNDERC to continue operation though fiscal year 1992. The amounts listed in the report are to be provided to WRI and UNDERC as base funding for fiscal years 1986 through 1992. Any DOE grants won through a competitive process will be in addition to the base amounts listed in the report. WRI and UNDERC shall indeed be able to compete for DOE funding and, based on their excellent track record, will certainly win a significant number of grants. Therefore, they will possibly end up with more DOE funding than we have provided for. But in the out years they will have to win a greater volume of grants each year to stay at the same overall funding level. The guaranteed base funding level does decrease over time, but WRI and UNDERC will be able to fully compete for other Federal Contracts which are not part of cooperative agreements with DOE.

Mr. SIMPSON. I thank the good Senator from Idaho and I think that clarifies my concerns quite nicely.

Mr. ANDREWS. Mr. President, I wish to thank the distinguished chairman of the Interior Appropriations Subcommittee for his cooperation in putting together report language for the University of North Dakota Energy Research Center's [UNDERC] cooperative agreement and its funding. I also wish to thank the Senator from Wyoming for his input and efforts on behalf of Western Research Institute [WRI] in Laramie, which is also going through the defederalization process.

My understanding of the report language coincides with that of the Senator from Wyoming and the chairman of the Interior Appropriations Subcommittee. The funds for UNDERC and WRI are provided through 1992 in a declining-funding mode and the funds provided in the bill are baseline sums which are meant to be phased out over time as an incentive for

UNDERC and WRI to thoroughly search for alternate sources of funding. These two centers will also be able to compete for other Federal contract money over and above the figures listed in the Interior appropriations bill. Because the funding decreases each year, UNDERC and WRI will have to win a greater volume of grants each succeeding year to stay at the same overall level.

NEED FOR A NEW TRUCK AT NATIONAL ELK REFUGE IN JACKSON, WY

Mr. SIMPSON. I wish to take this opportunity to discuss the need for new feeding practices at the National Elk Refuge in Jackson Hole, WY. In the recent past, the U.S. Fish and Wildlife Service has changed the feeding practices for the elk herd that winters in the Jackson area. In the "old days" the elk were fed hay from the surrounding hay fields, but this practice has been discontinued. Currently, the Service feeds the elk alfalfa pellets which are quite adequate nutritionally, but which present problems with regard to the manner in which elk acquire their nutrition and the amount of food that is required. In short, we have had some elk starving during a winter even when feeding has been a continuing process. Part of the problem is that we are unable to get the feed out into the field during severe winter storms at a rate swift enough to prevent starvation in young elk.

It is my understanding that the Interior Department is willing to consider remedies to this problem. I would ask the floor managers of the bill if it is not possible to encourage the Interior Department to purchase a new truck for the elk refuge without actually earmarking moneys in statutory language for this project.

Mr. McCLURE. The Senator is correct—the Interior Department may provide for a new truck at the elk refuge with funds that have been appropriated in this bill. The Department does not need statutory language to address this issue. I concur that the feeding practices at the refuge may need modification and I would encourage the Interior Department to do everything possible to address the concerns of the Senator from Wyoming.

Mr. SIMPSON. I thank the distinguished Senator from Idaho. He has always been willing to work with the Wyoming delegation on these important wildlife issues. It is my understanding that the Interior Department has no objections to the purchase of a new truck and that they agree that this will allow for more rapid feeding and a more efficient method of preserving the magnificent and valuable elk herd that then migrates into Yellowstone Park for the summer.

Further, I have visited with veterinarians who believe that the death of some young animals at the elk refuge could be prevented if the diet of the elk, consisting of alfalfa pellets, were supplemented with straw. Elk are ungulates and they have a stomach that is very similar to a cow's. If cattle are fed alfalfa pellets only, it has been found that they often may die because of a lack of cellulose and fibrous foods that the bacteria feed on in an ungulate's stomach. Ungulates may need a large amount of fibrous materials in their digestive tract to provide internal heat through the bacterial digestive process. It is known that calf elk have died on the elk refuge during winter feeding and part of this problem may be due to a lack of sufficient bulk material in the stomach which then provides heat during severe winter storms. I believe it would be appropriate for the Fish and Wildlife Service to acquire straw—which I understand is very inexpensive in the marketplace—and feed this straw along with the alfalfa pellets in order that the elk do have an adequate amount of fiber in their diet along with the nutritional alfalfa pellets. I believe this practice of increasing fiber along with a more rapid feeding method will reduce the winter mortality significantly.

TRAIL MAINTENANCE

Mr. SIMPSON. Senator McCLURE, in reviewing the House appropriations report, I see that they have added $5 million above the administration's request, exclusively for construction and maintenance of foot trails. Does the Senate version contain similar language?

Mr. McCLURE. Senator, the Senate bill contains no additional funding for trails construction. The committee has not agreed to additional trail construction, either for foot trails or for other trails. Rather, the Senate has added $1 million above the budget for trail maintenace, which should have a higher priority than new trail construction.

Mr. SIMPSON. I notice that the language in the House report not only limits expenditures to foot trails, but also identifies reports that many miles of foot trails have been lost to motorized trail uses. Specifically, the language states:

> An increase of $5,000,000 is recommended for trail construction. The Committee intends for this increase to be used for construction of foot rails only. The Committee is concerned over reports of an increasing number of trails being constructed or converted to off-road vehicle use, and believes that the Forest Service should concentrate these limited funds on the construction of foot trails.

Has the chairman of the Appropriations Committee received any such similar reports.

Mr. McCLURE. While I am personally very supportive of providing quality foot-trail experiences in our national forests, I must express my concern over the management constraints imposed by the House language. The House language changes the current management concept employed by the Forest Service that all trails are open to multiple use unless designated for a particular usage. We should not limit the management alternatives available to Forest Service personnel in carrying out their multiple-use directives. Further, I would question the assertion that foot trails are being converted to motorized use in large numbers. It is more likely that, as our National Wilderness Preservation System continues to grow, quite the opposite is true.

While foot trails are certainly an important aspect of the forest recreation experience, so are other types of trails. In this respect I believe the House language is inappropriate and I would encourage the chairman to restore a proper balance to the language in the conference.

Senator Simpson, I appreciate your views. I agree with your concern that the language contained in the House report would limit management alternatives available to management personnel and further agree that the action of the House is not in the long-term interest of the Forest Service trails program. Their language would not only limit the use of trails to exclude ORV's but would also exclude horse use and cross country ski usage. I am also concerned that their language is based on faulty perceptions as to the problem. I'm not persuaded that significant trail mileage is being converted to ORV use nor am I persuaded that the Forest Service has accelerated ORV trails to the exclusion of foot trails, Further, I understand that sales of motorized trail vehicles are no longer increasing rapidly, reducing the possibility that motorized trails are being added at the expense of foot trails. I appreciate the Senator's urging that I make these points in conference and would intend to do so in a most positive way.

SALMON TREATY FUNDING

Mr. EVANS. Mr. President, earlier this year the Senate ratified the United States-Canada Pacific Salmon Treaty and both Houses of Congress passed enabling legislation. The treaty requires support from the Department of State, the Department of Commerce and the Department of the Interior. Within the Department of the Interior, the Fish and Wildlife Service and the Bureau of Indian Affairs have responsibilities in this area.

For the Fish and Wildlife Service, the House has provided $265,000 within existing funds for Salmon Treaty work while the Senate version recommends $400,000 of new money. May I inquire of the distinguished chairman of the Interior Appropriations Subcommittee as to the reasons for this difference?

Mr. McCLURE. Mr. President, in response to the question of the Senator from Washington, I would note that funds identified in the House bill for the Fish and Wildlife Service would cover research activities only for the southern panel. Additional funds are required for research for the northern panels and the Yukon River. Our bill provides that support. We have also recommended an increase in the budget for the Fish and Wildlife Service to carry out these additional responsibilities as funds would otherwise be diverted from hatchery operations and maintenance which is already approximately 20 percent below the fiscal year 1984 funding level.

Mr. EVANS. Mr. President, I thank the Senator from Idaho for that explanation. With respect to funding for the Bureau of Indian Affairs, the committee has reduced substantially the amount contained in the House bill for the Northwest and Columbia River Fisheries Commission. The House provided $2,100,000 while the committee reported bill contains only $1,010,000. The Indian tribes in Washington, Oregon, and Idaho have substantial responsibilities under the treaty and it is essential that they be provided the financial resources to meet their obligations and be full treaty participants. Can they be expected to carry out their portion of the treaty activities at a budget of half the original request?

Mr. McCLURE. I appreciate the concern of the Senator from Washington. The reduction in the amount contained in the House-passed bill is based on several factors: First, the House level contains $366,574 for indirect costs. The Bureau of Indian Affairs informs us that these costs will be covered within the allowance for contract support funds which is part of the Indian services line rather than the natural resources account. These funds are not earmarked for specific contracts, but rather are based on negotiations between the contractor, the Bureau of Indian Affairs and the inspector general's office. The House allowance also assumes full-year funding of the Commissions. It seems more reasonable to assume three-quarters of a fiscal year's funding for the first year which will allow savings in personnel costs, fringe benefits, and travel. The Commissions had contemplated spending almost $1 million for staff costs and travel alone. The Commissions had also requested funds to purchase a number of small computers. It may not be unreasonable to expect that these purchases be spread over 2 years. We believe that these reductions can be made during the initial year of funding without harming the program.

Mr. EVANS. According to the committee report, an increase of $500,000 is provided for contract support funds, so it would appear that sufficient funds will be available in this area even though no earmarking is provided. Would the Commissions be bound by the assumptions made by the committee as to where savings could be achieved?

Mr. McCLURE. They would not. Within the total amount available, and in conjunction with the Bureau of Indian Affairs as part of the contracting process, they would be able to establish priorities.

Mr. EVANS. With respect to the fiscal year 1987 budget, what would be the base for the Commissions under the Senate committee proposal?

Mr. McCLURE. I cannot give the Senator a definitive answer on that point. For instance, one major cost in the first year is the purchase of a trailer for coded wire tagging. That is a one-time expenditure which can be deducted from future budgets. If personnel costs are funded for only a part of the fiscal year, then adjustments would have to be made for full-year funding and after the panels begin to function we assume there will be additional requests for enhancement activities.

Mr. EVANS. Mr. President, in consideration of the fiscal constraints facing the Interior Subcommittee, I will not offer an amendment to increase the amounts recommended for the Northwest Indian Fisheries Commission and the Columbia River Inter Tribal Fish Commission. I recognize that the appropriations committee has been faced with a difficult situation in making determinations for funding to carry out the Salmon Treaty since formal budget estimates were available only for the Department of State. As a consequence, not only are the Senate numbers different than the House for Interior-funded activities, but the House has included no funds for the Department of Commerce, while the Senate has provided over $6 million.

I urge the chairman of the Interior Appropriations Subcommittee to give consideration to increasing the amounts available to the two Indian Fisheries Commissions as part of conference action on the Interior bill while recognizing the validity of the committee's position with respect to indirect costs and funding for less than a full fiscal year.

Mr. McCLURE. Mr. President, I assure the Senator from Washington that there is no intention on the part of the committee to shortchange the Tribal Fisheries Commissions and that this matter will be carefully reviewed during conference with the House.

Mr. GORTON. Mr. President, I compliment the chairman of the Interior Appropriations Subcommittee for his thoughtful and thorough review of the fiscal year 1986 budget proposal submitted by the U.S. section of the Pacific Salmon Commission. As the chairman knows, the responsibility for completion of specific research programs required by the Salmon Treaty is divided among the tribal, State, and Federal fishery managers. As I understand it, the programs are integrated and interdependent, and implementation of our international obligation under the treaty requires fulfillment of tribal, State, and Federal efforts.

Mr. President, I associate myself with the previous remarks made by my colleague from Oregon, Mr. HATFIELD. It is important that the Senate recommendation of $1.01 million be increased in conference to ensure that the two tribal commissions will receive adequate funding to carry out their Salmon Treaty obligations. Also, I understand that a part of the additional $500,000 included in the bill for contract services within BIA will be made available for contract support funds to support Salmon Treaty contracts, provided that the Indian fishery commissions satisfy departmental regulations in this area.

Mr. President, I thank my colleagues from the Pacific Northwest for their work in implementing the Pacific Salmon Treaty. This treaty provides the necessary cornerstone for protecting and enhancing our valuable salmon and steelhead stocks.

Mr. HATFIELD. Mr. President, I would like to join my colleagues in support of funding for implementation of the United States-Canada Salmon Treaty. Not only is implementation of the Salmon Monitoring Program important for our international relations with Canada, but it is important also to preserve our domestic salmon stocks which represent both a natural resource and a financial asset to this country. Last year, for example, the U.S. salmon industry was an industry employing literally thousands of individuals in the Pacific Northwest alone.

Be that as it may, Mr. President, there are three matters which have been clarified by my distinguished colleagues that are important to the United States-Canada Salmon Treaty.

First is that the Senate recommendation of $1.01 million will be adjusted upward in conference to accommodate a complete program for the 9 months which will remain in fiscal year 1986.

Second is that because the program is being funded on a partial year basis, appropriate adjustments will have to be made to next year's program base to accommodate for a full year program next year.

Finally, it has been clarified that of the additional $500,000 included in the bill for contract services within the BIA, the participating tribes will have ample opportunity, within existing reimbursement procedures, to collect from the BIA all or a portion of their indirect costs which will be incurred as part of the Salmon Treaty Monitoring Program. Some estimates are that

these indirect costs will be about $366,574, based on a full year program.

Again, Mr. President, I thank my colleagues Senator McCLURE, Senator EVANS, and Senator GORTON for their leadership and cooperation with this important national and regional Salmon Monitoring Program.

VIRGIN ISLAND RUNWAY CONSTRUCTION LOAN

Mr. WEICKER. I would like to direct an inquiry to the distinguished chairman regarding a provision for a loan to the Virgin Islands to initiate construction for the extension of the Alexander Hamilton Airport runway. More specifically, I am concerned that the report language regarding this loan states that issuance of the loan will be contingent on the Virgin Islands receiving a multiyear grant from the Federal Aviation Administration and approval by FAA of the use of Airport Improvement Program [AIP] funds for the repayment of the loan. Am I correct on this?

Mr. McCLURE. Yes, the Senator is correct.

Mr. WEICKER. I agree that this loan should be contingent on the receipt of a multiyear grant from the FAA. However, I understand that although it is permissible to use AIP funds to repay loans, they may not be directly tied to loan repayment. Accordingly, I ask the distinguished chairman if it is the intention here to directly link the AIP funds to repayment of the loan?

Mr. McCLURE. I understand the Senator's point that direct linkage is, in fact, not permissible. The answer to his question then is: No, it is not the intention to directly link the AIP funds with the loan repayment, although it is understood that the loan is contingent on the approval of an AIP grant prior to receiving the loan.

Mr. WEICKER. I thank the chairman for his consideration and for his explanation in clarifying this issue.

U.S. GEOLOGICAL SURVEY GROUND WATER RESEARCH

Mr. HATFIELD. Mr. President, the committee has included an increase of $750,000 for hydrologic research in the budget of the U.S. Geological Survey. Additional work in this area will allow investigation of promising new areas of inquiry and the development of new techniques with which to address water resources problems plaguing numerous regions in the country. According to the Geological Survey, such work will have a high transfer value to all operational aspects of water oriented investigations and will also support activities of other Federal, State, and local agencies.

The Oregon Graduate Center has developed an extensive program plan and is well qualified to undertake this expanded effort. A contract between the Survey and the Oregon Graduate Center will enable the expertise available from the center's personnel to be used by the Survey in the development and testing of innovative techniques for analyzing potentially contaminated ground waters as well as studying the process by which these contaminants are transported in the subsurface. Both the assessment and transportation of contaminates greatly assist in eventually controlling such toxic agents.

Mr. President, I would ask the chairman of the Interior Appropriations Subcommittee if it was the intention of the committee that this additional work be carried out by the Oregon Graduate Center?

Mr. McCLURE. Mr. President, the Senator from Oregon is correct. We had initially been advised that no earmarking of the funds was necessary to ensure that the Oregon Graduate Center be the contractor for this expanded program. We have since learned that it would be preferable to specifically state that the funds are intended to contract to the Oregon Graduate Center in order to preclude any procurement problems. Given the outstanding reputation of the Oregon Graduate Center and their unique qualification to provide this service to the survey, we will pursue not only the increase but the earmarking in our conference with the House.

Mr. HATFIELD. I thank the floor manager of the bill.

Mr. KASTEN. Mr. President, I rise to offer an amendment that will transfer $2.143 million from the National Endowment for the Humanities treasury funds to the NEH Challenge Grants Program. This amendment would bring the Senate's recommendation in line with the House level.

The NEH challenge grants have had a profound impact on the development of humanities and on the preservation of our national heritage. Likewise, the Treasury funds have been a significant source of humanities enrichment. In fact, the Treasury funds and the challenge grants are often used for the same purposes.

The difference is, Mr. President, that the Treasury funds give the Endowment more flexibility in disbursing program money, but they only require a dollar-for-dollar match. The challenge grants, on the other hand, require a three-to-one dollar match. There is no other Humanities program which leverages more private sector support.

I do not want to belabor the increasing budget difficulties we are facing. But I would emphasize that given these restraints, we should do all we can to encourage more private sector replacement of public sector funding. At a time when we are trying to foster private sector contribution, we need to maximize incentives for giving. I believe my amendment would accomplish that goal, and it would do so without any additional budget expenditures. I urge the Senate to adopt this amendment.

Mr. McCLURE. I thank the Senator from Wisconsin for his comments and for bringing attention to the value of the Challenge Grants Program. With all due respect to the points he has raised, I would urge the Senator to withhold his amendment at this time. We are facing a deadline funding situation once again, and I think it is in the best interest of this body to refrain from extraneous amendments which could further jeopardize the bill. I would not argue with the Senator from Wisconsin on the merits of his proposal. But I would note that the committee recommendations are in line with the Endowment's request. Again, I would request that the Senator from Wisconsin withdraw his amendment to give us some wiggle room in conference.

In exchange, I will give favorable consideration to the request of the Senator from Wisconsin during that conference. If we have room to maneuver some of our figures, I will convey the Senator's request to the conferees.

Mr. KASTEN. I thank the Senator for his consideration and I praise him for his outstanding leadership on this section of the bill. He has done an outstanding job of balancing the needs of many worthy interests. I share his desire to expedite passenge of this bill, so I respectfully withdraw my amendment and ask for the Senator's continued consideration of my request during the conference.

THE NATIONAL ACADEMY OF SCIENCE MONO BASIN ECOSYSTEM STUDY

Mr. WILSON. Mr. President, I thank Senator McCLURE, our distinguished chairman of the Appropriations Subcommittee on Interior and Related Agencies, for targeting $240,000 of the Department of Interior and Related Agencies appropriations for completion of the National Academy of Sciences [NAS] study of the Mono Basin located in California.

The National Academy of Sciences, through its National Research Council, has begun a study in cooperation with the USDA Forest Service, of the ecology of the Mono Basin National Forest Scenic Area in accordance with provisions of the California Wilderness Act of 1984. Both Senator CRANSTON and I worked closely last year to include this study in the act so that all interested parties can gain a better understanding of the ecology of the Mono Basin. The NAS study will assess available scientific and technical information about the ecosystem of the Mono Basin and the effects of water levels in Mono Lake on wildlife populations. The study will be conducted by an ad hoc committee—now referred to as the NAS Mono Basin Ecosystem Study Committee—organized for this purpose under the aus-

pices of the Council's Environmental Studies Board. It is anticipated that the study, which began in April 1985 will take about 21 months to complete at a cost of about $360,000. A final report will be issued by December 31, 1986.

Mr. President, included in the Appropriations Committee report on the continuing resolution before us today are statements related to this NAS study. These statements suggest that the recommended $240,000 in funding is intended for a narrowly focused study of the lake's ecosystem, concentrating on water quality values.

With all due respect to the Appropriations Committee, I would submit that the California Wilderness Act of 1984 contemplated a much broader study. In fact, the NAS Mono Basin Ecosystem Study Committee and the USDA Forest Service have identified the following six subject areas of study: First, terrestrial system; second, climatology; third, hydrology; fourth, water chemistry; fifth, food chain; and sixth, population flux. The Forest Service has requested the committee to also incorporate human use impacts into this report.

Clearly, this proposed study goes much further than the focus on water quality issues of Mono Lake that was suggested by the committee report language.

Will my good friend from Idaho, the distinguished chairman of the Appropriations Subcommittee on Interior and Related Agencies, agree with me that it is the intent of the committee that the $240,000 targeted for these studies is for a broad-scope study of the Mono Basin as I have described?

Mr. McCLURE. Mr. President, I agree with Senator WILSON's explanation of this NAS study. It is the committee's intent that the $240,000 is to be used for a broad-scope NAS study of the Mono Basin as he had explained. Our discussion here will serve to amend the committee report language in this regard.

DISPUTE BETWEEN NAVAJO NATION AND HOPI TRIBE

Mr. BINGAMAN. Mr. President, today as we discuss the Continuing Resolution for fiscal year 1986, we do so in the expectation of allocating scarce Federal dollars to much needed programs. However, one problem before us cannot be solved by more money. Yet we seek to solve it by this approach. I refer to the longstanding land dispute between the Navajo Nation and the Hopi Tribe.

The Senate is again confronted with this complex legal and emotional issue. Included within the Interior part of this bill is language that would, as I understand it, make changes that could seriously jeopardize a comprehensive solution to this problem.

A comprehensive solution was recommended in a recent report by former Interior Secretary Clark and his assistant, Robert Morris. This year Judge Clark as a special emissary to President Reagan, began work on seeking an end to the century-long dispute. In the face of current litigation and despite previous congressional legislation, Judge Clark brought the two tribes together hopefully to seek a common ground. Much to the dismay of interested observers, including myself, no negotiated agreement was reached. However, the report serves as an essential and useful guide for us in Congress, since it details the history of the dispute and suggests how we can help rather than hinder the process of reconciliation.

Mr. President, I commend the distinguished chairman of the Interior Appropriations Subcommittee in wishing to assist both tribes. But I do have serious reservations about the approach taken in this bill. Foremost among my concerns is the allocation of $85 million for relocation of Navajo families without any accounting or reporting to the Congress on how that money will be spent. It appears we are distributing the funds without an overall plan other than to expedite relocation and reach the July 1986 deadline. Given that relocation as Congress originally intended in 1974 has not solved the matter, we should make necessary adjustments rather than force a square peg into a round hole.

I am equally perplexed by the waiver of several Federal statutes, such as the Indian Self-Determination Act, Indian preference in contracting, all Federal administrative and procurement laws, and all Environmental Protection Agency requirements. In the place of these laws it appears the Secretary of Interior is given broad discretion and authority to execute the particulars of relocation, such as construction of homes and assignment of home site leases. What especially troubles me is the lack of protection for those Navajo relocatees. That, it appears to me, is the bottom line in this countroversy: the forcible upheaval of 1,700 traditional Navajo families.

The Clark report did confirm the problem with relocation: "Many Navajo families have been relocated from HPL [Hopi Partitioned Lands], although not all relocations have been successful. A significant number of Navajo who voluntarily accepted relocation to off-reservation, urban areas have suffered severely. Particularly the older or traditional families have been unable to cope in an urban or even suburban environment." The report further noted: "A forced relocation, of course, is the very thing we hoped could be avoided."

Mr. President, I caution the Senate from taking a piecemeal approach to this issue. It is analogous to our growing deficit, that is, unless we confront the present and future implications of our acts today we stand to pay even more in the future. $85 million is the amount the committee added, but this only deals with relocation and does not even begin to address Federal costs for litigation authorized by the 1974 Act.

I quote from the Clark report in the hope it might prove a useful reminder of our role in this dispute:

> In our view negotiated resolutions on the broad range of differences confronting the tribes would lead to far better results than would resolutions imposed by the courts or by the Congress. . . . If action is to be taken, it is hoped that the whole range of issues—not just today's relocation problem—be addressed. Unless a comprehensive plan be thoughtfully developed and put in place, fundamental tribal disputes may persist for still another century.

We in the Congress should heed such a warning.

Mr. President, I would ask that the report be submitted for the record after the conclusion of my remarks.

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

STATEMENT PREPARED BY RICHARD C. MORRIS FOR WILLIAM P. CLARK RELATIVE TO THEIR INVESTIGATION OF DIFFERENCES CONFRONTING THE HOPI AND NAVAJO INDIAN NATIONS

SEPTEMBER 20, 1985.

Memorandum to: William P. Clark.
From: Richard C. Morris.
Subject: Navajo and Hopi Land Settlement Act.

This is written confirmation of matters upon which we had conferred and reached conclusions and understandings relative to differences confronting the Navajo and Hopi Indian Tribes. It is further understood that the matters herein reported shall form the basis for your verbal presentation to President Reagan. Additionally, this material will be provided to those persons and agencies of government having a particular interest in resolution of intertribal differences.

On February 8, 1985, President Reagan commissioned you to determine if agreement could be effected between the Tribes over differences in implementation of the 1974 Hopi and Navajo Land Settlement Act and the 1980 amendment hereto (hereinafter, the Settlement Act). The Act requires, among other things, the relocation of Navajo tribal members from lands partitioned to the Hopi Tribe pursuant to the Settlement Act. You associated me, your former Counselor while at the Department of the Interior, to assist in this effort.

During the past seven months we have conferred with Chairman Peterson Zah of the Navajo Nation, with Chairman Ivan Sidney of the Hopi Nation, with other leaders in each nation, with tribal members affected by relocation as mandated in the Settlement Act, with concerned agencies of government and other institutions and persons having special knowledge of intertribal differences. We visited the disputed areas and those persons subject to relocation. We have made a serious attempt to understand particular associations and situations which threaten full implementation of the growing statutes. Those understandings probably

cannot be fully achieved except by one who has experienced in depth the culture and traditions of both the Hopi and the Navajo Tribes. Our exposure to those cultures and traditions, while falling short of that necessary for a complete understanding, has nevertheless been sufficient for our purposes.

We approached this assignment with recognition that the issues to be addressed are governed by laws, and we have consistently urged compliance with relocation processes as mandated by governing statutes. However, our particular effort, as directed in the President's letters of February 8 to the Chairmen, is not to bring about compliance with the law. Other agencies of government have that responsibility. Rather, we sought to determine whether there were resolutions in which the Tribes could voluntarily join. Such resolutions could be effected either under existing law or changes in the law designed to accommodate tribal agreements.

It follows, of course, that should either Tribe irrevocably conclude that it is not in its individual best interest to negotiate with the other for an agreement, an agreement would not be possible. This does not mean that problems which confront the Tribes under existing law cannot be resolved, but only that they cannot be resolved by voluntary agreement between Hopi and Navajo. Agencies of government apart from our efforts have responsibility and authority for initiating processes to correct what they may deem to be improper or unjust. Some persons have, in error, assumed that the President's appointment vested in you an authority to make depositive decisions and to take unilateral actions. We have consistently advised, on each occasion when the question arose, that you lack such authorities. Those authorities and responsibilities to initiate actions remain with the vested agencies of government. Lacking agreement between the Tribes or change in existing law, it is clear that the relocation of Navajo from Hopi lands must go forward.

HISTORICAL BACKGROUND

Limitations do not permit a full development of the centuries-old differences between Hopi and Navajo. Literally thousands of papers have been researched and written on those differences, generally posing contrasting solutions, many of which differ from solutions provided by existing law.

Few dispute that the Hopi have a longer authenticated history in North America than any other ethnic group. Today they occupy the same villages on high mesas in northeastern Arizona occupied by their ancestors centuries ago. They have been generally a peaceful people and, admirably, their Tribe is one of a very few which had no occasion to enter a treaty with the United States—perhaps to the Hopis' disadvantage. In 1882, President Arthur, by Executive Order, granted the Hopi a reservation in what is now northeast Arizona consisting of a rectangular area of approximately 70 miles in its north-south dimension and 55 miles in its east-west dimension (2,500,000 acres). At that time there were approximately 1,800 Hopi living on the reservation, and today that number has grown to approximately 11,000.

Although there is disagreement on when the Navajo first entered the area they now occupy in Arizona, New Mexico and Utah, their presence occurred much later than the Hopi presence but earlier than the arrival of the white man in the sixteenth century. The Navajo moved about in the area, becoming involved in confrontations with neighbors. In 1863, Colonel Kit Carson led a military force which impounded the main body of Navajo near Fort Sumner in New Mexico. In 1868 the United States entered into a treaty with the Navajo pursuant to which they were granted a reservation overlapping the northern Arizona-New Mexico border. That reservation has been successively expanded, mainly in a westwardly direction, and today is as large as the State of West Virginia (approximately 16,000,000 acres) and completely surrounds the Hopi reservation. Since 1868 the approximately 8,000 Navajo on the reservation has increased to approximately 165,000.

Intertribal problems might well be expected when a smaller, probably less aggressive Indian nation occupies an island reservation within the reservation of a much larger, expanding Indian nation. However, the problems and their solutions are far more complex than those arising merely from the physical juxtaposition of the two reservations. In major part, the complexity arises from historical, cultural and traditional considerations.

Life styles of the two Tribes following establishment of the reservations led to immediate problems. Hopis generally limited their living areas to their mesa villages concentrated near the center of the reservation (hereinafter referred to as District 6), using the outlands for grazing, growing, gathering and religious and cultural purposes. The more nomadic Navajo wandered onto and lived within the 1882 Executive Order reservation. While that Executive Order provides a reservation "for the use and occupancy of the Moqui (Hopi)," it further ambiguously provides for use and occupancy of "such other Indians as the Secretary of the Interior may see fit to settle thereon." There were at least 300 Navajo residing on the reservation in 1882, and in following years their population increased significantly. The ambiguity of the Executive Order led to conflicting claims of entitlement to the 1882 reservation area. Efforts to resolve the controversy were unsuccessful, and in 1958 the Congress authorized commencement of court proceedings to determine rights and interests of the Tribes "as may be just and fair in law and equity." At that time there were almost 9,000 Navajo on the 1882 reservation, a population significantly larger than the entire Hopi population. In the same year the Hopi commenced an action which became known as *Healing* v. *Jones* in the United States District Court of Arizona.

The District Court rendered its decision in the *Healing* case in 1962. In support of its judgment the court made extensive findings of fact. Many of these findings continue to be challenged, as they were during trial. We neither challenge nor confirm findings relative to historical and religious matters and we must accept as final those determinations made by an institution of our government which has addressed them in due process proceedings. Perhaps most significantly, the court found that while the Secretary of the Department of the Interior never expressly "settled" Navajo on the 1882 reservation as authorized by the Executive Order, it was deemed that the Navajo had been impliedly settled by virture of Secretarial inaction to Hopi complaints, thus condoning Navajo presence. The court appeared to find that the Hopi had been disadvantaged by such inaction and the ever expanding needs of the enterprising Navajo populaton, neither of which the Hopi could control. It describes the Navajo as having a "proclivity to commit depredations against the Hopi," and the government as reticent to antagonize the Navajo. It states that the failure of the Hopi to make fuller use of the 1882 reservation outside of District 6 "was not the result of a free choice on their part. It was due to fear of the encircling Navajos and inability to cope with Navajo pressure." The court nevertheless concluded that both the Navajo and Hopi Tribes had been settled on the 1882 reservation. It declared that, subject to the trust title in the United States, the Hopi Tribe has an exclusive interest in District 6 and that the Hopi and Navajo Tribes "have joint, undivided and equal interest in and to all the 1882 reservation" other than the area of District 6. The "Joint Use Area," as it became known, occupies approximately 1,900,000 acres of the 2,500,000 acre 1882 reservation.

The District Court concluded that the 1958 enactment authorizing the *Healing* litigation did not confer jurisdiction upon it to divide the Joint Use Area (JUA) into equal exclusive enclaves for each the Hopi and the Navajo Tribes. That division was left to the Settlement Act in 1974. In principle part, the act provides for mediation by the Tribes for partition of the JUA, for recommendations to the court in supplemental *Healing* proceedings to be made by a mediator should the Tribes fail to agree on partition, and for court partition of the JUA. Only the surface rights of the JUA were subjected to partition, with the Tribes retaining their joint and undivided interests in subsurface mineral resources. The act also establishes the Navajo and Hopi Indian Relocation Commission, and charges the Commission with reporting on, accomplishing and paying for the relocation of Hopi and Navajo families away from lands partitioned to the other Tribe. Relocation is scheduled for completion on July 6, 1986. After that date, those Indians remaining on lands not apportioned to their Tribe will technically be trespassers subject to eviction and other judicial processes.

The Tribes were unable to agree on partition and a partition line equally dividing the land area of the JUA between the Hopi and Navajo Tribes was eventually fixed by a mediator and approved by the court. Fixing the line was extremely difficult because of the very large population of Navajo throughout the JUA. While centers of Navajo population were sought to be included on the Navajo side, the line could not be drawn except with large Navajo populations on the Hopi side. There were approximately 12,000 Navajo and only 100 Hopi subject to relocation by placement of the line. In some instances Navajo families had resided on what became Hopi Partition Land (HPL) for generations dating back before the 1882 Executive Order. Other relocate families were those of veteran World War II Navajo Code Talkers who contended they had fought to protect their right to these lands. Others were families who once before had been subjected to relocation when they were first required to abandon their Navajo homes within District 6.

Anticipating the need for additional lands to accommodate the large numbers of Navajo to be relocated, the Congress provided for the acquisition of 400,000 acres of new lands by the Navajo for annexation to their reservation. This acquisition would approximate 42% of the area of the HPL from which Navajo were to be moved. The 400,000 acres consists of 150,000 acres to be acquired in fee by the Navajo, and 250,000 acres to be acquired by the Bureau of Land Management (BLM) for transfer to the

Navajo. The Navajo have acquired their fee lands (The Bar N Ranch) and the BLM, through extraordinary effort, is in the final process of completing acquisition of the adjoining ranches which make up the new lands. All the new lands will be adjacent to the present reservation in Arizona except for 35,000 acres in New Mexico, on which valuable coal deposits are located (the Paragon Ranch). BLM acquisitions in Arizona are of surface rights only and the acquisition process is being challenged by the Santa Fe Pacific Railroad Company, which owns underlying mineral interests. Santa Fe claims the BLM is required to acquire and transfer to the Navajo Tribe Santa Fe's mineral interests as well as the surface interests of the new lands.

At the present time the new lands are undeveloped, without adequate roads, water, fencing, food sources and infrastructures necessary to support relocatees. No provision has yet been made by the Congress or the Navajo Tribe to provide these resources.

INTERTRIBAL DIFFERENCES OTHER THAN RELOCATION

The 1982 reservation relocation problem is not the only major dispute confronting the Navajo and Hopi Tribes. By Act of Congress in 1934 ("The 1934 Act"), the boundaries of the Navajo reservation in Arizona were defined and certain lands designated "for the benefit of the Navajo and such other Indians as may already be located thereon." The Hopi have long claimed rights arising out of The 1934 Act. A well-established Hopi village, Moencopi, exists within the Navajo reservation in Arizona. Pursuant to long ignored Hopi claims, in 1966 Indian Commissioner Robert Bennett imposed a "freeze" (to become known as the "Bennett Freeze") on a large area within the Navajo reservation lying westerly of the 1882 reservation. The freeze precludes improvement within the area—as, for instance, improvements to a residence—without the concurrence of both Tribes. The freeze was intended to be short lived, the Commissioner hoping it would influence the Tribes to soon settle their differences. However, the freeze has continued for a score of years, working mainly to the disadvantage of Navajo who seek to improve their living conditions within the area.

The Settlement Act of 1974 expressly authorized the commencement of litigation to resolve claims of interest within areas described by the Act of 1934. The Hopi Tribe immediately commenced a suit, claiming an undivided one-half interest in a large portion of the Navajo reservation in Arizona. The Navajo answer to the complaint concedes only the Moencopi area to the Hopi. A partial judgment has been entered, denying the Hopi claim of a one-half interest in all the disputed lands, but holding that Hopi has an exclusive interest to all lands that were exclusively "occupied, possessed or used" by Hopis in 1934, and a one-half interest in lands jointly "occupied, possessed or used" in 1934 by Hopi and Navajo. The 1934 litigation is at a standstill, pretrial discovery not yet having been completed and a petition for intervention by the San Juan Southern Paiutes, who also claim tribal rights to a portion of the 1934 area, not yet having been resolved.

Other significant litigation is also at issue. In the main, these suits arise out of the Settlement Act, Navajo continued occupation of the HPL, and alleged failures of United States officials. In all these suits it is Hopi who are the complainants. The following actions are pending in the United States District Court for the District of Arizona, unless otherwise indicated.

Sidney v. *Zah* is a supplemental proceeding to the *Healing* case. As authorized by the Settlement Act, Hopi seeks a payment from Navajo to balance the lesser resource value Hopi claim to have received under partition of the JUA. Navajo claims U.S. responsibility for this payment. Hopi also seek to hold the Secretary of the Department of the Interior in contempt for failure to complete stock reduction of Navajo flocks on the HPL, and failure to complete a five-mile portion of a fence required to be constructed along the JUA partition line. The gap in the fence has been kept open in part through efforts of persons sympathetic to Navajo in an area known as Big Mountain in the HPL. The Hopi claim may approach $100,000,000.

Hopi Tribe v. *Hodel*, Hopi seek rental payments for Navajo use of the HPL pending relocation of Navajo. The Secretary has recently placed a grazing fee value of $1,300,000 for use of these lands during the period 1978 to 1982.

In *Hopi Tribe* v. *United States* (U.S. Court of Claims), Hopi seeks money damages against the United States for the alleged failure of the Secretary to collect trespass penalties, damages to land caused by failure of Navajo shepherds to keep animals off HPL, and the value of forage consumed by trespassing animals. In two other suits the Hopis seek similar damages against the Navajo Tribe.

STATUS OF RELOCATION

All Hopi originally on Navajo Partition Land (NPL) have been relocated, and pose no problem. Many Navajo families have been relocated from HPL, although not all relocations have been successful. A significant number of Navajo who voluntarily accepted relocation to off-reservation urban areas have suffered severely. Particularly the older—or traditional—families have been unable to cope in an urban or even suburban environment. Some could speak only in their native tongue and had no marketable skills. They had no understanding of municipal taxes, utility services or maintenance of the simplest mechanical devices in their modern homes. They soon were in debt and became victims of unscrupulous lenders. Many lost or sold the homes provided by the Relocation Commission, probably the central reason they had agreed to move in the first instance. Many suffered severe emotional traumas when placed in an environment in which they could not cope, and now regret their decision to move. The Relocation Commission, whose task under the Navajo and Hopi Land Settlement Act is a most difficult one, has instituted procedures designed to better assure the success of relocations, both on and off the reservation.

There remain on the HPL today a disputed number of Navajo families subject to relocation. According to the Relocation Commission, there are approximately 350 families (often an "expanded" family, but generally four to six members) who continue to reside on HPL. Of these, approximately 300 families have voluntarily agreed to be relocated, leaving 50 families who refuse relocation. The Navajo claim this number is much larger and, while visiting throughout the HPL, it appeared to us that there are indeed many more than 50 families who adamantly reject relocation. It may be that our chapter meetings with Navajo on HPL were attended by other Navajo who added their voices to those of the chapter members, and that our perception that there are more than 50 dissident families is in error. Or it may be that some who earlier indicated a willingness to relocate have reconsidered in view of the experiences of those who have undergone relocation. In any event it appears clear that a substantial number of Navajo now on HPL will reject voluntary relocation and stand firm against forcible eviction after July 6, 1986. There is also sound reason to believe that those Navajo who choose to physically resist relocation will be encouraged and assisted in that effort by others, both Indian and non-Indian activist. We have received communications from numerous persons who overwhelmingly support the right of the Navajo traditionalists to remain on the lands of their ancestors. A forced relocation, of course, is the very thing we hoped could be avoided.

THE CASE FOR THE HOPI

Following is a statement of the case for the Hopi as if stated by an advocate for that Tribe. Following that statement, we next make the case for the Navajo, again as if stated by an advocate for that Tribe.

History is on the side of the Hopi. Lawyers will conclude that they are entitled to what the law now provides. They have consistently abided by the law, as that law has been thrust upon them by the United States Government. In 1882 they were vested with land which—they still argue—was their exclusive reservation because the Secretary of the Department of the Interior never "settled" other Indians on those lands although he was expressly authorized to do. They lost that argument in the *Healing* case because Navajo encroachments onto the reservation were condoned by the Secretary through inaction, sometimes deliberate, in response to numerous Hopi protests. While the Hopi believe the Navajo thus profited by their aggressions, the Hopi have nevertheless accepted the court's decision in *Healing* and the subsequent congressionally imposed partition of the JUA. That partition resulted in the transfer of 950,000 acres of Hopi lands to the Navajo, who already have a reservation are ten fold that of the Hopi. The Hopi, in accepting what they deem to be injustices, argue that the former land dispute has thus been finally settled and there is no longer a need for negotiations.

To even propose to the Hopi that they should surrender some of the HPL in favor of the Navajo is taken by the Hopi as in bad faith. Their religion and culture do not permit them to sell their land, whatever the exchange, as only land has a real and lasting value. Land is the only commodity which protects future generations, and to surrender it would be a breach of Hopi religious and cultural responsibilities.

More practically, the Hopi point out that their reservation, being an island within the Navajo Reservation, cannot be expanded in any direction. However, the Navajo can continue to expand the unrestricted borders of their reservation to accommodate future needs, and they have constantly sought such increases over the last century. They will shortly acquire another 400,000 acres of new lands. How, the Hopi ask, can you propose the further surrender of some of our limited lands to the insatiable demands of the Navajo Tribe? If it is because Navajo on Hopi lands may be distressed because they must relocate, a line must be drawn at some point else Hopi will eventually be consumed by the Navajo. The Hopi conclude that the Congress and the courts have drawn the line and the United States Government must abide by the law which it has fash-

ioned. The Navajo Tribe must also abide by that law because, according to Hopi, the Navajo has not offered to surrender enormous benefits which the law has accorded to them in anticipation of Navajo compliance with the relocation process.

THE CASE FOR THE NAVAJO

Navajo leaders have long advocated repeal of the Settlement Act, but now appear to recognize that, because of substantial performances under the act, injustice and confusion would be created by repeal. They nevertheless seek amendments which would ease the burden of relocation.

Unlike the case for the Hopi, the Navajo case does not depend on overall tribal concerns as much as it depends on personal concern for those Navajo subject to relocation. It is difficult to appreciate these concerns without an understanding of the traditional Navajo perception of family lands. While many Navajo appear to have easily adapted to the customs and ways of the white man, the true traditionalists—those who speak only Navajo, who have not had the opportunity to attend reservation schools and depend for their livelihood on skills acquired in tending the fields—have a special feeling for the land, particularly for that immediate land on which the traditional residence, or "hogan," is located. This feeling is founded in part on ceremony and theology, including the positioning of the hogan to face the rising sun and the burying of the umbilical cords of the newly born. Thus, removal from family lands to strange lands, even though to other Navajo reservation lands, creates a sense of failure accompanied by severe emotional trauma and withdrawal. Some who are threatened by relocation conclude that because their lives would serve no further purpose in a strange environment, they would prefer to sacrifice their wasted lives by resisting relocation. To such Navajo, any inducement for relocation is insufficient.

While it is true that the Hopi legally own—subject to the federal trust—the land on which traditional Navajo now reside, such Navajo totally reject the concept of ownership of reservation lands. Land is the "mothergod," not owned by any temporary possessor. They argue that it is they who are closest to the particular lands, they and their ancestors have occupied for as long a time as memory serves regardless to whom our government has conferred a title. They, their children and their ancestors were born and buried on these lands. They have collected herbs, tended flocks and protected the land against the elements and trespassers. They are the ones who have been charged by culture and tradition with maintaining and protecting the land for future generations. To these Navajo, those Indians who live elsewhere claiming title to lands they only occasionally walk over are the true intruders. If Navajo are forcibly removed, their hogans will be destroyed and they will be replaced on the land by sheep or cattle, if replaced at all.

The case for the Navajo is not one for the Navajo as a nation, but rather for those individual Navajos subject to a relocation which may be life threatening, emotionally and physically. Whatever the conduct of Navajo a century ago, the Navajo now subject to relocation are not yet guilty of wrongdoing. If the Hopi were victims of federal inaction during the last century, surely today's traditionalists Navajo are victims of the relocation process as fashioned by the Congress.

PROPOSALS FOR RESOLUTION

Early in February 1985 we met with the Chairmen of the Hopi and Navajo Tribes on the 1882 reservation. We obtained from each a commitment for a good faith effort to reconcile their differences.

It was our initial perception that the key to resolution of the whole multitude of issues confronting the Tribes was some agreement on relocation of Navajo from HPL. Should such an agreement be reached, it seemed likely that the Tribes could resolve their many other problems. At the same time, if agreement on relocation could not be reached, it seemed unlikely the Tribes could ever reach other issues. That perception still prevails.

One solution of the relocation issue is, of course, full performance under existing law resulting in removal of Navajo from HPL, voluntarily or involuntarily. Our mission has been to determine whether there is an alternate solution. We could see only two possible alternate solutions. One was to redraw the JUA partition line to include on the Navajo side those or many of those Navajo now residing on the Hopi side. It was clear that the line could not be redrawn simply by including on the Hopi side former Navajo lands equal in size to former Hopi lands to be included on the Navajo side. Because of the heavy population of Navajo along the line, such an exercise would merely subject different but approximately equal numbers of Navajo to relocation, thus solving no problem. Obviously, the Hopi would have to be compensated in some manner for lands given up. Much of our effort on the reservations was expended exploring with the Hopi leadership, their response to any proposal which would have required some exchange of HPL. Although we persisted in our effort to discuss land exchanges, the Hopi never indicated a willingness to discuss exchanges and never submitted an exchange proposal. Eventually, we were advised that whatever the resource value of assets to be exchanged, the Hopi could not willingly surrender even an acre of HPL.

We have reluctantly accepted the fact that, at this time, the Hopi cannot or will not negotiate for an exchange of HPL. In a sense, this was unfortunate for the Hopi, as we were ready to propose that in return for some Hopi lands along the partition line—lands that are central to the dispute—the Hopi would receive assets of much greater resource value encompassing the full range of the multitude of differences besetting the Tribes. Such a proposal could have tendered to the Hopi lands included in the 1984 Act, some portion or all of the BLM new lands, a greater interest in jointly held coal royalties and jurisdiction of mineral leases, favorable resolution of some or all of the pending lawsuits including the suit based on the 1934 Act, some interest in a public-private joint venture for development of the mineral resources of the Paragon Ranch, or increased interest in other valuable resources.

The Navajo were, and remain, ready to negotiate for land exchanges. Proposals were submitted to us by the tribal leadership as well as by individual Navajo chapters on the HPL. The chapter proposals seek individual resolutions within the immediate areas of chapter locations. Generally, the initial Navajo tribal proposals were deemed by us to offer insufficient resources to warrant surrender of the disputed lands by the Hopi. Nevertheless, those proposals were within range of what we would have deemed to be adequate and, given the flexibility which the Navajo demonstrated throughout our discussion, we saw their proposal to at least state a negotiable position. Chairman Peterson Zah, throughout our discussions, exhibited courage and a motivation to ease the burden of those subject to relocation. He demonstrated his willingness to commit tribal resources to preserve traditional homesites, fully aware that there was considerable intratribal political risk to himself. However, the Navajo proposals were never communicated to the Hopi as all such proposals would have required surrender of HPL and, we were advised, to submit such a proposal would constitute an insult to the Hopi.

The remaining possible basis for an agreed resolution not involving a land exchange, is an arrangement for permitting entrenched Navajo to continue to remain on lands they occupy while recognizing Hopi jurisdiction. The Settlement Act provides for life estates for qualifying Navajo but, because Navajo saw these as too restrictive and, in effect, constituting "death estates," the statutory provisions have been rejected by Navajo.

We met with the Chairmen of the two Tribes in Washington on August 6 and 7, for the express purpose of determining whether the Chairmen could reach an understanding for negotiating an arrangement for Navajo to continue to reside on HPL. It was recognized by the Navajo at this meeting that the HPL was, in effect, Hopi land and that Navajo who might remain on the land would necessarily be there only as "tenants." At issue were matters such as who could qualify as tenants, the total number who might so qualify, whether new families could take up residence, whether new homes might be constructed, who would have jurisdiction to police and manage the occupied lands, what rental to pay for occupancy, what time limitations might be placed on the occupancy, and others. A memorandum of understanding was discussed and prepared but not signed, principally because Chairman Sidney stated that he could not do so without first obtaining approval from the Hopi Tribal Council, the executive body of the Hopi. Chairman Peterson Zah presented a modified version of the memorandum which, he said, he had been authorized to sign. The Chairmen and their advisors left Washington, and Mr. Sidney sought the advice of his constituency. On August 21 we were informed by Mr. Sidney that the Hopi were unable to execute a memorandum of understanding in part because, on earlier occasions, both the government and the Navajo had defaulted on other "agreements." Mr. Sidney further explained that the Hopi leadership were of the view that they, being the landlord of lands sought to be occupied by Navajo, would unilaterally fix the terms and conditions of occupancy; that those terms and conditions were not negotiable with the Navajo. He stated, and exhibited documents which supported his statement, that the Hopi were then in the process of developing a plan for occupancy of their lands; that the plan required the confirmation of each village within the Hopi Nation; and that he would present and explain the plan to us when fully developed and confirmed. The confirmation process is still ongoing and we cannot speculate on its content as being sufficient to satisfy either those Navajo subject to relocation or the Navajo Nation.

We stated earlier that our mission was to determine whether agreement could be effected between the Tribes, and we noted that an agreement would not be possible

should either Tribe deem it not to be in its best interest to negotiate with the other. We also noted that there were but two bases for negotiations designed to relieve the burden of relocation—land exchanges and permissible living arrangements for Navajo on Hopi lands. The Hopi have made it abundantly clear that at this time neither concept is negotiable.

We think it must be understood that we believe the Hopi have concluded in good faith that it is not in their best interest to negotiate; that implementation of the current law better serves their interests and accomplishes what they deem to be substantial justice. While we may disagree with that conclusion, it is an internal decision which the Hopi must make and, we believe, has honestly been made by a consensus. As stated, the executive function in the Hopi Tribe is exercised by the Tribal Council and that council has lacked a quorum during all or a major protion of the time we have communicated with the Hopi. However, the decision not to negotiate has been conveyed to us by not only the Chairman but by other tribal leaders, including individual council members, by a negotiating committee and by the politically powerful leaders of the villages. There remain some traditional leaders, supported by Hopi who have intermarried with Navajo, who are opposed to relocation of their Navajo brother. They appear to represent a minority of those who speak to the issue, and their voices have not been effective. Nevertheless the consensus view remains in some little doubt as, traditionally, the Hopi indicates dissent by nonparticipation rather than by expressed opinion. While the difficulty of decision making within the Hopi Tribe has posed some problems for us, those problems have also been experienced by Chairman Ivan Sidney, who has cooperated with us to the full extent that he is able. His first allegiance in these matters, of course, must be to the Hopi Tribe. He has well served that allegiance and, at the same time, accommodated our mission.

CONCLUSION

It is regretted that both Tribes do not embrace negotiation as a means of solving their complex differences. After a century of standing their ground on fundamental issues, they continue to look for others to provide solutions. In our view, negotiated resolutions on the broad range of differences confronting the Tribes would lead to far better results than would resolutions imposed by the courts or by the Congress. More importantly, good faith negotiations would create an improved relationship for badly needed cooperation between the Tribes. In July we were invited with the Chairmen and their representatives to attend and take part in an informal discussion of legal issues confronting the Tribes in the Chambers of Judge Earl Carroll of the Federal District Court for the District of Arizona. Judge Carroll urged the Tribes to embrace the President's initiative. He stated that legal proceedings then before his court would take years to resolve at costs of millions of dollars with likely unhappy results for each Tribe. He also said that the Tribes should not look to the Congress to solve their differences, as Congress and the Bureau of Indian Affairs had been, in part at least, the source of the problems; that the President's initiative, even if it resulted in only an agreement for binding arbitration, was an opportunity the Tribes should seize. We, but not both Tribes, were persuaded by Judge Carroll's recommendations.

In performance of our mission to determine whether the Tribes can reach agreement for accommodating the concerns of each other, we have been urged to fix responsibility for the situation in which the Tribes find themselves. We do not think it would be productive to do so. We can, at least to some extent, understand and appreciate the basis for the contentions of each Tribe and have great sympathy for the positions urged by them.

There are presently no remaining issues before us in our effort to determine the likelihood of resolution through negotiation. While the Hopi have made it clear that they cannot now negotiate for a resolution of the relocation problem—a "problem" the Hopi do not recognize—we cannot foreclose some further opportunity for negotiations should events, including tribal perceptions of forthcoming Congressional action, motivate the Tribes to negotiate. However, it seems unlikely that there will be tribal agreement between now and July 6, 1986. Time constraints demand that the responsible agencies of government now undertake whatever action they deem appropriate to solve intertribal issues. If action is to be taken, it is hoped that the whole range of issues—not just today's relocation problem—be addressed. Unless a comprehensive plan be thoughtfully developed and put in place, fundamental tribal disputes may persist for still another century.

THE WALLOP-BREAUX FUND

Mr. LAUTENBERG. Mr. President, I am pleased that the Interior appropriations bill provides for the continuation of the Wallop-Breaux fund as intended by Congress. This fund consists of receipts from taxes on certain fishing and boating equipment. Revenues collected from these sources are distributed to the States to enhance recreational opportunties.

Mr. President, the administration had recommended a major revision to this program which would have diverted funds collected from sportsmen to other purposes. Because I believe that taxes collected for specific purposes should be used for these purposes, I cosponsored Senate Resolution 130 which expresses the sense of the Senate that the Wallop-Breaux tax receipts be used for recreational benefits. The committee's action in rejecting the administration's proposal is consistent with the legislation implementing the Wallop-Breaux fund and Senate Resolution 130 and I support it.

IN SUPPORT OF THE CLEAN COAL PROGRAM

Mr. President, last year the Congress acted to create a $750 million clean coal technology reserve. Through a multiyear, fully funded Clean Coal Program, we can move toward energy independence and a cleaner environment.

The Interior appropriations bill, H.R. 3011, includes funding for the Clean Coal Program. In the bill, budget authority is distributed over the next 4 fiscal years. In fiscal year 1986, $100 million in budget authority is provided. The Department of Energy has stated that outlays are likely to be made over a 5- to 7-year period, and that actual outlays for fiscal year 1986 would total approximately $5 million.

Mr. President, it is estimated that 100,000 to 200,000 megawatts of new electric generating capacity will be needed in the 1990's. Implementation of the Clean Coal Program will ensure that, when coal is used as a resource, it will be a cleaner, safer energy source. The Department of Energy has received over 175 submissions for projects under the Clean Coal Program from sponsors in 29 States.

All of these projects includes private sector funding of at least 50 percent. This program would promote private sector investment in economically depressed areas and help to revitalize the coal industry in our Nation. The Federal investment in this program is one which would have significant long-term benefits for our country.

In addition to the long-term economic benefits, the Clean Coal Technology Program would bring significant environmental benefits. New coal plants utilizing the technologies developed and demonstrated under this program would allow utilities to meet or exceed air quality standards, reducing emissions and the adverse impacts of acid rain. In addition, many of these new technologies can be used at existing plants, resulting in reduced emissions, and effective control of sulfur and other harmful pollutants.

The need to greatly reduce emissions of sulfur dioxide and nitrogen oxides is clear. The Clean Coal Program provided for in H.R. 3011 is an important step forward in this regard. It is my hope that the Clean Coal Program will be accompanied by a national program to control these emissions, which will not only greatly benefit the environment, but provide a market for these technologies.

Mr. President, I support a Clean Coal Program that will aid efforts to develop new and innovative technologies for burning coal and reducing pollution. The progam is supported by coal industry, industrial users of coal, the utility industry, the environmental community, and the Department of Energy's Energy Research Advisory Board. I urge my colleagues to support the Appropriations Committee's recommendations on the Clean Coal Technology Program.

PRESERVATION OF THE GREAT SWAMP NATIONAL REFUGE

Mr. President, at my request, the Interior appropriations bill for fiscal year 1986 includes $1 million in earmarked funding from the Land and Water Conservation Fund for the Great Swamp National Refuge. I very much appreciate the committee including this funding in the bill.

The Great Swamp is a tremendously important wildlife refuge and wetlands

area that serves not only as a natural resource for wildlife but as a retainer for water and flood control in the northern part of New Jersey. It serves as a vitally important natural recreation area for residents living in the densely populated part of the State.

The $1 million appropriated by the committee will make acquisition of approximately 175 acres of land around the borders of the great Swamp possible. While the vast majority of the Great Swamp acreage has been purchased through the fund, there are still approximately 470 acres of privately held land in the 7,000 acre refuge. One national environmental group has called the Great Swamp 1 of the 10 wildlife refuges in the Nation most threatened by development. In order to protect the Great Swamp from continued development and soil erosion, it is important that funds be available to purchase acreage from remaining landowners who are willing to sell their land.

Mr. President, I ask a recent article from the Morristown Daily Record addressing the importance of protecting the Great Swamp be included at the conclusion of my remarks.

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

N.J. SEEKS TO PROTECT GREAT SWAMP

(By Timothy Mullaney)

Eighty-six percent of the land in the 11-town watershed surrounding the Great Swamp National Wildlife Refuge was in its natural state in 1963. By 2000, that number is expected to fall to 33 percent.

So the U.S. Fish and Wildlife Service has proposed an ambitious land buying program that could expand the size of the refuge by almost a third and new measures to create wetlands needed to sustain some forms of plant and wildlife.

The draft environmental impact statement for the swamp's forthcoming master plan proposes measures designed to protect the refuge's ability to offer habitat to wildlife and to prevent flooding.

"There's been so much development in the area that there's just more runoff than the refuge can handle," said Curtis Laffin, regional head of refuge planning for the fish and wildlife service. The statement calls for the creation of a regional watershed planning commission to oversee land use that threatens surface water quality and flow patterns.

Laffin said the runoff problem exacerbates flooding problems downstream within the Passic River Basin which environmentalists have contended is one of the country's 10 most vulnerable areas to flooding.

The Wilderness Society, an environmentalist group in Washington, D.C., calls the Great Swamp one of the 10 wildlife refuges in the nation most threatened by development. No new land has been added to the refuge since 1982, while woodcock and wood-duck births have fallen significantly since the 1970s.

The statement also calls for programs to encourage species such as American woodcock while introducing trapping programs to deal with a near-doubling of the raccoon population since the 1970s.

The statement contains several alternate plans for managing the refuge. They include a "no action alternative" of continuing current programs, a plan to promote recreational use of the 6,793-acre refuge, and a plan emphasizing wildlife management. The last includes a proposal to end the refuge's deer hunt, which animal-rights activists annually picket.

"It's certainly worth a try," said Nina Austenberg of the Humane Society of the United States. "The people didn't fight to make it a hunting preserve." The refuge area was created after residents fought off a plan to build a jetport more than 25 years ago.

The plan called for sequestering female deer in order to limit births to avert the threat of overpopulation that officials had said necessitated the hunt. The first hunt was in 1974.

Federal fish and wildlife service officials contend the hunt has improved the health of the surviving deer and the quality of its habitat. The service's "Proposed Action Alternative" calls for no change in deer management.

What it does call for that most pleases the swamp's neighbors is expanding by 1,900 acres the amount of land the service is authorized to buy as Congress makes money available. The refuge already has permission but no cash to buy 470 acres. Appropriations bills pending in Congress will allocate $1 million for land acquisition next year if passed, which officials have said they hope will buy up to 175 acres.

"It's the only way they're going to be able to establish protection for those stream corridors" that run downstream into the swamp, said Madeline Pitney, vice chairman of the Great Swamp Watershed Association, a New Vernon-based environmental group. The streams are threatened by sediment as well as runoff of motor oil and road salt, she said.

"We're satisfied with it because of the threat, with all the vacant land down here, of development that wouldn't go with the neighborhood," said Litty Hado of the Great Swamp Residents Advisory Committee, also an environmental group. The committee had asked the federal government to buy 2,400 acres providing willing sellers could be found.

Officials will try to increase populations of woodcock and duck in the refuge in part by installing nesting boxes to stimulate the hollowed out trees in which some species naturally nest, refuge manager Bill Koch said. Plans call for reducing the numbers of predators, such as raccoons and foxes, by trapping and removal, with the possibility of "animal control by refuge personnel . . . if necessary."

Officials hope the number of young woodcocks and ducks born at the swamp will double. "They're declining in the big picture," refuge manager Koch said. Officials are also looking to continue programs to promote bluebirds and blue herons.

Austenberg said there would be civil disobedience if refuge officials allow raccoon hunting.

Pitney said the alternative proposed by the fish and wildlife service was the best of the four options offered for the swamp's master plan. She said the other plans would have either failed to address some animals' habitat needs or would have encouraged use of the refuge for boating and other recreation that would best be directed to less sensitive areas.

The service plans to expand facilities for the 304,000 annual visitors by adding a self-guided interpretive trail and small displays along the existing auto tour road and boardwalk trails. The service also wants to add visitor information booths and a wildlife interpretive center to offer exhibits and displays.

THE DEFENSE TITLE OF THE CONTINUING RESOLUTION

Mr. DODD. Mr. President, I would like to engage the distinguished chairman of the Defense Appropriations Subcommittee in a colloquy regarding the Trident program.

There are persistent indications that the Navy is attempting to establish a second production source for the Trident ballistic missile submarine which, at present is produced solely at the Electric Boat Shipyard in Groton, CT. I have serious doubts about this proposal, because at this late in the program, when 12 out of the planned 20 Tridents have already been awarded it is highly questionable that any economies could be realized by setting up a second producer for the remaining 8 ships. I do not want to decide this question right now, however, much less to convince anyone one way or the other. Whether it makes any sense to compete this program can be decided only after the most careful study. Which is precisely my point. I seek assurances that before public funds are committed and expended on assisting, setting up or equipping a second production source for the Trident, Congress will have a chance to pass judgment on the advisability of such an undertaking, preferably with the benefit of independent expert studies.

At this point I seek only the assurance of the distinguished chairman of the Defense Appropriation Subcommittee that this bill does not appropriate any funds that could properly be expended to establish a second production source for the Trident submarine.

Mr. STEVENS. I assure the Senator that that is indeed so.

Mr. DODD. If the Senator would indulge me further for a question, is it the intention of the Senator and the subcommittee he heads to insist that Congress have a chance to review this matter before public funds could be used to establish a second production source for the Trident?

Mr. STEVENS. I will certainly insist on that and I trust that so will my colleagues.

Mr. DODD. I thank the Senator.

WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

Mr. GORTON. Mr. President, my proposed amendment would add $3.4 million to the land acquisition account for the Department of Interior's Fish and Wildlife Service, for the Willapa National Wildlife Refuge in Washington State. These funds would be used to acquire the cutting rights to part of a unique grove of old-growth western red cedar—the last of its kind along the Pacific Northwest coast—that is

located within the boundaries of the Willapa National Wildlife Refuge on Long Island in my State. These funds are included in the House appropriations for the Department of the Interior.

This timber was authorized for acquisition as part of an agreement in 1983 between the U.S. Fish and Wildlife Service and the Weyerhaeuser Co., the original owners of the land. Under this agreement, Weyerhaeuser conveyed all of its land, 1,621 acres, on the island to the U.S. Fish and Wildlife Service for the creation of the Willapa National Wildlife Refuge. In exchange, Weyerhaeuser received the timber cutting rights on other Federal land. As there was not sufficient timber on Federal land to equitably compensate Weyerhaeuser, the Fish and Wildlife Service agreed to acquire the remaining timber that was out of balance under a 7-year option. My amendment would provide the funds to allow the Fish and Wildlife Service to proceed with exercising this option to acquire the harvest rights to half of these remaining lands.

The Weyerhaeuser Co., the U.S. Fish and Wildlife Service, and the citizens of Washington State have long recognized the importance of this unique stand of old growth cedar to the refuge. According to U.S. Forest Service officials, the trees range in age from 950 to 4000 years old. The grove is the only remnant of an old-growth red cedar climax forest in the Pacific Northwest. Remarkably, this stand has remained free of catastrophic disturbances, such as fire or windstorms, for centuries. The U.S. Fish and Wildlife Service has wanted to acquire this land and timber to achieve its long term management objectives for the Willapa National Wildlife Refuge since 1937. This agreement represents 10 years of negotiations to assure a fair and equitable transfer of ownership.

Mr. President, there is strong support from the U.S. Fish and Wildlife Service, the local community, and the Weyerhaeuser Co. to proceed with the contractual agreement and turn the timber over to the Fish and Wildlife Service. Without timely acquisition of this stand of timber, the option reverts to Weyerhaeuser. I urge my colleagues to support this amendment to ensure that this unique, old growth cedar grove will not be logged and that it will remain a part of the Willapa National Wildlife Refuge forever.

Mr. McCLURE. Mr. President, the Senator from Washington has ably stated the background of this contractual agreement between the U.S. Fish and Wildlife Service and the Weyerhaeuser Co. I know that he has been a strong supporter of this project and I want to assure him that I understand the importance of this land acquisition and the value of retaining this unique timber as part of the Willapa National Wildlife Refuge. I would like to take this opportunity to ask my colleague to clarify a few matters for me.

Do I correctly understand that this acquisition acquires the timber harvesting rights to one-half of the old growth cedar stand, and that there will be one more appropriation request in the future to complete the contractual agreement?

Mr. GORTON. Yes, this is correct. There are 155 total acres to be acquired. This acquisition will purchase two of the three units, scheduled for timber harvesting if the option expires, amounting to half of the total acreage.

Mr. McCLURE. Will the Senator from Washington explain why the acquisition will purchase the timber harvesting rights to the old growth cedar rather to than purchase the land in fee simple?

Mr. GORTON. I would be glad to do so. The 1983 agreement between Weyerhaeuser Co. and the United States Fish and Wildlife Service did transfer the ownership of the land to the Fish and Wildlife Service. An independent appraisal of the value of this exchange revealed a substantial imbalance in values in favor of Weyerhaeuser. As the Fish and Wildlife Service did not have enough timber value to exchange for the value of Weyerhaeuser's timber, an agreement was reached to allow the Fish and Wildlife Service to buy the options to the timber as compensation.

Mr. McCLURE. I know that the Senator from Washington will understand the motivation behind my next question and not misinterpret it. Isn't there some way that the Fish and Wildlife Service, the Weyerhaeuser Co., and a third party such as the Forest Service or the Bureau of Land Management could enter into an agreement to trade timber for timber? That is, in effect, what we wanted to do initially but, for some reason, the effort failed. Now, we are being asked to purchase timber with a cash payment. Is there something we could do to further the exchange concept?

Mr. GORTON. I do understand the reason for the question the Senator from Idaho is asking and I would like to clarify at this point that all of the parties involved were in agreement with the Senator that the exchange of values of land and timber would be the optimal solution. As I noted earlier, the Fish and Wildlife Service and Weyerhaeuser Co. did negotiate for over a decade to try to find land and timber of equivalent value and they were successful in doing this to a large extent.

There was an effort to pursue an exchange through a third party Government agency. The same problem arises in this circumstance however. The Fish and Wildlife Service does not have sufficient assets to offer another Government agency to be able to negotiate an agreement. Additionally, the assets it does have are located in areas that make exchange infeasible for both Weyerhaeuser and other Government agencies. After many long hours of negotiations, all parties involved concluded that a cash payment for the remaining timber harvesting rights is the best solution for everyone.

Mr. McCLURE. Will the acquisition of the harvesting rights to this old growth cedar protect important wildlife and other nontimber values on Long Island.

Mr. GORTON. Yes, this is also correct. Researchers believe that this unique ecosystem represents a true climax cedar forest. This ecosystem is home to a variety of wildlife species including: Bald eagles, herons, loons, grebes, cormorants, geese, grouse, elk, deer, black bear, and spotted owls. This ecosystem is believed to be over 4,000 years old. Loss of the stand to timber harvesting will destroy the unique relationships and the plant and animal species dependent upon those relationships in this ecosystem.

Mr. McCLURE. I appreciate that my colleague from Washington so strongly supports this acquisition. Due to budgetary constraints, we were unable to include these funds in the Senate bill. Because the funds are included in the House bill, it will be discussed in conference. I would anticipate that when we go to conference with the other body, we will be presented with strong arguments to accommodate the full amount of money needed with respect to this appropriations item. I cannot promise that we will concur with the House action, but I will give it every consideration when we get to conference. I hope that action will be satisfactory to my colleague from Washington and that he will withdraw his amendment.

Mr. GORTON. As has been the case during my tenure in this body, the Senator from Idaho is both understanding and generous with my specific requests. On that gracious undertaking on this part, I withdraw the amendment.

The text of the proposed amendment follows:

On page 10, line 2, change "$32,570,000" to "$35,970,000", and on page 10, line 3, insert a comma after "expended" and the following: : provided that $3,400,000 be made available for acquisitions in Willapa National Wildlife Refuge, Washington".

Mr. McCLURE. 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. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1329

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. FORD and Mr. MCCONNELL, proposes an amendment numbered 1329.

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

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

The amendment is as follows:

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

For purposes of this joint resolution, the following matter shall be deemed to be inserted before the period on line 23 of page 14 of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall be deemed to read as follows:

: *Provided further,* that $2,000,000 shall be available to assist local communities to protect Mammoth Cave National Park from groundwater pollution: *Provided further,* That the National Park Service share of the Mammoth Cave protection project shall not exceed 25 per centum

Mr. FORD. Mr. President, I am pleased to offer this amendment with my colleague from the Commonwealth, Senator McConnell. Our amendment would restore the House language inserted in that Chamber by Hon. WILLIAM NATCHER, Congressman from the Second Kentucky District. This amendment provides the $2 million to complete funding, not in excess of 25 percent from the Federal Government, to protect Mammoth Cave National Park against groundwater pollution. The amendment ensures completion of our efforts to protect one of our unique national heritages.

Mr. President, I ask unanimous consent that short, factual documents in support of our position be inserted in the RECORD at this point. These insertions include the executive summary of the EIS for Mammoth Cave area wastewater facilities and Park Service report on hydrologic relations between Park City, KY and Mammoth Cave National Park.

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

MAMMOTH CAVE NATIONAL PARK
GROUNDWATER POLLUTION

ISSUE

Mammoth Cave resources are threatened by groundwater pollution originating from outside the park, and the usual funding sources for solving the problem are not meeting the need.

BACKGROUND

There is a threat of irreparable damage to the resources of Mammoth Cave by groundwater pollution originating from outside the park. This is due to sewage and other waste discharged directly into the ground by Park City and vicinity which flows into the park. At certain levels of groundwater flow, the polluted waters flow into Echo River within the portion of Mammoth Cave open to the public.

There is no regulatory means to address this issue. Since Park City does not now have a sewage collection system and treatment facility, it is not included in the National Pollutant Discharge Elimination System. Therefore, it is not in violation of that system.

Other nearby towns, Horse Cave and Cave City, have treatment plants and discharge treated effluent directly into underlying cave systems. These plants are in violation of specified treatment levels and are contributing to groundwater pollution in the general area.

The US Environmental Protection Agency (EPA) has prepared a wastewater management plan for the area. With full public participation, EPA concluded that a regional system including the communities of Horse Cave, Cave City, and Park City was preferred as it was the most environmentally protective. The total cost is currently estimated at slightly over $9 million and will assure adequate protection for the cave systems both within and outside Mammoth Cave National Park.

Under the EPA plan, the following facilities would be required:

Collector sewers for Park City.

Interceptor sewer from Park City to Cave City.

Upgrading of Cave City treatment plant.

Forcemain from Cave City to Horse Cave.

Upgrading of Horse Cave treatment plant.

Forcemain from Horse Cave to Green River.

The cost of the treatment plants and forcemains ($4.9 million) has been fully covered by EPA, local and State funds. The cost of the Park City collector sewers ($1.5 million) and the interceptor to Cave City ($2.6 million) is not fully covered.

STATUS

The State of Kentucky has committed 65 percent EPA funds toward the interceptor from Park City to Cave City. The Park City collection system is not eligible for EPA funding.

A local contribution to the Park City elements of the regional system is well beyond the reach of the 600 Park City residents who are mostly retired.

The State has granted $750,000 of Community Development Block Grant (CDBG) funds and committed $150,000 of State Economic Development Bond funds to the Park City portion of the regional system.

The amount still needed to fund the Park City portion and complete the regional system is at least $1.5 million. Allowing for minor cost escalation and contingencies, authorization should provide for an amount not to exceed $2 million.

Design for the forcemains and treatment plants is near completion. Construction will begin this fall. Design for the Park City interceptor and collection system is ready to begin.

EXECUTIVE SUMMARY FOR ENVIRONMENTAL IMPACT STATEMENT—MAMMOTH CAVE AREA WASTEWATER FACILITIES, MAMMOTH CAVE AREA, KY

A. EXISTING PROBLEM

The Mammoth Cave Area in Central Kentucky contains one of the nation's leading natural resources, the Flint-Mammoth Cave System. This is the largest cave system in the world and serves as both a major tourist attraction and a living laboratory of cave flora and fauna. In addition to the Flint-Mammoth Cave System there are many other caves in the area which also serve as part of this natural resource and bear the same attention.

The cave biological systems are extremely sensitive to outside influences. Unlike surface systems, cave systems renew themselves very slowly or not at all if they are degraded by outside sources.

Much of the Central Kentucky Karst lacks surface streams. Therefore, the subsurface streams of the area have been used for wastewater disposal. Before there were any central wastewater collection and treatment systems in the area, the popular means of wastewater disposal was directly into the ground. This was achieved by discharging untreated wastewater directly to openings in the rock. Generally, this practice has been replaced by the use of septic tanks. However, because of soils, geologic formations and improper septic tank installation, much of the septic tank effluent drains directly into the subsurface streams without proper treatment.

There are five major population centers in the study area. These include the municipalities of Munfordville (1980 population of 1,788), Horse Cave (1980 population of 2,019), Cave City (1980 population of 1,997), and Park City (1980 population of 603), and the proposed Staging Area at Mammoth Cave Park.[1] With the exception of Park City, these population centers maintain and operate wastewater treatment facilities. The disposal technique practiced by Munfordville and Mammoth Cave National Park is surface water discharge to the Green River. Treated effluent is disposed of in Horse Cave and Cave City, however, by direct discharge to adjacent sinkholes. The centralized collection and treatment systems of Cave City and Horse Cave in many ways compounded the problem by discharging large quantities of wastewater directly into the subsurface streams without any awareness of the eventual impacts. Once again it was an expedient solution to a difficult problem, which resulted in more far ranging problems. To compound this problem, plant performance at both Cave City and Horse Cave has been unsatisfactory. This has resulted in discharges of wastewater with poor treatment and is the reason for many of the problems which presently occur in the subsurface receiving stream, Hidden River.

Much of the problem at the Horse Cave treatment plant has been caused by industrial flows, which have seriously inhibited treatment capability at that facility. The treatment plant was designed as a biological treatment plant to provide secondary levels of treatment. However, heavy inflows of industrial wates have hindered the biological treatment processes of the plant and has affected the quality of wastewater being discharged into the subsurface streams. These

[1] These are 1980 Preliminary Census population figures.

events have had significant impacts upon Hidden River.

Hidden River, which flows through Horse Cave has for many years caused significant odor problems in downtown Horse Cave. This is in contrast to the period from 1916-1944 when Hidden River Cave was a source of both recreation and water supply. Now, Hidden River is severely degraded, and the source of serious odor problems.

Problems in the area are further compounded by the proliferation of tourist related facilities, especially those along Kentucky Route 70, which is a major entrance to Mammoth Cave National Park. Many of these facilities rely upon on-lot disposal systems. Additionally, Park City is served primarily by on-lot systems with approximately 80% of the residences and businesses discharging untreated wastewater directly to the subsurface. The remaining 20% have septic tanks which result in a direct discharge to the subsurface streams.

The major concern with the tourist facilities along Kentucky Route 70 and Park City is that they are in subsurface drainage basins which flow into Mammoth Cave National Park and wastewater from improperly installed, operated, and maintained on-lot systems may affect subsurface water quality in and around the Park. Furthermore, the boundaries of the sub-basins are not fixed. They move in unknown ways depending on groundwater levels in the aquifer and on the flood stage of the surface rivers. This is caused by the filling of normally dry cave passages which may spill over into adjacent basins. This effect is particularly important with respect to Echo River Springs which is located in Mammoth Cave National Park. Under low flow conditions Echo River spring derives its water almost entirely from the region of Mammoth Cave Ridge and much of its catchment is within the National Park. Under high flow conditions, a spillover occurs at an unknown point and water from the Park City-Cave City area of the Sinkhole Plain flows under the ridges to greatly augment the flow of Echo River spring. This implies that pollutants introduced in the more highly populated part of the Central Kentucky Karst could be carried into the National Park, affecting aquatic life in the low level passages and even reaching portions of the cave close to those used by visitors.

Efforts to develop wastewater management systems that are compatible with the area's sensitive natural resources must also consider the local economic climate and the ability of the community to successfully support a wastewater management system. In this regard the financial impact of the wastewater management alternative on the communities in the study area is an additional concern that is critical to this EIS.

B. DESCRIPTION OF ALTERNATIVES

This EIS was initiated in October, 1977. The focus of the EIS was to develop and evaluate wastewater management systems in the study area which would ensure the integration of environmental and economic considerations. During the development of the EIS certain issues were identified as more significant in developing and selecting a wastewater management alternative. These included:

1. The sensitivity of the cave environment to wastewater discharges.

2. Resource value/importance of the caves.

3. Complexity of the area's subsurface hydrology.

4. Financial impacts of wastewater management systems and funding options.

To address these issues eight wastewater management alternatives were generated in the EIS. These eight alternatives range from a regional management concept involving local treatment and joint disposal by all population centers (except for Munfordville) to local treatment and local disposal of wastewater of each population center.

Each alternative was evaluated with respect to cost, impacts on the natural environment and man-made environment and operability.

From this evaluation three alternatives exhibited the greatest promise. A cost comparison of these three alternatives is presented below:

Alternative No.	Project cost	Annual	Net present worth
2	$10,574,000	$261,000	$11,620,000
5	6,546,000	230,000	7,975,000
8	5,876,000	249,000	7,630,000

Of additional concern in the evaluation of alternatives is the estimated user costs of the alternatives, and the local implications of these costs. These costs for alternatives 2, 5, and 8 for three of the communities are presented below:

Alternative No.	Horse Cave	Cave City	Park City
2	$39/yr/EDU [1]	$68	$425-495
5	40	79	145-165
8	44	71	145-157

[1] Equivalent dwelling unit.

Note.—Horse Cave and Cave City existing user costs are not included.

ALTERNATIVE 2

1. Description of Alternative 2:

This alternative involves the following components of a regional system:

Local treatment facilities at each population center.

Joint disposal of all effluent (except Munfordville) via surface water discharge (secondary treatment) to the Green River.

Existing facilities at Cave City and Horse Cave would require upgrading.

New facilities would be required at Park City and the Staging Area.

Additional on-low systems would be required at Munfordville.

An inter-city conveyance and disposal line would be required.

2. Pros of Alternative 2:

a. Provides greatest amount of protection for free flowing groundwater, groundwater supplies, sensitive cave systems and rare and endangered species by removing all wastewater discharges from the subsurface water network.

b. Corrects existing water quality problems in the Hidden River groundwater subbasin.

c. Correction existing odor problems in Horse Cave

d. Exhibits greatest overall system operability (reliability, flexibility and maintainability).

e. Has received the support of the communities, environmental/conservation groups and the National Park Service.

f. Provides service to existing development along Route 70 (between Cave City and the National Park) and affords protection of sensitive areas from wastewater discharges.

g. Received a high rating with regard to natural and man-made environmental impact.

3. Cons of Alternative 2:

a. Has the highest net present worth cost.

b. The cost to Park City would be prohibitive unless other funding sources could be tapped.

c. The potential exists for development to be encouraged along Route 70. In this instance, non-point source problems could adversely impact area cave systems.

d. There is currently no multi-city or county sewer authority to implement this option. Local communities are, however, in the process of developing one.

e. Considerable construction activity is associated with the inter-city conveyance and disposal line (114,000 feet of gravity lines and force mains).

ALTERNATIVE 5

1. Description of Alternative 5:

This alternative involves the following components:

Local treatment facilities at each population center.

Joint disposal of Horse Cave's and Cave City's effluent via surface water discharge (secondary treatment) to the Green River.

Existing facilities at Horse Cave and Cave City would require upgrading.

Additional conventional and alternative on-lot systems would be required at Park City.

Additional on-lot systems would be required at Munfordville.

The Park's proposed Staging Area would employ on-lot systems.

2. Pros of Alternative 5:

a. Has the next to lowest net present worth cost.

b. Corrects the obvious water quality and odor problems in the Hidden River groundwater sub-basin by removing Horse Cave's and Cave City's subsurface discharges.

c. As with #2 provides the greatest degree of protection of the groundwater system and cave environment for the Hidden River sub-basin.

d. Involves less than half of Alternative 2's construction activity for the inter-city conveyance system (approximately 51,000 feet of gravity lines and force mains).

e. When compared to #2, the local cost is significantly less for Park City, slightly more for Cave City and the same for Horse Cave.

f. If the force mains from Cave City to Horse Cave to the Green River were designed to include flows from the Staging Area and Park City, this alternative could be the initial phase of what could eventually be a regional system to include Park City and the Park Service.

3. Cons of Alternative 5:

a. Existing residential and commercial developments now using on-lot systems in Park City and along Kentucky Route 70 would not be served. According to the Park Service's dye tracing studies these areas are drained by groundwater basins that flow through the Park. Although no problems have yet been detected, the potential does exist for the continued use of these on-lot systems to adversely impact these sensitive areas and the proposed critical habitat of the Kentucky Cave Shrimp within the boundaries of the Park.

b. The local cost to Cave City is slightly higher than #2.

c. System operability (reliability, flexibility and maintainability) is less than #2.

d. Although this alternative does address the water quality problems in Horse Cave and Cave City, it does not receive the support of the Park Service and other interests

as does #2 because all sub-surface wastewater discharges are not removed.

ALTERNATIVE 8

1. Description of Alternative 8:

This alternative involves the following components:

Local treatment facilities at each population center.

Additional conventional and alternative on-lot systems at Park City.

On-lot systems at the Park's proposed Staging Area.

Cave City's existing facility would require upgrading for subsurface discharge (advanced secondary treatment).

Horse Cave's existing facility would require upgrading for surface water discharge (secondary treatment) to the Green River.

Additional on-lot systems would be required at Munfordville.

2. Pros of Alternative 8:

a. Has the lowest net present worth cost.

b. Lowest local costs for Cave City and same local cost for Park City as in Alternative 5.

c. Removes Horse Cave's discharge from the Hidden River sub-basin.

d. Least amount of construciton activity for inter-city conveyance and disposal system (approximately 36,000 feet of gravity lines and force mains).

3. Cons of Alternative 8:

a. Existing residential and commercial developments now using on-lot systems in Park City and along Route 70 would not be served. According to the Park Service's dye tracing studies, these areas are drained by groundwater basins that flow through the Park. Although no problems have yet been detected, the potential does exist for the continued use of these on-lot systems to adversely impact these sensitive areas and the proposed critical habitat of the Kentucky Cave Shrimp within the boundaries of the Park.

b. Cave City's subsurface discharge would not be removed. The potential for the Hidden River sub-basin to be adversely impacted by wastewater discharges does exist.

c. This option is rated lowest concerning impacts to the natural and man-made environment.

d. This option is rated lowest concerning systems operability (flexibility, reliability, and maintainability).

e. This option has received the least amount of support from the Park Service, study area communities and interested groups and individuals.

f. Although wasteload allocations for subsurface discharges have been developed, a lesser degree of confidence is attached to these allocations than to surface water discharges.

g. This option would preclude the possibility of Park City or the Park Service being served by a regional system.

C. PREFERRED ALTERNATIVE

The underlying theme of the EIS is that the provision of wastewater services should be compatible with efforts to preserve and protect the Mammoth Cave Area's nationally significant cave systems and their unique physical, biological and historical resources. It is therefore incumbent upon EPA to explore all available mechanisms to achieve an environmentally sound alternative that is sensitive to economic realities. The selection of the least costly alternative is not EPA's only aim, but rather the selection of an environmentally protective alternative that is locally affordable. In this regard, a regional system is viewed as the environmentally preferred option. However, local economic constraints dictate that other environmentally acceptable options be pursued.

In light of the concerns regarding cost and the protection of the cave resources, the approach selected by EPA is a phased approach which, depending on local decisions, will ultimately result in a regional (Alternative 2) or semi-regional (Alternative 5) wastewater management system.

1. The initiation of Phase I of the project which would provide for design for upgrading the treatment facilities at Cave City (0.37 mgd) and Horse Cave (0.53 mgd) and for conveyance facilities to the Green River. The conveyance facilities would be evaluated with and without future flows from Park City, (0.08 mgd) the proposed Mammoth Cave National Park Staging Area (0.105 mgd), and the Route 70 area.

2. The establishment of a critical decision date to coincide with completion of the preliminary design for Horse Cave and Cave City for the NPS's decision regarding the development of the proposed Staging Area or the local communities' commitment to obtain additional non-EPA funding sources.

3. The initiation of Phase II of the project which would provide for final design for facilities based on the above decisions. At that point, EPA and the Commonwealth of Kentucky will also have to define the extent of EPA eligibility for remaining design and construction.

If the NPS does develop the Staging Area and is able to provide significant funding assistance for Park City or additional non-FPA funds are available, the remaining components of the regional alternative could be constructed. These construction elements would involve treatment facilities at Park City and the Mammoth Cave National Park Staging Area, conveyance facilities from Park City to the Staging Area along Route 70 to Cave City and expand Cave City's facility to 0.58 mgd. This would, in essence, be Alternative 2.

If the NPS does not develop the proposed Staging Area or additional non-EPA funds are not available, the remaining components of a semi-regional alternative would be constructed. This construction element would involve on-lot systems for Park City's residential areas and a community sub-surface absorption field for the Park City business district. Presently available funding mechanisms would allow for EPA participation in the cost of these activities but would be contingent on congressional continuation of these mechanisms. Also, funding would have to be in accordance with the State priority list. This would, in essence, be Alternative 5.

The regional alternative is most responsive to local and the NPS desires regarding protection of the groundwater and the cave systems. However, because of high cost and the resultant financial burden to be seen locally, the regional alternative may not be viable at this time. Local funding decisions to be made in the near future are critical to the ultimate wastewater management system for this area. Additional non-EPA funds must be available for a regional system to be affordable to Park City. Until the appropriate decisions related to NPS funding or other non-EPA financial assistance are made, EPA is moving to resolve existing wastewater management and water quality problems. In essence, the proposed phase approach allows for resolving the current more serious problems while remaining flexible to future local funding decisions. Figure S-1 presents the preferred approach to wastewater management in the Mammoth Cave study area, as recommended in this EIS.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Mammoth Cave, KY, November 13, 1983.

Memorandum to: Superintendent.

From: Research Geologist.

Subject: Hydrologic relations between Park City and Mammoth Cave National Park.

This memorandum is written as a plain-English partial summary of my research showing the hydrologic relationships between the park and the surrounding area—more specifically, to the Park City-Cave City area. My research has shown that, since Park City lacks a sewage treatment plant, all its waste goes directly into the ground and thence to the park. Sewage waste from this area poses a definite threat to the resources of Mammoth Cave National Park. The costs of alleviation of this threat by construction of a sewage collection system are far beyond the financial ability of the town residents and, if the Park Service or some other Federal agency doesn't underwrite a substantial portion of these costs of implementation of the 201 Plan, its fair share, Mammoth Cave could suffer irreparable damage to its fauna. Also, the tourist industry in this area of high unemployment could be severely affected.

An understanding of much of the rationale for these conclusions is based on an understanding of the three figures that comprise the last 3 pages of this memorandum.

BACKGROUND

Since 1974 I have directed an intensive study of the hydrology of the park area. Before then almost nothing was known about groundwater movement in the park area. There were numerous speculations and two sinking streams had been traced to Turnhole Spring (via Mill Hole and Cedar Sink) but nothing was known about the source of water in Mammoth Cave or about the relations of Park City or Cave City to the park. This research, still in progress, has included: dye-tracing (using fluorescein, optical brightener, Direct Yellow No. 96, and Rohdamine WT), mapping of the water table, and mapping of cave streams that convey water from where it sinks into the ground to where it resurges at springs. The results have been published and made available to park management and to others concerned with engineering and environmental decisions that affect both the park and the surrounding area. Some of these results are summarized in Figures 1, 2, and 3.

Figure 1 shows not only the location of various towns and cities near the park (outlined in green) but also the distribution of surface streams, the landforms, and the major physiographic divisions. The southeast portion of this map shows a series of streams that flow generally to the north, northwest, and west. The black dots at the downstream end of these streams show their ponor (swallet)—the point at which the water sinks into the ground. These ponors are along the south and east boundary of the Sinkhole Plain, a broad streamless area. Streams sink near this boundary and flow north, northwest and west to springs (shown as open circles) along Green River and Barren River. Part of my research has been directed at answering the question, "Where does this water go?" And, relative to springs, "Where does the water come from?" A major goal has been to determine to what extent water and pollutants from

outside the park affect the park or may affect the park.

The major landforms shown in Figure 1 are the cuesta and hills capped by sandstone, shown by the grey tone. (A cuesta is a slightly inclined mesalike upland that has a steep south- or west-facing slope beneath a broad upland plain and faces the Sinkhole Plain.)

Figure 2 shows not only the rock types that underlie the area and their thickness and northwestward inclination (dip), but also the relief of the area, its groundwater movement (summarized below), the names of places relevant to the hydrology, and the physiography. The potentiometric surface, shown by a dashed line and identified with an arrow, can be considered as a water table. As shown here and in Figure 3, water from sinking streams in the area south of Park City sinks into the subsurface, flows to Parker Cave, and thence to Mill Hole and Cedar Sink (both of which are large sinkholes with streams that cross their bottom), and Turnhole Spring, along Green River.

Figure 3 shows flow routes, major caves, springs, and the water table in the Mammoth Cave area. Study this figure and mentally trace the different routes of water into Mammoth Cave National Park from the area south of Park City, from Park City itself, and from the I-65 interchange west of Cave City. Note that each of these three areas drains to Turnhole Spring but that Park City and the interchange area sometimes also drain to Mammoth Cave itself—via the high level overflow routes shown by dashed lines. Groundwater flow is down the slope of the water table and perpendicular to the contours on it.

Seven miles east of Mammoth Cave, beneath the town of Horse Cave, lies Hidden River Cave. This cave, once the water supply for the town, was shown commercially to the public until 1942 when contamination by sewage and whey from a cheese processing plant forced its closure. A visit to this cave today is an unforgettable, pungent experience. It stinks! Its once abundant fauna of blindfish, blind crayfish, and other creatures has been totally wiped out by the effects of sewage, whey and industrial waste. Also, a once-substantial tourist industry has been destroyed.

As mentioned previously, Park City lacks a sewage treatment plant. All domestic waste is discharged directly into the ground or into septic tanks. (Septic tanks do not function properly in limestone terrains.) All of Park City's waste flows into the park. As shown in Figure 3, some of it sometimes goes to Mammoth Cave itself.

In Mammoth Cave, blind fish and other cave fauna, once common in Echo River, are now relatively rare. Biologists attribute this decrease in the population to be probably due to the effects of sewage from Park City. It is not likely that the environment of Mammoth Cave would deteriorate to the appalling extent that it has in Hidden River Cave but further deterioration is possible.

The towns of Cave City, Horse Cave, and Park City and the Park Service are members of the Caveland Sanitation Authority, an organization formed to operate and manage the regional disposal of sewage. The park and each city except Park City already have sewage collection systems and treatment plants. All of these are to be upgraded, with financing to be local and by the Environmental Protection Agency (EPA). The 201 Plan for the Mammoth Cave area, prepared under contract for the EPA, includes a proposal that a wastewater collection system be built in Park City and that the effluent be piped to Cave City and to Horse Cave for treatment. The cost of such a collection system is far beyond the financial resources of Park City. I have been informed by you that several Federal agencies have been asked to assist with the funding of this wastewater collection system but all have declined to do so. Therefore, justifiably or by default—it is incumbent upon the Park Service to do all that it can to assist Park City in obtaining the sewage collection system that is so urgently needed in order to protect park resources. It can be argued that since the park is a national resource—indeed, an international resource—some of the costs of protection are rightly a Federal responsibility.

Research on the relations between the park and the Park City area continues. Much is still unknown. Observation wells for monitoring the quality and quantity of water draining to the park from the Park City area and nearby areas have been and are being drilled. A water-quality monitoring program will be initiated during 1984. More dye-tracing will be done. The conditions under which flow occurs between Park City and Echo River will be studied with the aid of these observation wells.

There is no question of whether sewage from Park City flows into the park and into Mammoth Cave itself. The only questions are about how often the flow is into Mammoth Cave, under what conditions it takes place, the quality of this water, and what the specific effects are on the cave fauna. We will have more and better answers to these questions within a few years. But, by the time we know all the answers unequivocally, it might be too late to save the cave fauna. Also, by then, much of the tourist industry would be adversely affected if Mammoth Cave were to become malodorous like Hidden River Cave and less attractive to the visiting public.

RECOMMENDATION

I would not have the effrontery to recite a litany of the Park Service's obligations to protect part resources for the nation. But I believe that since Mammoth Cave has been designated as a World Heritage Site the Park Service's responsibilities for its protection are greater than they would otherwise be.

In my professional opinion, the available data indicate that Park City and the surrounding area contribute pollutants to Mammoth Cave and the rest of the park—pollutants that may be destroying some of its unique cave fauna. The Park Service should do all it can to help Park City construct the sewage collection system it needs in order to protect the park—even if doing so includes payment of several million dollars in construction costs for it.

JAMES F. QUINLAND, Ph.D.

Mr. McCONNELL. Mr. President, I am pleased to join with my colleague, Senator FORD, in introducing this amendment to provide vital funding to protect one of the Nation's leading natural resources, the Mammoth Cave National Park.

The resources of Mammoth Cave threatened by groundwater pollution originating from outside the park, and the usual funding sources for solving the problems by implementing EPA's wastewater management plan are not meeting the need. Specifically, one of the surrounding communities, Park City, lacks a sewage plant. A large portion of its waste is discharged directly into the ground and then flows into the park. To assure adequate protection for the cave systems both within and outside Mammoth Cave National Park, EPA has developed a regional sewer system plan which is the most environmentally protective option.

Except for the Park City portion and an interceptor, all costs of the regional system have been covered by EPA, local, and State funds. Unfortunately, Park City is not eligible for EPA funding and the local contribution is well beyond the reach for the 600 Park City residents who are mostly retired. In fact, this portion is equal to a contribution of $2,500 per resident. It's illogical to suggest that the people of Park City could afford this share. Furthermore, it is appropriate that the Federal Government share in the costs to protect this National Park which is enjoyed by the Nation and international visitors.

As the National Park Service indicated:

> If the Park Service or some other Federal agency doesn't underwrite a substantial portion of these costs, Mammoth Cave could suffer irreparable damage to its fauna. Also, the tourist industry in this area of high unemployment could be severely affected.

Mr. President, this funding is appropriate, necessary and crucial to preserve this national resource and prevent further deterioration. I urge my colleagues to support the amendment.

Mr. HATFIELD. Mr. President, this amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1329) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I will announce that I have been authorized by the majority leader to indicate to the membership that following the handling of four or five noncontroversial amendments there will be no further rollcall votes today, and that we anticipate coming in on Monday at 10 a.m. and will be on an amendment offered by the Senator from Ohio [Mr. GLENN] at 11 o'clock, with amendments to follow thereafter throughout the day, and there will be votes all day long and well into the evening. I emphasize votes as being rollcall votes.

AMENDMENT NO. 1330

(Purpose: To support universal access to immunization by 1990 and accelerated efforts to eradicate childhood diseases)

Mr. BRADLEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 1330.

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

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

The amendment is as follows:

At the end of the joint resolution, add the following new section:

SEC. . (a) The Congress finds that—

(1) the United Nations Children's Fund (UNICEF) reports that four million children die annually because they have not been immunized against the six major childhood diseases; polio, measles, whooping cough, diptheria, tetanus, and tuberculosis;

(2) at present less than 20 percent of children in the developing world are fully immunized against these diseases;

(3) each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social, and political development of their countries because they have not been immunized;

(4) ten million additional childhood deaths from immunizable and potentially immunizable diseases could be averted annually by the development of techniques in biotechnology for new and cost-effective vaccines;

(5) the World Health Assembly, the Executive Board of the United Nations Children's fund, and the United Nations General Assembly are calling upon the nations of the world to commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

(6) the United States, through the Centers for Disease Control and the Agency for International Development, joined in a global effort by providing political and technical leadership that made possible the eradication of smallpox during the 1970's;

(7) the development of national immunization systems that can both be sustained and also serve as a model for a wide range of primary health care actions is a desired outcome of our foreign assistance policy;

(8) the United States Centers for Disease Control headquartered in Atlanta is uniquely qualified to provide technical assistance for a worldwide immunization and eradication effort and is universally respected;

(9) at the 1984 Bellagio Conference it was determined that the goal of universal childhood immunization by 1990 is indeed achievable;

(10) the Congress, through authorizations and appropriations for international health research and primary health care activities and the establishment of the Child Survival Fund, has played a vital role in providing for the well-being of the world's children;

(11) the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program; and

(12) the United States private sector and public at large have responded generously to appeals for support for national immunization campaigns in developing countries.

(b)(1) The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990 by—

(A) assisting in the delivery, distribution, and use of vaccines, including—

(i) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 per centum of their annually projected target population with the full schedule of required immunizations, and

(ii) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(B) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

(2) In support for this global effort, the President should appeal to the people of the United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

Mr. BRADLEY. Mr. President, the amendment I have sent to the desk is on behalf of Senators KASTEN, INOUYE, HATFIELD, SIMON, GORTON, RIEGLE, MOYNIHAN, STAFFORD, LAUTENBERG, and myself.

Mr. President, this amendment deals with the pursuit of a most noble goal; a goal that has been set by the international health community—that of universal access to childhood immunization by 1990. On October 10 of this year, Senators KASTEN, SIMON, and I introduced Senate Concurrent Resolution 78 that calls upon the President to direct the appropriate Federal agencies to assist the World Health Organization and UNICEF in meeting this goal. This resolution now has 30 cosponsors, and is truly a bipartisan effort. I offer it today as an amendment to the continuing resolution in view of its overwhelming importance and widespread support.

Mr. President, let us spend a few minutes to try and understand the magnitude of the problems associated with infectious diseases. And "try" is all we can do because the numbers are staggering. Every year 4 million children die from vaccine-preventable diseases—polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis. These diseases are virtually unknown in the developed world due to the great success of immunization programs. But, the developing world does not have the same technical capabilities. The result is 4 million easily preventable deaths each and every year. As shocking as this tragedy is, it is only a portion of the problem.

An additional 10 million children die each year from potentially immunizable diseases. At least another 5 million children suffer permanent physical and mental disabilities, or are so severely weakened that they more readily succumb to the all too common ravages of malnutrition and diarrhea.

What do these numbers mean—4 million, 10 million, 14 million—4 million annual deaths mean that today 10,000 children will die. The additional 10 million annual deaths mean that today an additional 25,000 children will die. Mr. President, 35,000 children will die today, and tomorrow, and every day after that; 35,000 daily deaths! That is twice the fatalities from the Bhopal tragedy, twice the deaths from the Colombian volcanic eruption, and 1,000 times greater than most major air disasters! And this happens every day!

Mr. President, I need not try to convince my colleagues of the severity and urgency of this matter. Congress has recognized this need and acted to increase access to childhood immunization. First, we established the Child Survival Fund and have continued its support. Second, we have charged the Agency for International Development to provide immunization for 80 percent of the children in those countries in which they have a program. And now the Foreign Operations Subcommittee has acted to further increase funds for child survival activities from $25 million to $50 million. The committee has also included some stern report language making clear to AID the importance we associate with international health activities and the need for increased numbers of health professionals.

Who else supports the goal of universal access to childhood immunization by 1990? On October 24 of this year, heads of state gathered at the United Nations to support this most worthy cause on the 40th anniversary of the United Nations. I am also pleased to say that the President of the United States reaffirmed his support and commitment to the goal of achieving universal immunization of children. Mr. President, I ask unanimous consent that a letter from the President to the U.N. Secretary General be included in the RECORD.

Mr. President, there is international agreement on the need for universal access to immunization. And we have made clear national commitment to this end. Global immunization is not a goal to be achieved by 1990 and then abandoned.

On November 12 of this year, the House Select Committee on Hunger held a hearing on an identical House

resolution. At that hearing, Mr. John Erikson, Deputy Assistant Administrator for the Research, Science, and Technology Bureau of AID testified:

The goal of AID's Child Survival Action Program—and, indeed, of the entire international effort to expand access to immunization worldwide—is to set in motion a strategy that will assure the development of indigenous, self-sustaining programs to eliminate these diseases wherever possible . . . Our goal is to help institutionalize these programs, so that they will continue to be available to children of future generations.

Also, at that time, Dr. William Foege, the executive director, of the Task Force for Child Survival stated that:

The major barriers to immunization now are the development of country programs to take advantage of the available resources and the mobilization of managerial skills to effectively deliver immunization.

Mr. President, by contacting other experts in the field of childhood immunization we arrived at identical conclusions. We must establish today that it is the sense of the Congress that the most important contribution our Nation can make is to assist in the delivery, distribution, and use of vaccines by building locally sustainable systems with the technical capacity to provide the required immunization. This includes training and developing sufficient health professionals indigenous to each developing country, to monitor and assess immunization programs. Local personnel could adapt strategies to reach the goal of preventing immunizeable diseases.

In addition, America is experiencing a revolution in the field of biotechnology. We are developing new vaccines and making significant improvements in existing vaccines. Therefore, we must continue to support research and development, both in the public and private sectors.

In the next hour, approximately 1,500 children will die. Let us take yet another step, today, to end this tragedy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from President Reagan dated October 21, 1985.

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

THE WHITE HOUSE,
Washington, DC, October 21, 1985.

His Excellency, JAVIER PEREZ DE CUELLAR,
Secretary General of the United Nations, United Nations, NY.

DEAR MR. SECRETARY GENERAL: Thank you for your letter of June 10 regarding the resolution, to be considered on the occasion of the 40th Anniversary of the founding of the United Nations, concerning the well-being and interests of the world's children. I am pleased to reaffirm the United States' support and shared commitment to the world community's goal of achieving the universal immunization of children.

Ensuring that children are protected from the scourge of disease is an important part of our commitment to the future, and I am certain that our efforts will contribute to that goal. We have substantially achieved universal immunization of our children in the United States: in this past year, 97 percent of children entering school for the first time were fully immunized. In addition, the United States is assisting countries in the developing world to expand their immunization capability and coverage. Through the Agency for International Development and our support for UNICEF, the World Health Organization and other UN agencies, we are currently involved in a variety of international immunization initiatives. In addition to assisting in the delivery of immunizations, we are also supporting biomedical research to develop new vaccines and technologies which will be easier to deliver and offer better protection for the world's children.

The children who are now being born will inherit the world that we have created.

This century has seen the development of the technologies which can offer protection from the diseases of childhood. The United States is pledged to do our part in this joint effort so that the promise of protection offered by these technologies is partly of our legacy for the future. Working together with the United Nations and with the countries of the developing world, I believe that we can make a difference in the future of the world's children and the future of the world.

The United States will continue to affirm our commitment to these objectives in our statements during the 40th Anniversary of the General Assembly.

Sincerely,

RONALD REAGAN.

Mr. HATFIELD. Mr. President, the amendment offered by the Senator from New Jersey has been accepted on both sides of the aisle, and I am proud to be a cosponsor of it.

Mr. STENNIS. There is no objection on this side of the aisle, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1330) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, there are a few amendments that the Senator from Idaho will handle, and that will conclude the business of the day.

AMENDMENT NO. 1331

(Purpose: To require the Secretary of the Interior to implement a program for health promotion and disease prevention among Indian juveniles)

Mr. McCLURE. Mr. President, on behalf of the Senator from New Mexico [Mr. BINGAMAN] I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for Mr. BINGAMAN, proposes an amendment numbered 1331.

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

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

The amendment is as follows:

At the end of the joint resolution insert the following.

SEC. . The Secretary of the Interior, acting through the Bureau of Indian Affairs and in consultation and cooperation with the Secretary of Health and Human Services and the Secretary of Education, shall develop and begin implementation of a program which provides instruction in health promotion and disease prevention to juvenile Indians enrolled in schools operated by, or on behalf of, the Bureau of Indian Affairs.

Mr. BINGAMAN. Mr. President, this amendment directs the Bureau of Indian Affairs, in coordination with the Secretary of Health and Human Services and the Secretary of Education, to develop and implement a health education program for Indian students enrolled in Bureau of Indian Affairs schools and contract schools.

This past June, the Senate Select Committee on Indian Affairs held a field hearing in New Mexico on S. 400, the Indian Health Promotion and Disease Prevention Act of 1985, a bill I sponsored. At the hearing one of the major issues raised by Indian leaders and parents, health professionals, and educators was the lack of health education instruction in the public and Bureau of Indian Affairs schools. Witnesses concurred that the schools must be a partner in the overall goal of improving the health of American Indians. However, very little is being done.

The need is especially acute in the Indian community because of the generally acknowledged poorer health of Indians. In my State, the leading cause of death among Indian people is accidents, followed by cancer, then heart disease. It is now well accepted that prevention must begin at the earliest ages possible. New Mexico has an especially young Indian population, with a median age of 20 years. Currently, 9,703 Indian students attend Bureau schools in New Mexico. An additional 498 students are housed in BIA dormitories while attending New Mexico public schools. This amendment targets those students and others similarly situated nationwide.

The schools are an optimum environment to teach young people, beginning in the elementary through secondary levels, on how to take better care of themselves. In the semiannual publication, Healthy People, the Surgeon General viewed schools as an "opportunity for action" where a comprehensive school health education program could "enhance a child's skills and personal decisionmaking; promote understanding of the concepts of health and the causes of dis-

ease; and foster knowledge about the ways in which one's health is affected by personal decisions related to smoking, alcohol and drug use, diet, exercise and sexual activity."

A more recent publication, Prospects for a Healthier America, stated that a comprehensive school health education program should include an appropriate school health service, a healthy school environment, and a physical education program. More importantly, it should also include an education program centering on personal, mental, and emotional health; prevention and control of disease; nutrition; substance use and abuse; accident prevention and safety; community health; consumer health; environmental health; and family life education. These are important considerations. I hope the Bureau will take them into account.

My amendment requires the Bureau of Indian Affairs to work in coordination with the Secretary of Health and Human Services and the Secretary of Education to develop a curriculum that incorporates the national guidelines in Healthy People and the 1990 Objectives for the Nation. The amendment also requires a followup report within 1 year after the date of enactment of the Interior appropriations bill to check the progress of the agencies.

I understand that the Bureau of Indian Affairs has begun some work with other agencies and recently entered into a cooperative agreement with the Justice Department to work on alcohol abuse among Indian juveniles.

Certainly these are the types of initiatives that should be pursued, particularly in cooperation with the Indian Health Service, the Centers for Disease Control's Health Promotion and Health Education Office, and the Office of Disease Prevention and Health Promotion. Also, tribal and parental involvement should not be overlooked. I am well aware of the intervention programs now in progress in New Mexico involving Indian students, tribes, and the schools. These types of endeavors should be expanded. They can lay the groundwork for substantial improvement.

Mr. President, I thank the distinguished chairman from Idaho and the ranking minority member from West Virginia for their consideration of this amendment.

Mr. McCLURE. Mr. President, the purpose of the amendment is to improve health promotion in schools operated by the Bureau of Indian Affairs. This amendment has been cleared on both sides, and I urge its adoption.

Mr. STENNIS. Mr. President, there is no objection on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1331) was agreed to.

AMENDMENT NO. 1332

(Purpose: To transfer $600,000 within the bill from the U.S. Forest Service acquisition account to the U.S. Fish and Wildlife Service land acquisition)

Mr. McCLURE. Mr. President, on behalf of the distinguished Senator from Oregon [Mr. HATFIELD], I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for Mr. HATFIELD, proposes an amendment numbered 1332.

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

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

The amendment is as follows:

At the end of the bill insert the following new section:

"Notwithstanding any other provision in this joint resolution, there shall be appropriated $33,170,000 for land acquisition of the United States Fish and Wildlife Service, Land and Water Conservative Fund, within the Department of the Interior and $17,425,000 for land acquisition of the United States Forest Service, Land and Water Conservation Fund, within the Department of Agriculture."

Mr. HATFIELD. Mr. President, this amendment proposes to reduce the amount included in the U.S. Forest Service land acquisition account by $600,000 and increase the U.S. Fish and Wildlife Service land acquisition account by an identical amount.

While the amendment has no budget impact, it does allow the Fish and Wildlife Service to secure a parcel of land on the Washington State side of the Columbia River Gorge which is a particularly critical piece of land.

The Kerr Estate, as it is called, is a 27-acre site of perennial pasture land lying within the Steigerwald Lake Wetlands Area which is currently being acquired by the Army Corps of Engineers. Of particular importance is that Gibbons Creek, which will be used to flood the Steigerwald Wetlands Area, passes directly through the Kerr Estate inholding. In its essence, Mr. President, our moving forward with this Kerr Estate acquisition will allow the Steigerwald Lake Wetlands Area to be treated as one ecological unit.

I might clarify for my colleagues that in reducing the Forest Service land acquisition account, I propose that the reduction come from the $1.8 million currently allocated for other Columbia Gorge acquisitions in order that the total amount in the bill for acquisitions within the Columbia River Gorge will be the same.

I understand that my colleagues from Washington State have no objection to the amendment and that it has been cleared with the managers of the bill on both sides of the aisle.

Mr. McCLURE. Mr. President, this amendment shifts land acquisition moneys from one agency to another with respect to Columbia Gorge acquisitions. I know of no objection to this amendment on either side.

Mr. STENNIS. Mr. President, there is no objection on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1332) was agreed to.

AMENDMENT NO. 1333

Mr. McCLURE. Mr. President, on behalf of Senator BAUCUS and Senator CHAFEE, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for Senator BAUCUS and Senator CHAFEE, proposes an amendment numbered 1333.

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

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

The amendment is as follows:

At the end of the resolution insert the following:

SEC. . None of the funds provided in this Act may be used to establish new grizzly bear populations in any unit of the National Park System or the National Forest System where no verified grizzly bear population currently exists. None of the funds provided in this Act may be used for augmentation in occupied areas of grizzly bear habitat unless an augmentation plan has been developed and made available for public review and comment in full compliance with the National Environmental Policy Act by all participating federal agencies: *Provided*, That it is not intended to prohibit the preparation of proposals to augment existing grizzly bear populations in occupied grizzly bear habitat: *Provided further:* That such augmentation may be conducted only with funds specifically identified for such purpose in an agency budget justification and subsequently approved in a report accompanying an appropriation bill making appropriations for that agency, or with funds provided for through reprogramming procedures: *Provided further*, That notwithstanding any other provision of law, agencies included in this Act are authorized to reimburse permittees for such reasonable expenses as may be incurred as a result of moving permitted animals from one location to another, as may be required by the permitting agency, in order to prevent harassment and attacks by grizzly bears. Such expenses are to be determined by the agency responsible for the permitted action.

Mr. BAUCUS. Mr. President, this amendment would delete pages 89 and 90, all of section 316, and insert the following substitute.

I should like to raise a question to clarify the intent of this appropriation

bill as it affects grizzly bear recovery efforts and, in particular, to clarify why the current bill needs to be modified. Grizzly bear management affects both our States directly. I believe I am safe in stating that the Senator from Idaho and I share a common interest in the ultimate recovery of the grizzly bear. Recovery of the grizzly bear will allow it to be delisted as a threatened species and will return management of the species to the States, a goal we both share.

The current bill, a carryover from the fiscal year 1985 legislation concerning grizzly bear management, has been interpreted as restricting all research and studies of the bear that may be related to augmentation of bear populations. This interpretation, whether erroneous or not, has resulted in a total halt to any work related to augmentation. This interpretation concerns me since a number of bear experts feel that certain areas of the Cabinet-Yaak ecosystem area in Montana and Idaho may require grizzly bear augmentation in order to recover bear populations. If this is the case, places such as the Cabinet Wilderness Area could be used to relocate bears from areas such as the Rocky Mountain Front before these become problem bears.

Mr. McCLURE. Let me first say, that the Senator is absolutely right concerning our mutual objective of speeding recovery of the grizzly bear. Recovery of the grizzly bear is not only in the best interest of the bear, but it is also in the best interest of all the users of our national parks and forests.

In regard to the augmentation language in last year's appropriations bill, I appreciate the Senator from Montana raising his concern about the affect of this language on augmentation planning.

The original intent of the language was to prevent augmentation activities from taking place without notifying the public in impacted communities about agency plans, and to insure that the general public had the opportunity to be heard. It was not my intent to stop planning for possible augmentation.

Mr. BAUCUS. The object of the amendment is to build on the public involvement process in the current language while allowing augmentation related studies and research to move forward.

Actual augmentation could not take place until a proposed plan which is in full compliance with the National Environmental Policy Act has been prepared, and it has been made available for public review and comment. Once the final plan has been agreed to by all the agencies involved, a request for required funding will be presented through an appropriate agency budget justification.

Mr. McCLURE. As the Senator knows, my concern is that all the agencies involved in the management of the grizzly must agree to any augmentation proposal, and that the individual regulations of all the agencies must be met before any actual augmentation takes place. Am I correct in assuming that the Senator from Montana shares those concerns?

Mr. BAUCUS. Yes.

Mr. McCLURE. And is it the intent of my colleague to insure that local communities and the general public be given full opportunity for review and comment on any proposal before final plans are agreed to?

Mr. BAUCUS. Yes, it is. Both the Senator from Idaho and I realize the potential impacts on other forest user groups inherent in any augmentation. We must make certain that all interested parties be provided the opportunity to state their agreement or opposition to such a proposal and that the agencies listen closely to their concerns.

Mr. McCLURE. My only other concern is that augmentation be limited to existing populations and that so-called nuisance bears not be utilized. Does the Senator's language cover that concern?

Mr. BAUCUS. It does. It is my expectation that the development of an augmentation plan will include guidelines for what type of bear qualifies for relocation. It is clearly my intent that nuisance or problem bears not be used for augmentation purposes. Bears used for augmentation should be bears who have had little or no contact with humans and do not have a history of conflicts with either humans or livestock.

The current language also requires the Forest Services to conduct public hearings on the so-called Yellowstone management guidelines prior to making any final decision as to whether or not they should be applied to areas outside the Yellowstone ecosystem, the area for which they were designed. I commend my colleague for his insistence on this language in last year's appropriation bill. These public meetings served a useful purpose. I believe that these public meetings have been held and, therefore, this direction is no longer germane to the situation addressed by this language.

Mr. McCLURE. As the Senator stated, it is also my understanding that the Forest Service has completed its public meetings on the Yellowstone guidelines. As long as it is understood that the Forest Service is to complete the current process through documentation of their findings and decisions, I have no objection to deletion of the language.

Mr. BAUCUS. The public hearings on the Yellowstone ecosystem guidelines were extremely productive. It is my intent that this process be completed.

Mr. McCLURE. I thank my colleague from Montana for his explanation of the substitute language he proposes and I have no objection to the substitution.

Mr. BAUCUS. Grizzly bear management is in many ways people management. It takes knowledge of the bears, a desire of people living in the area to coexist with the bear, and a willingness to respond quickly to confrontational situations involving grizzly bears.

The Northern Continental Divide ecosystem area is moving toward a recovered grizzly bear population. To speed recovery of the grizzly bears, there is a need for greater emphasis on education through the establishment of a back-country public education program in Montana; a continuation of ongoing research efforts; a need to expand these investigations to the Blackfoot Indian Reservation through the establishment of a position to conduct grizzly bear research; and to complete ongoing investigations on the Flathead Indian Reservation through continuation of component habitat inventory and analysis currently underway.

At the same time, I recognize the need to control Federal expenditures. I do not plan to offer an amendment to fund these programs.

I ask the chairman if he will work with me and the Department of the Interior to determine what is needed to speed the recovery of the grizzly bear in the Northern Continental Divide ecosystem.

Mr. McCLURE. I assure the Senator from Montana that I will continue to work with him to insure the continued recovery of the grizzly bear.

Mr. BAUCUS. I thank the Senator from Idaho for his cooperation on this important matter.

Mr. McCLURE. Mr. President, this amendment has been agreed upon. I know of no objection to the amendment on either side.

Mr. STENNIS. There is no objection on this side of the aisle, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1333) was agreed to.

AMENDMENT NO. 1334

(Purpose: to correct a technical error. Three amendments to be considered "en bloc".)

Mr. McCLURE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 1334.

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

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

The amendment is as follows:

At the end of the resolution add the following:

SEC. — Notwithstanding any other provisions of this joint resolution $186,433,000 if appropriated to the Forest Service for reforestation, timber stand improvement, cooperation, law enforcement and maintenance of forest development roads and trails, to remain available until September 30, 1987.

Mr. McCLURE. Mr. President, this amendment corects an error in the bill as reported by the committee.

We have always directed that certain funds provided to the Forest Service shall remain available for obligation for a period of 2 years. The amendment provides the proper dollar number and bill language for the committee to continue this practice.

The amendment does not increase the amount appropriated but merely provides that the funds shall be available for 2 years.

I know of no objection to the amendment. It has been cleared on both sides of the aisle.

Mr. STENNIS. There is no objection to the amendment on this side of the aisle, Mr. President.

The PRESIDING OFFICER (Mr. McCONNELL). The question is on agreeing to the amendment.

The amendment (No. 1334) was agreed to.

AMENDMENT NO. 1335

Mr. McCLURE. Mr. President, I send an amendment to the desk on behalf of Mr. PRESSLER.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for Mr. PRESSLER, proposes an amendment numbered 1335.

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

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

The amendment is as follows:

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

Nonwithstanding any other provision in this joint resolution, none of the funds provided by this Act shall be expended by the Secretary of the Interior to promulgate final regulations concerning paleontological research on federal lands until the Secretary has received the National Academy of Science's report concerning the permitting and post/permitting regulations concerning paleontological research and until the Secretary has, within 30 days, submitted a report to the appropriate committees of the Congress comparing the National Academy of Sciences report with the proposed regulations of the Department of the Interior.

Mr. PRESSLER. Mr. President, this amendment would prohibit the Department of the Interior from expending any funds appropriated by this act for the implementation of regulations concerning paleontological research until the National Academy of Sciences has completed its current study and made recommendations. The amendment would also require the Secretary of the Interior to report to the appropriate committees of Congress on proposed regulation of paleontological research and the National Academy of Sciences' recommendations. This report would be due within 30 days of the release of the National Academy of Sciences' recommendations.

The amendment is in response to a regulation which is being formulated under Secretarial Order No. 3104. The issuance of Secretary Order No. 3104 is not the first time the Bureau of Land Management and the Department of the Interior have proposed unrealistic programs for the management of paleontological resources on Federal lands. For several years I have been working with the scientific community and the Department of the Interior to resolve a number of issues concerning the collection of fossils on Federal land by paleontologists. In 1982 a regulation was published in the Federal Register limiting access to Federal lands by paleontologists. The outcry by the hobbyists, scientists, and commercial collectors was so great that the proposed regulations were dropped. In response to these proposed regulations, I introduced legislation developed by the scientific community to manage paleontological resources. Since that time, the National Academy of Science and other groups have tried to work with the Department of the Interior to develop an effective paleontological resource managment program. Earlier this year, without consulting with the scientific community, the Secretary of the Interior issued a Secretarial order describing procedures for fossil collection on Federal lands. The Secretarial order called for the establishment of an office in each bureau administering Federal lands. This order would lead to a large increase in paperwork and bureaucracy.

In an effort to resolve this issue, the National Academy of Sciences established a committee to set guidelines for paleontological collecting. The committee is currently compiling the recommendations of the scientific community on the management of paleontological resources on Federal lands. This report is scheduled to be completed within 6 months. To date, the Department of the Interior, and primarily the Bureau of Land Management, has taken very little interest in the views and recommendations of the scientific community on this issue. The Department of the Interior should not take any further action on regulation of paleontological research until the National Academy of Sciences completes its study and the recommendations in that study can be fully reviewed. I would also recommend that the U.S. Geological Service play a key role in reviewing and drafting any new paleontological regulations. The U.S. Geological Service has approximately 50 paleontologists while the Bureau of Land Management has none. The Department of the Interior should utilize this expertise.

Mr. President, I urge adoption of this amendment.

Mr. McCLURE. Mr. President, I know of no objection to the amendment. I think it has been cleared on both sides.

Mr. STENNIS. There is no objection to the amendment on this side of the aisle, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1335) was agreed to.

AMENDMENT NO. 1336

(Purpose: To prohibit setasides of funds appropriated for the Strategic Defense Initiative Program for non-U.S. contractors by law)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1336.

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

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

The amendment is as follows:

At the appropriate place in the joint resolution insert:

"No funds appropriated under this act for the Strategic Defense Initiative Program shall be earmarked by any agency of the U.S. Government or any contractor exclusively for contracts with non-U.S. contractors, subcontractors, or vendors, or exclusively for consortia containing non-U.S. contractors, subcontractors, or vendors prior to source selection in order to meet a specific quota or allocation of funds to any Allied nation. *Furthermore,* it is the sense of the Congress that, whenever possible, the Secretary of Defense and others should attempt to award SDI contracts to U.S. contractors, subcontractors, and vendors unless such awards would degrade the likely results obtained from such contracts:

Provided further, that allied nations should be encouraged to participate in the SDI research effort on a competitive basis and be awarded contracts on the basis of technical merit."

Mr. BUMPERS. Mr. President, this is an amendment that the chairman of the Defense Subcommittee of the Appropriations Committee and I have worked on for some time, and we finally got the language down so that we think it is a clear amendment.

The amendment encourages our NATO allies to participate in the bidding process on SDI research, but it

does prohibit the Defense Department from earmarking specific sums for a particular nation prior to source selection.

Mr. WILSON. Mr. President, I do not wish to interrupt the Senator from Arkansas.

Mr. BUMPERS. I have finished.

Mr. WILSON. Is the purpose of this amendment simply to require a competition, as opposed to an earmarking?

Mr. BUMPERS. No; this is an amendment that is designed to say that our allies are encouraged to participate in competing for SDI contracts, but it says that the Defense Department will not set aside, say, $1.5 billion for a particular country before any competition is even considered.

Mr. WILSON. I thank the Senator.

Mr. STEVENS. Mr. President, the distinguished Senator from Arkansas raised this subject in the Appropriations Committee and agreed to present the matter to the floor now. I have discussed it with the Senator from Mississippi and our staffs, and we find no difficulty with the language suggested by the Senator from Arkansas. But I want the record to be clear that it should not send the wrong message abroad.

As I understand the Senator from Arkansas, what he is saying is what we should not do for our Strategic Defense Initiative organization is earmark any portion of the funds that are made available to that organization, the Department of Defense, for any particular country in order to say to that country, "You get so much share of this, and we will not allocate those funds to any other nation or to any contractors in our own country. We are guaranteeing you, in effect, a participation at a set amount in terms of the funds that are available to date."

On the basis that that is my understanding of his intent, and I think my good friend from Mississippi will comment on it also, I do not have any problem with it.

I would not want to send the message to our allies that their participation is not welcome, that we do not earnestly seek their participation, and there are many of us who believe that the alliance will be able to pursue SDI research with less total dollars if we have more cooperation, if we do our competition within the alliance in terms of specific portions of this research, if we cooperate, if we work our SDI with the Germans, the French, the British, the Italians, and try to find ways to save and conserve these dollars that are available that we will all be better off.

So I understand my friend to say do not earmark these funds in advance, do not set quotas by countries, encourage participation as much as you want, encourage competition as much as you want, award the contracts on the basis of the best sources available, enter into joint ventures, if you wish, but just do not tell them in advance, "This money is reserved for you and no one else."

Mr. BUMPERS. The Senator is dead right.

Mr. STEVENS. I thank the Senator.

Mr. President, I yield to my good friend from Mississippi.

Mr. STENNIS. Mr. President, there is no objection to this amendment.

Mr. BUMPERS. Mr. President, I do not want to be in the posture of not taking yes for an answer. I thank the floor managers for accepting this.

I wish to make four points just to point out why this occurred to me.

No. 1, I did not want the United States to appear to be buying support for this system for other countries by giving them assurances in advance that they can get a piece of the action whether they earned it or not.

No. 2, we have a great high tech industry in this country. The Senator from California certainly has an interest in this because Silicon Valley in California, along with route 128 around Boston, are the two big high tech areas in the United States. We are proud of our high tech industry, and I hope frankly that in a competitive shootoff they get all the research money for SDI, and the reason I believe that is my third point, and that is we have a staggering trade deficit, especially against the Japanese and the Germans, and so I am hoping we get all of the SDI research money to keep our trade deficit from getting even worse, and we need the jobs at home.

Finally, I have some trepidation in light of all the revelations recently about espionage in this country. When you start spreading SDI research among four or five countries, as we are almost certain to do, the opportunities for espionage are enhanced greatly with the addition of every country.

While I cannot address all of those issues in this legislation, I have been trying to work something out that the Senator from Alaska and I can agree on as a matter of intent, and he has stated my intention well.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 1336) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1337

Mr. McCLURE. Mr. President, on behalf of Senator GORTON I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] for Mr. Gorton, proposes an amendment numbered 1337.

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

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

The amendment is as follows:

At the end of the joint resolution insert the following:

SEC. —. Notwithstanding any other provision of law, to satisfy an outstanding judgment against the Seattle Indian Health Board resulting from termination of its occupancy of the Kobe Park building in Seattle, Washington, $180,000 shall be provided from the unobligated balance available to the Indian Health Service from prior years' appropriation. Such payment shall be made only if the owners of the Kobe Park Building Company accept the sum named as full satisfaction for current or future claims against the Seattle Indian Health Board and the individual members of the Board.

Mr. GORTON. Mr. President, I rise to offer an amendment to House Joint Resolution 465. The amendment directs the Indian Health Service [IHS] to use prior years unobligated funds to pay $180,000 in full settlement of a $270,000 judgment against the Seattle Indian Health Board [SIHB]. This represents an amicable compromise between me and the distinguished senior Senator from Idaho on this question.

This amendment would resolve a longstanding problem of great interest to the State of Washington. The problem involves a complicated contract dispute that developed when the Seattle Indian Health Board, which has provided excellent medical services to thousands of Indians in the Seattle area, was faced with severe funding reductions during fiscal 1982.

I find it somewhat ironic that we are today dealing with the aftermath of the panic caused by the Senate Interior and related agencies fiscal year 1982 appropriation bill language regarding the health care needs of urban Indians and Alaskan Natives. I am pleased to note that we currently provide full funding for the Urban Indian Health Program, so that the Seattle Indian Health Board, and the other 35 clinics which badly need the full $9.8 million appropriation next year, will not have to spend the next several months under the threat of elimination.

Having personal familiarity with the Seattle Indian Health Board, I can assure my colleagues that it is a vital component of our region's health care delivery system. It is one of the oldest and most comprehensive urban Indian health programs in the United States, and serves as the primary source of

health care for 85 percent of Seattle's Indian population. Forcing the Seattle Indian Health Board to absorb a $270,000 judgment would have a significant negative impact on the Seattle Indian Health Board's current program. It would be unfair to the Health Board's patients to force a cut in their services, particularly in light of Indian Health Service involvement in the termination of the lease.

I have reviewed correspondence between the Portland area office of the Indian Health Service and SIHB that clearly establishes that: One, the Indian Health Service notice to the Seattle Indian Health Board to cease spending Indian Health Service funds after September 30, 1981, was the sole reason Seattle Indian Health Board terminated its lease; two, the Indian Health Service approved and ratified the lease; three, the Indian Health Service stated that its funds could be used to pay the judgment of the resulting lawsuit; and four, the loss of Bureau of Community Health Services funding did not occur until 1 year after the lease termination.

Mr. President, the Seattle Indian Health Board is a private nonprofit corporation with no real assets except those public funds it administers in providing health services to its patient population. To force the clinic to cut another $180,000 in services would place the blame for this mess directly on the SIHB and its patients. The Indian Health Service has an obligation to help settle the litigation it caused by its actions.

I would strongly urge my colleagues to support this amendment.

Mr. McCLURE. Mr. President, this amendment would authorize the settlement of an outstanding claim of the Indian Health Services in Seattle, WA.

I urge adoption of the amendment.

Mr. STENNIS. Mr. President, there is no objection to agreeing to the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1337) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

ABANDONED MINE RECLAMATION FUND

Mr. SPECTER. The abandoned Mine Reclamation Fund is vital to the environmental well-being of Pennsylvania, as well as the rest of the country where abandoned mines exist. Pennsylvania has many scars from abandoned mines that produced coal to feed the industrial growth of this country.

Committee action set the fiscal year 1986 appropriation for the State Reclamation Program grants within this fund at $150 million versus a $211.2 million budget request, a difference of $61.2 million. The administration apparently saw the need for these funds. The House set the 1986 figure at $186 million. Would the Senator from Idaho, chairman of the Interior and Related Agencies Appropriations Subcommittee, indicate why he has recommended $150 million rather than the House figure of $186 million or the President's request of $211 million?

Mr. McCLURE. The committee recommended the $150 million figure because of the large unobligated balance in the Abandoned Mine Reclamation Fund. As the accompanying report to the Interior and Related Agencies Appropriations bill states, if the States can demonstrate a capability to use additional funds, the committee will consider providing these funds in the next relevant appropriations bill.

Mr. SPECTER. I can understand the distinguished chairman's concern about reportedly low obligation rates; but, I do not think the reported obligation rates represent the true need for funds. States often do not receive funds for 9 months to a year after the appropriation. What appears to be a lack of ability to obligate, is partially just late receipt of funds by the States.

My home State of Pennsylvania provides an example. Pennsylvania did not receive some fiscal year 1984 funds until July 1984 and the balance in fiscal year 1985. Pennsylvania received its fiscal year 1985 funds on September 26, 1985, only 4 days before the end of the fiscal year. It is no wonder that the Office of Surface Mining figures show low obligation rates for combined fiscal year 1981-85 appropriations, especially with fiscal year 1985 funds being a major portion of those combined funds.

Pennsylvania officials have reported a need for the funding which they would receive under the administration's budget recommendation. This need is demonstrated by the following facts.

Pennsylvania has authorized and is filling 120 positions to bring the program to the level urged by Federal Cabinet officials.

The State is expending funds at a rate that, in conjunction with time phasing of grant awards, will create a gap in funding needs sometime in fiscal year 1987.

Mr. McCLURE. I understand what the Senator from Pennsylvania is saying; but, he should realize that current law requires the Office of Surface Mining to grant any and all funds available for each grant within 60 days of receipt of a completed abandoned mine reclamation fund grant applications. Since this provision became law in fiscal year 1983, OSM reports it has released funds for all States at an average of 54 days after completed applications have been received. Specifically, in Pennsylvania OSM reported it has released funds at an average rate of under 19 days after they receive the completed application.

I do not want to hold the States back from doing necessary reclamation work. Rather, I am trying to encourage all States to speed up the rate of obligation and utilize the available funds. If States do this and show a need for additional funds, I will be more than happy to explore that in the next relevant appropriations bill.

Mr. SPECTER. I appreciate the chairman's remarks, but while that may be the law, it is not a practice being followed with respect to the State of Pennsylvania. It was reported to me by the State government of Pennsylvania that in 1985, Pennsylvania had a completed construction grant application in place in January 1985; yet, the grant was not approved until September 1985. There are discrepancies between the figures reported by the State and those by the Federal Government. I agree with the distinguished floor manager that States should be encouraged to obligate and utilize funds as rapidly as prudent.

I am concerned with the implications of waiting for the next appropriations bill to determine if States will receive additional funds. If some States are not obligating and Pennsylvania is, it is then possible that my State would receive no additional funds because it is lumped in with other States. I would like assurance that if a States obligates at an acceptable rate by the time of the supplemental, then that State will gain necessary additional funds through a share of an overall program increase if such an increase takes place. Prior to the supplemental, and whether or not an increase is foreseen, I would like report language be included in the conference report of this bill that directs the Secretary of the Interior to develop a formula, in cooperation with the States, which gives priority in award of discretionary funds to States that are obligating at a higher rate, to provide those States with their necessary additional funds. This would also accomplish the Senator from Idaho's objective of encouraging the States to obligate and utilize funds at an acceptable rate and would reward States that do so.

Given the questions raised about the speed with which funds are awarded, I request that report language be included which directs the Secretary of the Interior to investigate and report the reasons for delay in the awarding of appropriated money and to provide accurate data to the subcommittee on the date of award versus the States' application dates. I have prepared language that I propose be inserted into

the conference report on these issues and ask unanimous consent that this proposed language be allowed to be entered into the RECORD.

I would urge the Senator to recede to the House figure of $186 million in conference. A drop to $150 million would result in reduced funding to individual States which would interfere with those States abilities to carry out their abandoned mine programs. This $186 million figure would represent a significant reduction from 1985 levels, but is a compromise figure that the States require as a minimum.

Mr. McCLURE. These requests for report language are reasonable requests. While I cannot guarantee what the conferees will do, I will make every effort to have this proposed report language inserted at the conference on this bill. I will consider the Senator's request to recede to the House funded level of $186 million.

Mr. SPECTER. I thank the distinguished chairman.

Mr. President, I ask unanimous consent to have printed in the RECORD the report language.

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

PROPOSED REPORT LANGUAGE ON THE ABANDONED MINE RECLAMATION FUND

The Secretary of the Interior is directed to develop a formulation for distribution of funds, in cooperation with the states', which would give priority in award of discretionary funds to states that are obligating at a higher rate relative to other states. This formula should be in effect by the normal time of the supplemental appropriation.

The Secretary is also directed to investigate and report on the OSM grant award procedures including data on the amount of time it takes to award grants to the states after they have applied for grants. OSM should also provide data on obligation rates broken out by state and by date of award.

AMENDMENT NO. 1338

(Purpose: To earmark funds for carrying out a research program to develop new verification techniques to monitor compliance with any antisatellite weapons agreement that may be entered into by the United States and the Soviet Union)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. MATHIAS, Mr. KERRY, and Mr. BINGAMAN, proposes an amendment numbered 1338.

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

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

The amendment is as follows:

At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any other provision of this joint resolution, of the funds made available to the Department of Defense for fiscal year 1986 for research, development, test, and evaluation, Air Force $5,000,000 shall be available only for the purpose of carrying out a research program to develop new and improved verification techniques to monitor compliance with any antisatellite weapon agreement that may be entered into by the United States and the Soviet Union.

Mr. SIMON. Mr. President, I understand this amendment will be agreed to by both sides.

It simply sets aside $5 million for research on antisatellite weapons verification.

It is extremely important that we do this, that the whole question of verification is absolutely fundamental if we are going to go anywhere in this area of arms control.

Mr. President, I believe it is cleared on both sides. I know of no objection to it.

Mr. STENNIS. Mr. President, there is no objection to agreeing to this amendment on this side of the aisle.

Mr. STEVENS. Mr. President, I just want to make certain. I beg the Senator's pardon. I did have a conference going on about another amendment. I wish to make sure which amendment he is offering.

Mr. SIMON. This is the amendment we checked with the gentlemen from the staff on.

Mr. STEVENS. This is earmarking $5 million for research on the antisatellite weapons verification. It is money for the Air Force, $5 million?

Mr. SIMON. That is correct, for verification of antisatellite weapons.

Mr. STEVENS. That does not increase funds and it does not authorize. It is acceptable to us.

Mr. SIMON. I thank the Senator.

I think it is an important amendment and I appreciate cooperation of both sides on it.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 1338) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1339

(Purpose: To increase by $1,587,000 funds for the joint Department of Defense-Department of Energy conventional munitions technology development program)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself, Mr. WILSON, Mr. DOMENICI, and Mr. CRANSTON, proposes an amendment numbered 1339.

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

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

The amendment is as follows:

At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any other provision of this joint resolution, the total amount appropriated for the Defense Agencies of the Department of Defense for research, development, test, and evaluation to carry out the joint Department of Defense-Department of Energy conventional munitions technology development program is $10,000,000.

Mr. BINGAMAN. Mr. President, the amendment I am offering would increase funds for the joint DOD/DOE Conventional Munitions Technology Development Program by $1,587,000, with a corresponding undistributed reduction in other Defense Agency R&D. This program is designed to bring about major improvements in conventional munitions technology across all the services' mission areas. The key objectives of this program are to fully exploit and effectively couple the DOE conventional munitions technology base to the DOD laboratories and industrial research efforts. Livermore, Los Alamos, and Sandia National Laboratories have significant capabilities, facilities, and experience related to conventional military problems which are a natural outgrowth of their nuclear research responsibilities. This joint program is aimed at both accelerating the development of next generation advanced conventional munitions and improving current generation munitions. Essentially, my amendment would raise the funding for this program to the authorized level of $10 million. The House chose to cut this program to only $5 million and the effect of my amendment will be to maximize the Senate's leverage in the conference.

Mr. President this is a relatively young program, only a year old, and yet it already has many accomplishments. Together with Senator GLENN, I visited Los Alamos and Sandia this summer and was briefed on some of the work ongoing in this area. I have been briefed about Lawrence Livermore's activities here in Washington. The accomplishments for such a young program are already significant. Los Alamos has developed and successfully tested major advance in predictive fusing which greatly increases the probability of kill against airborne targets by providing increased target acquisition data. Sandia has designed and prototype-tested a system which records dynamic loading on a penetrator as it passes through an intermediate material on its way to an intended

target. The new technology will greatly expand our capability to design penetrators and fuses based on target/penetrator interaction. Livermore has developed an advanced explosive which increases the depth of penetration for precision shaped charges by 20 percent.

And the future promises new achievements. Sandia is working on advanced solid state guidance and control technology which if successful would revolutionize the cost of gyroscopes and accelerometers. Los Alamos is working to significantly increase the range of conventional artillery shells. And Livermore is investigating fuel water explosives for heavy torpedo applications. When I was at the laboratories this summer, I sensed a real commitment to apply their expertise to this area and a great deal of excitement about the possibilities.

Let me also note that the President's Blue Ribbon Task Group on nuclear weapons program management which submitted its report to the Congress in July of this year strongly endorsed the involvement of the three nuclear weapons laboratories in advanced conventional munitions research. This high level group which Judge Clark chaired and which included former Defense Secretary Schlesinger, former Under Secretary Bill Perry, former U.N. Ambassador Jeane Kirkpatrick, General Kroesen, former Commander-in-Chief of the U.S. Army in Europe, and Harold Agnew, former Director of Los Alamos National Laboratory, specifically endorsed the use of block funding for advanced conventional munitions research in the laboratories in order to make best use of their talents.

Mr. President to conclude, let me say that I hope that this amendment is acceptable to the managers of the bill and if so, that they will strongly defend the Senate's position in conference. This is a well thought out, well-managed program which I see as having potentially a tremendous effect on reducing the cost and increasing the effectiveness of our conventional munitions. This is an effort which has been endorsed broadly within the administration, by the Clark Blue Ribbon Task Force, and by the Armed Services Committees of the House and Senate. I hope that it will also be supported by the Appropriations Committees in their conference.

Mr. President, I believe the amendment has been cleared on both sides and I ask for passage of the amendment.

Mr. STEVENS. Mr. President, we have no objection.

This amounts to an increase of slightly more than $1.5 million to the authorized level. We have not fully funded it because of the testimony we had before the committee.

But we do not have any problem with the Senator's suggestion that more could be done in this area. If it can be used, we certainly will try our best to hold the level in conference.

Mr. STENNIS. Mr. President, there is no objection to agreeing to this amendment on this side of the aisle.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 1339) was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WILSON. Mr. President, I wonder if I might have the opportunity to engage the distinguished manager in a brief colloquy. It is my understanding that the committee has adopted the House language in the actual bill itself with respect to the necessity for ongoing negotiations between the Secretary and interested Members of Congress on the development of oil and gas in the Outer Continental Shelf off the State of California.

My concern is with the language in the report that was adopted by the committee, and specifically the second of the two sentences that address the bill language. The second sentence says that:

> While the committee does not expect that the negotiating process will attempt to impose binding conditions on either the Secretary or the Congress, the ongoing negotiating process must continue so that this long-standing dispute can be resolved in a positive manner.

So I understand correctly that the purpose of that second sentence is simply to state what is, in fact, a requirement of the law, which is that the committee does not imply by this action any delegation of congressional or executive authority or responsibility to the negotiation process?

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

Mr. WILSON. Yes.

Mr. McCLURE. Mr. President, I am pleased to have the Senator ask that question. This is a delicate negotiation process. The House of Representatives, on Tuesday of this week, passed an amendment that contains a provision structuring negotiations between the Secretary of the Interior and certain designated Members of the House and of the Senate. I think there are 18 such individuals by office or by selection that would be, by this amendment, named as that negotiating group on behalf of the Congress.

As the Senator has indicated, it is obviously impossible, and I think would be equally unwise, to attempt to delegate to such a group of people who are Members of the House and of the Senate all of the authority which the Congress has with respect to such negotiations. The report language, to which the Senator has referred, is simply a statement attempting to make clear to everyone that this group can indeed negotiate and should do so, that they may come to conclusions or fail to, but that they can make recommendation to the Congress which then is within the right, prerogative, and duty of Congress to approve or disapprove.

Mr. WILSON. I thank the Senator for his statement.

Obviously, there cannot be any argument that neither this body nor the other one can delegate, in this instance or in a like instance, either the authority of Congress or the authority of the executive to, in effect, a subcommittee with respect to the final determinations that can be achieved only by enactment of law.

But what I was objecting to, and the reason I sought clarification, is that I think that perhaps, without intending to, the committee language in the report in the first phrase of that second sentence seems almost to contradict the clear statement in the phrase that concludes the sentence, and that, I think, is the one that should get the proper emphasis, the acknowledgment by the committee that "the ongoing negotiating process must continue so that this long-standing dispute can be resolved in a positive manner."

I say that, Mr. President, because the history of this whole difficult question of balancing the need for resource development with adequate protection of the on-shore economic, as well as the environmental, climate of the coastal States is one that has been with this Congress for very, very many years. And what we have learned the hard way is that it is very difficult to generalize here in Washington because of the difference in circumstances attendant to each of the questions arising.

And, as it relates to the State of California, the particular difficulty arises from the fact that the Outer Continental Shelf falls away very sharply, in contrast to the situation in a number of other coastal States where, in fact, shallow water exists miles out to sea, permitting the kind of exploration and development that poses much less risk than when that development occurs smack up against State waters.

So, I welcome the willingness of Senate colleagues, as well as those in the House, to frame a negotiating process that offers some promise to resolve these very difficult, very challenging questions, particularly challenging as they relate to the Califor-

nia situation. I simply wanted to make clear that we feel that it is imperative that negotiations achieve what we thought they had achieved in the past but did not when a preliminary agreement with the Secretary was not honored by him.

We think that it is essential that this process proceed to a resolution because the alternative very clearly is the kind of continued irresolution marked by lawsuits and delay that can only impede, really, the goals of both sides in this very difficult balancing act. And that will serve neither the energy interests of the United States as a whole, nor, perhaps, the apparently parochial desires on the part of the representatives of the State of California to secure the kind of protection that we feel we are entitled to assert.

So I thank the Senator and will look forward to a fulfilling negotiation process, one that will lead to the kind of conclusion that, perhaps, can put an end to the questions that have plagued this House and the other one for many, many years. I can assure you it plagues not only the Members of this body but, in a far more intense and personal way, 25 million Californians.

Mr. McCLURE. Will the Senator yield?

Mr. WILSON. Yes.

Mr. McCLURE. Mr. President, I appreciate the statement the Senator from California has made. I think all Members of this body understand how contentious and difficult and durable the issue of Outer Continental Shelf oil operations has proven to be in a number of areas, and certainly the Senators from California have expressed that interest for a long period of time. I am very much aware of the difficulties that are attendant to those issues, as the Senator describes the difficult balancing that has to be attained between the legitimate interests of the people of California, and the several different interests that they express, and the national interest in the shoreline and the offshore values, including the energy values to be found there. That is not an unfamiliar problem.

I share the hope, as expressed by the distinguished Senator from California, that the negotiations, which have been underway for sometime and which will be continued pursuant to the language as adopted by the House first and as now expressed in the language adopted here in the Senate, will lead to that kind of a conclusion so that we indeed do have an agreed program, not one that is subject to all the kinds of strife that has characterized that program for so very long. I appreciate the Senator's statement.

I might go one step further with some risk, perhaps, at saying so, because I am making an attribution to someone else, which is sometimes dangerous, but I talked to the Secretary of the Interior yesterday morning about this language and went through it and the negotiating process. He is enthusiastically in favor of the continuation of the negotiations and has expressed not just no opposition to this language but his approval and endorsement of this language. I take the time just to make certain that the record is complete that indeed the Secretary is serious about the negotiations and has no objection to the reports required as minimal reports to the Congress of the United States on the progress of those negotiations.

Mr. WILSON. I thank the Senator. I thank the Chair, and I yield the floor.

Mr. STEVENS. 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. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO 1340

(Purpose: To extend the termination date for loan guarantees under the Biomass Energy and Alcohol Fuels Act of 1980 and affirm the authority of the Secretary of Energy to modify conditional loan guarantees)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for himself, and Mr. DOLE, Mr. ZORINSKY, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. COHEN, and Mr. MITCHELL, proposes an amendment numbered 1340.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . Section 221 of the Biomass Energy and Alcohol Fuels Act of 1980 (Public Law 96-294; 42 U.S.C. 8821) is amended by—

(1) striking out "September 30, 1984" and inserting in lieu thereof "June 30, 1986"; and

(2) adding at the end thereof the following: "The Secretary of Energy may modify the terms and conditions of any conditional commitment for a loan guarantee under this subtitle made before October 1, 1984, including the amount of the loan guarantee. Enactment of this Section shall not be interpreted as indicating Congressional approval with respect to any pending conditional commitments under this Act."

Mr. EXON. Mr. President, today I join the majority leader and five more of my colleagues in introducing an amendment to extend for 9 months the authority of the Department of Energy to negotiate three remaining Federal loan guarantees to construct ethanol plants in the United States.

In 1980, Congress passed the Biomass Energy and Alcohol Fuels Act which set this loan guarantee program in place: When this program initially expired on September 30, 1984, four proposed projects were still being considered by the Energy Department. Rather than having those four projects die while there was still a chance for them to be approved, I introduced legislation earlier this year to extend the approval deadline to September 30, 1985. The Senate passed this legislation on March 28 and the President signed it into law on April 16.

Since then, unfortunately, only one of the four remaining projects has been approved. Three others, in Nebraska, Minnesota, and Maine, are still the subject of negotiation. What today's amendment will accomplish is to further extend the deadline and clarify the Secretary of Energy's authority to give him sufficient flexibility so these three projects can continue to be considered. This measure involves no new program and it does not approve these projects. It simply provides more time for the Energy Department to complete its evaluation of these proposals which have been pending for so long.

Time is of the essence. The latest deadline expired over 2 months ago.

The majority leader, Senator BOB DOLE of Kansas, has been enormously helpful through these last several months and has joined me in monitoring this program and the negotiations involved. The Chairman and ranking minority member of the Energy and Natural Resources Committee, Senators McCLURE and JOHNSTON, have also been very helpful as has my Nebraska colleague Senator ZORINSKY. Additionally, I want to thank Senator METZENBAUM for his cooperation.

If eventually approved, these facilities will help expand the domestic fuel ethanol industry's ability to provide critically needed domestic outlets for U.S. farm commodities. In addition, fuel ethanol is a proven octane enhancer and a leading replacement for lead additives which the Environmental Protection Agency is rapidly phasing out of gasoline.

Time is of the essence. The latest deadline expired over 2 months ago. These projects have spent a great deal of money each in a good faith response to the Energy Department solicitation and deserve the opportunity to finalize those efforts. The Congress did not intend to bring these projects to the brink of completion only to abandon them in the midst of ongoing negotiations.

Again, Mr. President, this measure does not provide approval of the loan

guarantees for these projects. It merely gives each project the opportunity to meet the Energy Department's financial scrutiny and hopefully close on the loan guarantee. These projects offer a valuable contribution to our Nation's energy supply and new markets for our hard-pressed farmers.

Mr. President, I appreciate the consideration of the Senate and everyone concerned with this matter and hope we can act expeditiously and provide this clarification so the evaluation and approval process can go ahead.

Mr. President, it is my understanding that this is an amendment that has been cleared on both sides. It has been before the Senate before, and has been attached without objection to other measures. This is a fallback position that we are offering at this time in case something should happen in conference on the other amendments. I believe it has been cleared by both sides.

Mr. STENNIS. Mr. President, the amendment is not objected to on this side of the aisle.

Mr. McCLURE. Mr. President, we have reviewed the amendment. We not only have no objection, but we enthusiastically support the amendment, and urge its adoption.

Mr. DOLE. Mr. President, I join Senator EXON and others in offering this amendment to the continuing resolution for fiscal year 1986. It has been noted that this amount was previously adopted on two other major pieces of legislation this year.

For a variety of reasons, we need to attach it to every bill we can until it becomes law. This amendment primarily extends the time for the Department of Energy to close loan guarantee agreements on certain alcohol fuels projects for which conditional commitments were made prior to October 1, 1984. In addition, this amendment would settle a question relative to the flexibility of the Secretary's authority in closing these deals by making clear that he has all the authority he had on September 20, 1984, the day the program originally expired.

A brief history is in order so that this reference to 1984 makes sense. In 1980, Congress passed the Biomass Energy and Alcohol Fuels Act which originally established this loan guarantee program. When this program initially expired on September 30, 1984, four proposed projects were still being considered by the Energy Department and in fact conditional commitments by the Department had been made. In order to allow for these four projects to close, and only these four, Congress extended the law last spring to allow for up until September 30, 1985, for the projects to close.

For a variety of reasons, these projects couldn't all close by the end of fiscal year 1985—and, in fact, the only one which did close was a controversial agrifuels plant in Louisiana. In part because all of the resources of the Department of Energy and of the Bank of New England, which is the lead bank in financing these projects, were focused on closing the agrifuels plant, it was impossible to close the other projects: The Circle Energies project, the Minnesota Alcohol Producers [MAP] project, and the New England Energy Producers project [NEEP] by the end of fiscal year 1985.

It is anticipated that the Department of Energy will need most, if not all, of this 9-month period to review the complicated documents involved in the closing of the remaining loan guarantee agreements. But it is the view of this Senator that the Department should swiftly move to close those projects they find economically viable.

Mr. President, let me briefly amplify section 2 of the amendment. On September 30, 1984, the parties to whom conditional commitments were made were asked by the Department how large of a loan gurantee would be needed. In the Circle Energies project, the principals responded that $35 million was the appropriate amount. Subsequent to that time, conditions changed somewhat and the owners of the Circle plant found that insurance requirements and construction costs had increased slightly. When they asked the Department of Energy to increase the amount of the loan guarantee, the Department concluded that it did not have sufficient authority to do so. This despite the fact that had Circle asked for $45 or $50 million on September 30, 1984, the Department would have set aside that amount. This amendment thus reaffirms that the Secretary has all the authority he had prior to October 1, 1984, including the authority to increase the amount of the loan guarantee.

Mr. President, this program does not reopen the Alcohol Fuels Program. It only gives the Department of Energy the authority and the flexibility to close the remaining projects for which conditional commitments have been made. Mr. President, I urge the adoption of this amendment.

Mr. EXON. Mr. President, I appreciate the cooperation of the two distinguished leaders, and I thank them.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 1340) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. McCLURE. 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. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1341

(Purpose: To appropriate funds for the procurement of M-9 Armored Combat Earthmovers)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, and Mr. SASSER, Mr. QUAYLE, and Mr. EVANS, proposes an amendment numbered 1341.

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

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

The amendment is as follows:

At the appropriate place in this joint resolution, insert the following: Notwithstanding Sec. 101 of this resolution, the amount appropriated for "Other Procurement, Army" is $5,214,730,000.

Mr. GORTON. Mr. President, this amendment would appropriate $42.4 million—$30 million in fiscal year 1986 and $12.4 million transferred from fiscal year 1985—to begin procurement of the M-9 armored combat earthmover. This program has the strong support of the Army and was authorized by the Congress this year. In addition, this funding is included in the House appropriations bill.

The functional capabilities of the ACE, as it is known, have attracted the strong suport of forces in the field as well as in the Pentagon. A case in point is the Army's Commander in Europe, Gen. Glenn K. Otis, who has stated that he needs the ACE "at full authorization to fill existing gaps in engineering capability." Under Secretary James Ambrose stated recently that the ACE has demonstrated "operational mission requirements" and in tests has "significantly improved the combat force's fighting capability."

The ACE is a highly mobile earthmover that can perform vital engineering tasks in forward combat areas. It can also move at 30 miles per hour—an essential new capability for our modern forces—wade through streams and swim across larger bodies of water, and fit efficiently into a C-130 for rapid deployment.

The funds for the ACE were deleted during the markup of the Defense appropriations bill due to some technical questions that were raised during the initial production test. There were failures in the drive shaft because test operators, going against operating instructions, shifted from forward to reverse at high speeds. It is testimony to the durability of this vehicle that only the drive shaft suffered under such abuse.

Two simple modifications were made subsequently and have been proven in the Army's follow-on evaluation to fix the problem. The shift gate was adjusted to preclude this mode of operation and, as an extra measure, the drive shaft was strengthened. After extensive tests, the Army is confident that the problem has been solved and has given the ACE the go-ahead for full production. This was officially reported to the Congress a couple of weeks ago.

Mr. President, it is time that the Senate gives its approval to this important new addition to our mobile land forces, and therefore I urge my colleagues to support this amendment.

Mr. President, I believe this amendment has been approved on both sides.

Mr. STEVENS. Mr. President, we accept this amendment. Primarily, as the Senate will recall, this has been a matter that has been before us in the authorization bill.

There were some test results that had to be evaluated. We now understand that the evaluation has been completed, and that this amount should be restored.

So we are happy to accede to the Senator's request in this amendment.

Mr. STENNIS. Mr. President, there is no objection on this side of the aisle to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 1341) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1342

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON], for himself and Mr. CRANSTON, proposes an amendment numbered 1342.

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

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

The amendment is as follows:

Insert where appropriate:

The Secretary shall include as part of the non-Federal contribution of the project for flood control, Fairfield Vicinity Streams, California, authorized in accordance with section 201 of the Flood Control Act of 1965, the cost of any work carried out by non-Federal interests on the project after December 31, 1973, and before the date of the enactment of this Act, if the Secretary determines such work is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

Mr. WILSON. Mr. President, this is a very simple and equitable amendment. It simply allows the prior expenditures by a water district in California—the Fairfield Vicinity Streams, California district—to be counted for purposes of cost sharing.

This has been cleared on both sides. I am unaware of any objections.

I ask for the confirming judgment of this body, and will take no further time.

Mr. McCLURE. Mr. President, my understanding is that this amendment has been cleared on this side of the aisle, by the distinguished Senator of jurisdiction, and we have no objection to its adoption.

Mr. STENNIS. Mr. President, we have no objection on this side of the aisle to the passage of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1342) was agreed to.

Mr. WILSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

REFORESTATION TRUST FUND

Mr. PACKWOOD. Will my friend from Idaho yield for several questions I have about the future of the Reforestation Trust Fund?

Mr. McCLURE. I would be glad to yield to the Senator from Oregon.

Mr. PACKWOOD. I thank the Senator. In 1980, the Reforestation Trust Fund was established in the Department of Treasury to supplement funding for reforestation and timber stand improvement projects and to eliminate the backlog of reforestation needs of national forests.

An amendment to the Surface Transportation Act of 1982 repealed the prior requirement of rolling any remaining funds into the general fund on October 1, 1985, or at any other time. Funds in the Reforestation Trust Fund that were not expended by the end of fiscal year 1985 were to be distributed to the States for use in State forestry programs. More importantly, Mr. President, an amendment struck out the October 1, 1985, date that had previously terminated the obligation to place amounts equal to tariff collection into the trust fund. The statutory provisions governing the fund directed the Secretary of Treasury to transfer into the trust fund amounts equal to tariffs collected beginning September 30, 1979, and to continue to make such transfers indefinitely.

Is my understanding correct that moneys will continue to be transferred into the Reforestation Trust Fund?

Mr. McCLURE. Yes, my friend from Oregon is correct. It is my understanding that the tariffs collected beginning September 30, 1979, will continue to be transferred into the Reforestation Trust Fund indefinitely.

Mr. PACKWOOD. I thank the distinguished chairman of the Interior Appropriations Subcommittee for his clarification. As a member of both the Authorizing and Appropriations Committees he is uniquely qualified to clarify this matter.

The second issue of concern to me is the authority of the Secretary of Agriculture to expend the moneys in the reforestation trust fund for reforestation and timber stand improvement projects after September 30, 1985. I understand that the Interior Appropriations Subcommittee has recommended bill and report language which will extend indefinitely beyond the current September 30, 1985, termination date the authority of the Secretary of Agriculture to spend money from the trust fund. In addition, the subcommittee intends that expenditures from the reforestation trust fund are to be supplemental to other appropriated funds and not to be substituted for appropriated funds. Finally, the chairman of the Interior Appropriations Subcommittee has an amendment that will clarify the subcommittee's intent that the fund balances and newly deposited funds are to be transferred to the Secretary and be available for obligation in fiscal year 1986. Is my understanding of the subcommittee's intent correct?

Mr. McCLURE. My colleague from Oregon is correct in his understanding of the subcommittee's intention. Our bill language will extend indefinitely the authority of the Secretary to use the funds covered into the reforestation trust fund to supplement appropriated funds, rather than using it as a substitute for appropriated funds. I would like to make further clarification that the subcommittee intends the Forest Service to use the trust fund to address the backlog acreage

identified by the Forest Service that may not yet be fully restocked.

It would be my intention to transfer additional reforestation trust fund balances to the National Forest System account in future appropriation bills in a fashion similar to the manner in which these funds have been transferred.

Mr. PACKWOOD. I thank the Senator from Idaho for this additional clarification. We both know how important reforestation and timber stand improvement are to our Nation's forests. There is an ongoing need for a stable source of funding to ensure viable and productive forests for future generations.

Mr. STEVENS. Mr. President, it is my understanding there will be no further amendments to the continuing resolution. The Senator from New Hampshire desires to proceed on another matter.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, at the request of the majority leader, I ask unanimous consent that there now be a period for the transaction of routine morning business.

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

ESTABLISHING A SPECIAL PANEL ON ASYLUM

Mr. HUMPHREY. Mr. President, on behalf of Mr. DIXON, 52 of my colleagues, and my own behalf, I send a resolution (S. Res. 267) to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object, and I do so on behalf of the leadership. I have no objection, personally.

The PRESIDING OFFICER. Objection is heard. The resolution will go over under the rules.

Mr. HUMPHREY. Mr. President, a number of Senators wish to offer remarks at this time. My remarks will probably be the longest so I will gladly yield to the distinguished Senator from Mississippi and then to the distinguished Senator from Illinois, if no one objects.

Mr. STENNIS. Mr. President, I do have a brief statement concerning the subject matter.

Mr. President, I commend Senator HUMPHREY for his interest and diligence in the entire matter that his resolution covers, and which I understand he has now submitted.

He recognized, as I understand some others did, from the newspaper accounts of the incident involving the Soviet seaman, that the events in this case were highly irregular.

Senator HUMPHREY's personal interest in the matter while the case was in progress highlighted the need to look into the way our Government responds to requests for asylum.

This special panel on asylum proposed by Senator HUMPHREY could answer many of the questions raised by the Seaman Medvid case and improve the way in which we handle these requests for asylum that often are made under extremely difficult and desperate conditions.

I will repeat with emphasis that I commend the Senator for his interest and for his proceeding in this manner.

This is a matter that happened in an area close to the State of Mississippi, but it can happen anywhere, of course. I commend the Senator for submitting the resolution.

Mr. HUMPHREY. Mr. President, I thank the Senator from Mississippi for his kind remarks.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I am delighted to join my colleagues in urging the creation of a special panel on political asylum. The Ukrainian sailor's case was handled disastrously by our Government. When a fellow jumps ship twice in a row, he is trying to tell us something. Mr. President, how in the world we could have given him back to the Soviets is beyond my understanding.

I believe we need some answers. The creation of this Senate panel will, I hope, offer us a look at what went wrong when that sailor ended up on his way back to the Soviet Union. The Panel will also give us an opportunity to take a long, hard look at the overall procedures for dealing with political asylum requests. Perhaps existing regulations are being misinterpreted. Perhaps we need to look at some legislative remedies.

The Medvid affair is a symptom, Mr. President, of a much larger problem in the way our Government considers requests for political asylum. These requests are continuing. Future applicants deserve the reassurance that their requests are handled fairly, properly, and according to regulations. I, therefore, urge my colleagues to support this resolution.

Mr. President, I congratulate my colleague from New Hampshire [Mr. HUMPHREY] on the submission of this resolution.

Mr. BOSCHWITZ. Mr. President, I rise today in support of Senate Resolution 267, which would establish a Special Panel on Asylum, consisting of seven Senators, to investigate the Medvid affair specifically and the whole issue of political asylum in general.

Mr. President, I was frankly appalled by the manner in which U.S. officials repeatedly mishandled the case of the Ukrainian sailor, Miroslav Medvid. I find it incomprehensible and inexcusable that U.S. Immigration Service officials would twice return Medvid to his ship against his will—indeed, kicking and screaming. I find it equally incredible that the State Department would, 4 days later, accept at face value Medvid's declaration that he now wished to return to the Soviet Union.

Medvid's change of heart was made known, of course, only in the presence of Soviet officials. The Department knew, moreover, that he had been drugged and must have presumed that he had been threatened. Yet it was satisfied that it had done all it could.

Imagine the treatment Mr. Medvid must have received from his Soviet superiors upon return to his ship. Imagine what future U.S. officials have consigned Mr. Medvid to back in the U.S.S.R.

Mr. President, I do not know why the State Department acquiesced so quickly in this matter. Perhaps it was to remove a possible irritant on the eve of the summit. If so, the Soviets felt under no similar constraints. The week before, they saw no difficulty in having Afghan troops surround our Embassy in Kabul and in cutting its electricity when a Soviet soldier sought to defect.

In any event, Mr. President, I understand that the Medvid case is not the only incident recently involving those seeking asylum from Communist countries in which inconsistencies in asylum procedures have been noted. I am not one of those who believe that the Congress can or ought to micromanage U.S. foreign policy. But here is a clear instance that demands our investigation and, if necessary, specific recommendation for changes in procedure or law.

I want, therefore, to commend my colleague, Senator HUMPHREY, for developing this project, and I am happy to join with him and others as a cosponsor of this resolution. I urge its speedy consideration and adoption.

Mr. HUMPHREY. Mr. President, I appreciate the support of the distinguished Senator from Mississippi and the distinguished Senator from Illinois and, as well, I am delighted to have the support of 52 of our colleagues in this body for this proposal that would establish a special Senate panel on asylum.

The need for this panel stems from a loss of faith that the American people once had in the asylum policies of this Nation, and in the commitment of our leaders to assure that these policies are strictly followed. The recent bungling of the case of Miroslav Medvid, and the subsequent unwillingness of the U.S. Government to acknowledge the concerns of 70 Members of the Senate and reopen this case, has cast a dark shadow on the public's view of U.S. asylum procedures, and the mes-

sage that this is sending to would-be defectors around the world. This fact was dramatically demonstrated 2 days ago when a Polish defector asked for the intervention of a U.S. Senator, before allowing himself to be turned over to border patrol officials.

It is a sorry state of affairs when a defector first asks to see a priest and then a U.S. Senator prior to being interviewed by an official of the executive department, the border patrol, or the INS. It is sad testimony to the miserable state of affairs which exist.

With regard to the Medvid case, Mr. President, on the evening of Thursday, October 24, a Ukrainian sailor named Miroslav Medvid placed his personal possessions into a glass jar and jumped 40 feet off the Soviet grain freighter *Marshall Koniev,* into the turbulent waters of the Mississippi River.

On that date, there was a hurricane situated over New Orleans. It might have been only a tropical storm at that point. But at the very least, this seaman Medvid jumped into the darkness 40 feet off his ship into the waters during a tropical storm and swam to shore.

Later that evening Mr. Medvid was interviewed by U.S. Border Patrol agents in New Orleans who communicated to him through Dr. Irene Padoch, an interpreter for the Immigration and Naturalization Service.

That communication involving Mrs. Padoch, of course, was by telephone since she was somewhere in New York State at that time.

Mr. Medvid repeatedly told Dr. Padoch in Ukranian that he wished to seek political asylum and to live in an honest country. In fact, Dr. Padoch was asked by a border patrol officer to assure the frightened sailor that no harm would come to him. Yet for some inexplicable reason, harm did come to Mr. Medvid. In the early hours of Friday, October 25, he was transferred by U.S. Border Patrol officers to representatives of a shipping company that forcibly returned him to the Soviet freighter. Upon realizing that he was being returned to the Soviet ship, Mr. Medvid jumped into the Mississippi River once again, the time being well after midnight, once again into the storm-embroiled waters of the Mississippi River, and once again he swam to shore.

He was pursued by representatives of the shipping company, apprehended on the shore of the Mississippi River, and forcibly returned to the Soviet feighter, handcuffed, kicking and screaming. I might ask, Mr. President, if the border patrol supplied the handcuffs.

Mr. President, on October 29, the U.S. Department of State issued a statement concerning their involvement with this matter. This document emphasizes that the State Department did not learn of this case until 3:40 p.m. on Friday, October 25. The statement explains that by 10:30 p.m. on the night of Friday, October 25, the United States had a team of at least six officials on the *Marshal Koniev.* This statement further reports that when these officials first observed Mr. Medvid, he appeared to be sedated. On the following day, October 26, a U.S. Navy physician administered a preliminary physical exam and concluded that Mr. Medvid "appeared to be in generally good condition." After being removed from the *Marshal Koniev,* Mr. Medvid was administered what the U.S. Government considers to be a thorough physical examination. By 3:45 on the afternoon of Tuesday, October 29, the U.S. Government was convinced that Mr. Medvid sincerely wished to return to the Soviet Union, and by 5 he was back on the Soviet freighter. That evening the State Department reported that "the U.S. Government considers this matter closed."

I suggest to the State Department that the case is not closed, that it is far from closed as far as the people of the United States are concerned, and as far as the 52 cosponsors of this resolution are concerned, and the perhaps 10 or 12 others who did not wish to cosponsor but who indicated an intent to vote for the resolution. It is far from closed. To suggest that it is closed is a profound insult to all Americans. It is a profound insult for the State Department to believe that they could brush this case aside with the issuance of a deceptive two-page statement regarding this matter.

The document issued by the State Department concerning this case is both inaccurate and misleading. At a hearing before the Immigration and Refugee Policy Subcommittee of the U.S. Senate on Tuesday, November 5, it was learned that no blood or urine examination were administered to Mr. Medvid at any time by U.S. physicians. So much for the "thorough physical examination!" Any high school student in America who participates in athletic activities could have told the officials from the State Department that a routine physical examination requires a blood and urine test particularly when our officials were told, perhaps by a slip of the tongue by a Soviet physician aboard, that they had drugged Mr. Medvid.

Three days later, on Friday, November 8, after Mr. Medvid had been back on the freighter for 11 days, the State Department finally decided to release the medical and psychiatric reports on Medvid. These reports truly made a mockery of everything that the people of the United States had been told surrounding this case. We learned in this report that Mr. Medvid's left arm was bandaged from the base of the fingers to the armpit, and that there were several superficial lacerations on his exposed fingers. We also learned that Mr. Medvid had a "self-inflicted wound" on his left wrist that required three sutures.

Some have speculated that perhaps Mr. Medvid, in view of the fact that he resisted so violently being taken back aboard the vessel, slashed his own wrists. We cannot tell because we do not have enough facts yet in this case.

The right arm had several severe bruises. So much for the statement that Mr. Medvid was in "generally good physical condition!"

Mr. President, we also learned later that when Mr. Medvid was interviewed by United States authorities, he was under the influence of tranquilizers, the names of which were volunteered, surprisingly, by Soviet officials to United States doctors. Perhaps it is not so surprising since Soviets routinely administer drugs to anyone who speaks out against the Soviet Union.

In any event, the doctor aboard the ship, the *Marshall Koniev,* admitted to our physician that they had administered powerful drugs to Mr. Medvid. These drugs administered are known to produce a mental state of serenity and indifference in human beings.

Yet, the American psychiatrist present concluded that Medvid was "clearly competent" to make his decision to return to the Soviet Union. Let me reemphasize that the psychiatrist made this observation with full knowledge that drugs had been administered to Medvid and without the results of blood or urine examinations. And so Mr. President, with all this evidence regarding Mr. Medvid's physical and mental condition, it is almost criminal—at least from this Senator's point of view—that the State Department could issue a statement on October 29 indicating that Medvid was in "generally good condition" and that the case was closed. As we all know, Mr. Medvid's fate was sealed when the *Marshal Koniev,* with the assistance of U.S. Coast Guard cutters, was permitted to leave the United States for international waters on Saturday, November 9.

Mr. President, the resolution that I am introducing today with Senator DIXON and 52 others, would establish a special Senate panel on asylum, to thoroughly investigate the handling of the Medvid case at all levels— not just at the level of those junior border patrol agents who admittedly made mistakes—not at just that level. We want to know if any other mistakes were made, if there were any other improprieties in this case at all levels and to explore the overall issue of U.S. policy with respect to political asylum for persons fleeing Communist nations. This panel would consist of seven of our colleagues, four of whom shall be appointed from the majority Members of the Senate and three of

whom shall be appointed from the minority Members. This panel would have a life span of 1 year from the date of creation and would study the desirability of the enactment of new congressional legislation to safeguard the rights of any person from a Communist country seeking political asylum in the United States.

I am encouraged by the announcement in the last day or two that the Immigration and Refugee Policy Subcommittee is considering an additional hearing or two regarding this matter. However I share the view of my 53 colleagues who are original cosponsors of this resolution, that this matter is one that requires more than an additional hearing or two in a Senate subcommittee.

We all know how the hearing process works. It is far, far from perfect in extracting information, especially when witnesses are unwilling and skilled in avoiding answers. We do not wish just for another hearing or two. We have already had one such hearing, which was largely inconclusive. What we ask for in this resolution, what we propose, is to conduct a yearlong investigation involving professional investigators, involving the power of subpoena and oath, involving the taking of depositions, involving the comparison of one statement with another, constituting a truly thorough investigation of this matter to find out and to determine once and for all on behalf of the American people just what the facts were in this case.

There are many questions unanswered, a great deal of doubt about the true nature of this case and how it was handled. It simply will not do for us to be bought off by the offer of another hearing or two which will go into the matter superficially and then let it drop.

We want a full investigation, a special investigation, a thorough investigation, one which will not only establish the facts of the case, but which will determine, if possible, if there was any impropriety on the part of any U.S. official, either at the lower echelons or the higher echelons or anywhere in between.

We propose that the panel operate for 1 year on a budget of $300,000, paid from the contingent fund of the U.S. Senate. These are moneys that have already been appropriated and would otherwise be used for such items as landscaping around the Capitol or other expenses. Certainly, in my judgment, the life of a Ukrainian sailor or any other potential defector is more important than a few extra geraniums on the lawn of the U.S. Capitol.

The Senate as a whole has already gone on record expressing concern for the manner in which the entire Medvid case was handled. My distinguished colleague from New York [Mr. D'AMATO] introduced a resolution calling for a review of INS and border patrol handling of political asylum cases. The distinguished Senator from Georgia [Mr. MATTINGLY] also introduced a resolution expressing concern with the handling of the Medvid case and calling for a "just resolution of the incident." Both resolutions passed the Senate unanimously. Seventy Senators, during the time when Mr. Medvid was still aboard the ship in U.S. waters, contacted the President by letter calling upon him to reopen the Medvid case and allow Mr. Medvid one last opportunity to freely express his wishes before returning to the Soviet Union. The response to that letter was the same response we got from the State Department—case closed.

Despite the outpouring of additional evidence and the outcry from Americans across the country, the Reagan administration has refused to review U.S. assylum procedures, or the particulars of this case.

That is perhaps not quite an accurate statement. The Justice Department, it is said, has an investigation underway, but I would suggest to my colleagues and to the American people that in a particularly outrageous case such as this it is simply not good enough to let an agency investigate itself. In this case, the executive investigates the executive. And that is why we are calling for a legislative investigation.

Mr. President, the American people deserve to know the facts surrounding this case. They need to know if policies exist in this country that would explain why a Ukranian sailor, who has tried so desperately to reach freedom, was forcibly returned to his ship after twice jumping into the Mississippi River at night in the midst of a hurricane. They need to know and deserve to know why the United States issued a statement declaring that Mr. Medvid was in "generally good" physical condition and "clearly competent" to make judgments concerning his entire future when U.S. officials knew, had been told by the Soviet physician that Mr. Medvid had been drugged with powerful drugs, injured, and at least, according to the opinion of the American psychiatrist, threatened with violence to his family and quite possibly who had attempted to commit suicide, according to the report of the slash on his left wrist.

They need to know and deserve to know why the American Government would tell them that Mr. Medvid received a "thorough physical examination" when, in fact, no blood or urine exams were ever administered. They need to know whether the U.S. Government can even prove positively that the Medvid who jumped off the *Marshall Koniev* is the same Medvid who was interviewed by U.S. officials. They need to know what assurances we have that such a deplorable, such a terrible, tragic incident will never occur again. Most importantly, they need to know whether this country continues to honor its commitment to welcome those fleeing oppression abroad.

Mr. President, before I close, I want to make two further announcements. The Helsinki Commission, of which the Senator from New Hampshire is a member, has opened a case file, and we intend to pursue the resolution of his case as far as we can in the same manner that we have pursued cases pending against other oppressed Soviet citizens, in the hopes that by keeping a public spotlight focused on his case some tiny measure of justice can be obtained, some tiny measure of justice from the standpoint of those who are convinced he sought freedom in our country and was returned brutally to a regime which may well take his life but which at the very least will imprison him for a great many years.

The second announcement I want to make is that the Senator from New Hampshire will hold a press conference on Monday in the Capitol at 1 p.m. in a room to be designated in order to answer questions which the press may have about this resolution.

Mr. President, that is all I have to say on the matter at this moment. I will yield the floor.

Mr. STENNIS. Mr. President, I commend the Senator for his remarks and what he has done on this case, and for the continuous work that I believe he will do. I have heard the speech. It had certain interruptions. I am going to read it later, as I am sure many other Members will.

Mr. President, as far as I know, there is no other business scheduled to come before the Senate. If that is correct, I move that we either recess or adjourn now in accordance with the order that was made with reference thereto.

The PRESIDING OFFICER. If the Senator will withhold.

Mr. HUMPHREY. 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. SIMPSON. 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. SIMPSON. Mr. President, I know how deeply the Senator from New Hampshire feels with regard to the Medvid incident. He and I have discussed that. I have tried to be as accommodating as I could, and maybe I have failed—perhaps I must have for I think that otherwise this effort would not be presented. So I want to say that

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obviously we will have some additional hearings, either through the Subcommittee on Immigration and Refugee Policy or, as Senator GRASSLEY and I are discussing, the possibility of a joint hearing on the issue. His subcommittee is Administrative Practice and Procedure. Senator METZENBAUM, I believe, is the ranking member of that subcommittee. He has a great and renewed interest in this issue because of an incident in Cleveland just recently. The ranking member of the subcommittee I chair is Senator TED KENNEDY. TED and I have always been very attentive to these matters.

I think that there is no need for any type of special panel or special commission, unless this Senate wishes to vote on the issue of abrogating its oversight responsibility totally. If we are to apply a special panel or a special commission to every single thing that just does not seem to die away in the minds of 1 or 2 or 5 or 10 of our Members, then I think that this indeed is part of the problem we have in moving our business.

That is not directed at Senator GORDON HUMPHREY. He and I came to this place together in the class of 1978 when there were 20 new Members. It was a very close group because we all grappled and learned and stumbled along together for the first year with our own support system of 11 Republicans and 9 Democrats, and it was great. The occupant of the Chair did not have that fine support group system, that group where you could walk up and say, "What are you doing with your mail? What do you do with your constituents?" We shared those things, Democrat and Republican alike.

Perhaps, as I say, I failed to meet the intense desire of my friend from New Hampshire, and that will be resolved. We can handle that. We will handle that. We will deal with it. We will have a hearing in the subcommittee and deal with internal asylum. I think that we probably will make an error if we begin to deal with asylum in the countries where we have embassies if suddenly it becomes known that all you have to do to have freedom is somehow get inside of an embassy in Moscow or in any other Eastern bloc country. I hope that everyone can realize where that will lead, with the turmoil and problems of those people who may not be persecuted. But you can phrase it as hating the life. So we can limit this to the domestic area of asylum, and I leave it at that.

We did hold a hearing on November 5, 1985, in order to investigate this and our procedures toward alien crewmen from the Eastern bloc. That hearing included testimony from Senator HUMPHREY, the State Department, the Immigration and Naturalization Service, the Customs Service, the Coast Guard, and the INS interpreter who interpreted originally for Mr. Medvid.

The information gathered revealed what we all know—at least there are several things we all know—and that is that INS agents failed clearly to follow their directions. They did not do what they should have done. They should have detained him overnight for further questioning. They did not, and they turned him over to a shipping agent.

It was an egregious mistake, and those two agents have paid rather dearly for it. They have lost part of their service in grade under the Civil Service System and forfeited one-fourth of their year's salary for their particular effort. I would think that would make them attentive in the future.

Current INS procedures and regulations state that there shall be immediate notification. That was not done. If those procedures had been followed properly, nothing would have occurred. But once they found out and once they sent this information up the line to the U.S. Government, to INS district officers and the State Department, they moved with extraordinary dispatch.

In fact, I think you will find as we get into the investigation that the INS was extraordinarily forceful in dealing with the shipmaster as to the fact that. "We want this man and we will have him. You are in the United States waters and we will have him." It could indeed have created a much more significant international incident, or national incident, if that had been refused.

He was examined. He was examined after a period of time. There is no question that he was very likely coerced, threatened, and all the rest.

We had 5 shots at him, and he said he rejected asylum in the United States—5 times with an interpreter present. Those are the things we do know.

Then we had a confidential hearing and distributed material, and I presented the confidential material to Senator HUMPHREY. That confidential material has appeared verbatim in every newspaper, and we knew it would. It was not because of Senator HUMPHREY.

Mr. HUMPHREY. Mr. President, if the Senator will yield, I remind the Senator that I told him on my honor that it was not I who leaked that information, or my staff.

Mr. SIMPSON. There is no need for the Senator from New Hampshire to even respond, because I know that did not happen. In fact, I know exactly the source of how it happened. It was not the Senator from New Hampshire nor anyone on his staff.

I am saying it lightly. I am not saying it with anybody hoping to read it that, "Oh, boy, they took a secret of the United States."

Everything, public or private, is on the record, and it will almost always be thus. If we do not think that, we should get out of here.

No, indeed, it did not come from the Senator from New Hampshire in any way, nor his staff. We have identified where it came from, but it is not worth a whit of discussion, because we knew it would get into the public domain, without any question.

I just want to add this: Under our present laws, we treat alien crewmen differently from any other alien attempting to enter the United States, including those who are illegally crossing our borders. I think that puzzles people, but it is true. For 30 years, our laws have allowed the INS officers to summarily exclude any alien crewman who does not have authorization to enter and who is not claiming political asylum. Summary exclusion: There is no hearing under it, there is no appeal process, and that is the way it has been for 30 years. We will find that as we go into further discussion.

While the INS officers here failed to fully and adequately explore his desire for asylum, I assure you that they had the legal authority in every sense to immediately return him, if they believed he was not requesting asylum, which they personally believed after he said five times he did not.

I will share with my few remaining colleagues in the city tonight that the New Orleans border patrol alone, in that one community, has handled 96 ship jumping cases without apparent incident in the last 2 years. I think the record speaks for itself. They blew this one; they admitted it. They punished the people involved. I believe we will discuss all those things when we get to another hearing.

I join Senator HUMPHREY in feeling that the incident was handled improperly at the initial INS level, and we share the deep concern of our colleagues about this man's most uncertain personal future.

If you take this case and flip it like a pancake, look at the other side, and see where this will lead if you go to where some wish to go. I do not believe Senator HUMPHREY wants to go there.

Imagine an American citizen on an American ship in Soviet waters who says he wants to go back to the United States of America. They say, "We don't know if you want to do that or not, so we are going to restrain you in an area where you are going to be speaking with people in the Soviet Union only, because we don't want anyone from your country to taint the discussion."

Try that one on American citizens and see how they will swallow that one. That is where you are going to

end up. It is not a case of grain or Medvid or even the subpoena powers. The issue is that if anybody believes in this situation, with this adversary, that what is sauce for the goose is sauce for the gander, you are missing the whole point.

I do not think we need to run that risk, and that has nothing to do with being afraid or thinking they are going to bluff us. We have thousands of American citizens, thousands of merchant mariners who are in Soviet waters, and if we get to this type of situation, which I guess would be best described as a subpoena from the Politburo—which would be an interesting document in itself, I am sure—and then a sequestering of the person so that no one could taint what was going on, and then saying, "We thought we did the right thing there; we did it for the cause of his personal freedom," I think that is a puzzler deluxe.

I guess the tough one is this: Is this not a decision that we Americans should allow Medvid to make? Sure, if he decided that he wanted to spare his entire family—that is what he decided. It was Sophie's Choice. That is what he got out of it. If he decided to spare his entire family and return to the very possibility of death in the U.S.S.R., is it our national prerogative to tell him he cannot make that decision? He certainly faced the great quandary of tragic choices.

Still, I think we must feel that many would believe that the choice should be his, and he had every opportunity to state that decision for political asylum and that desire and that mere declaration in any language or as a grunt. I mean we really handle asylum cases, when they are asked in any language, "Do you want asylum," and you say "Uh huh" that is enough.

And that is the Haitians, that is the El Salvadorans, that is the Nicaraguans, whoever is fleeing persecution in the world. That is enough. You do not have to be literate. You do not have to be bright. You do not have to be anything except persecuted or with a well-founded fear of persecution based on race, religion, national origin, or relationship to a political or social association. That is asylum. There is nothing more to it.

Maybe we will go back. We left it in 1980. Maybe we will go back to saying that anyone from the Soviet Union or an Eastern bloc country is automatically entitled to asylum.

That is not the way it is now.

I think people should remember that that is the fine distinction we deal with here, and I just want to say that my friend, as we finish our investigation, I doubt very seriously that we are going to find anything here that would have said that the mere issue of the summit and the coming summit, that summit pressures were those that led our Government to dump him back into this fate that awaits him.

So I am ready to assist, and I wish to leave that impression not only in words but in action, and we will continue to pursue that, and I just wanted to share those thoughts with my colleagues on a very serious, tough issue, which again often generates a lot more heat than light and again one of those areas that I have been privileged to be able to chair in this place where I dabble with these types of things.

So thank you very much.

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

The PRESIDING OFFICER [Mr. SIMPSON]. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the 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.)

REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT—PM 98

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the provisions of Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c)) and Subtitle H of the Energy Security Act (42 U.S.C. 8286), I herewith transmit the eighth annual report on Federal Energy Conservation Programs undertaken during Fiscal Year 1984.

RONALD REAGAN.

THE WHITE HOUSE, *December 6, 1985.*

MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2965) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 10, 16, 18, 19, 27, 47, 49, 55, 66, 73, 85, 109, 133, 137, 140, and 141 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 6, 9, 11, 20, 21, 23, 29, 30, 38, 39, 44, 50, 56, 57, 58, 61, 78, 79, 92, 100, 103, 111, 114, 118, 121, 122, 123, 127, 128, 134, and 138 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2100) to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers of an abundance of food and fiber at reasonable prices, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Agriculture: Messrs. de la Garza; Foley; Jones of Tennessee; Rose; Bedell (on all matters except title VIII of the House bill and modifications thereof committed to conference); Panetta; Huckaby; Whitley (on all matters except subtitle A of title X, section 1022, section 1314, and subtitle C of tile XVIII, of the House bill and modifications thereof committed to conference, and section 1947 and title XX of the Senate amendment); Coelho; Madgan; Jeffords; Coleman of Missouri (on all matters except titles II, IV, V, IX, XVI, and XVII, and section 1862, of the House bill and modifications thereof committed to conference); Marlenee; Hopkins; and Stangeland.

In Lieu of Mr. Bedell solely for consideration of title VIII of the House bill and modifications thereof committed to conference: Mr. Hatcher.

In lieu of Mr. Whitley solely for consideration of subtitle A of title X of the House bill, and section 1314, and modifications thereof committed to conference: Mr. Stenholm.

In lieu of Mr. Whitley solely for consideration of section 1022 of the House bill and modifications thereof committed to conference: Mr. Bruce.

In lieu of Mr. Whitley solely for consideration of subtitle C of title XVIII of the

House bill and modifications thereof committed to conference: Mr. Volkmer.

In lieu of Mr. WHITLEY, solely for consideration of section 1947 of the Senate amendment: Mr. STALLINGS.

In lieu of Mr. WHITLEY, solely for consideration of title XX of the Senate amendment: Mr. BROWN of California.

In lieu of Mr. COLEMAN of Missouri solely for consideration of titles IX, XV, XVI, and XVII of the House bill and modifications thereof committed to conference: Mr. EMERSON.

In lieu of Mr. COLEMAN of Missouri solely for consideration of title II of the House bill and modifications thereof committed to conference: Mr. GUNDERSON.

In lieu of Mr. COLEMAN of Missouri solely for consideration of section 1862 of the House bill and modifications thereof committed to conference: Mr. MORRISON of Washington.

In lieu of Mr. COLEMAN of Missouri solely for consideration of titles IV and V of the House bill and modifications thereof committed to conference: Mr. ROBERT F. SMITH.

As additional conferees, solely for consideration of subtitle D of title XI of the House bill and modifications committed to conference: Mr. ENGLISH, Mr. STENHOLM, and Mr. ROBERTS.

As additional conferees from the Committee on Merchant Marine and Fisheries, solely for consideration of subtitle D of title XI of the House bill and modifications committed to conference: Messrs. Jones of North Carolina; Biaggi; Anderson; Oberstar; Hughes; Lowry of Washington; Lent; Snyder; Young of Alaska; and Davis.

As additional conferees from the Committee on Merchant Marine and Fisheries, solely for consideration of title XX, section 1434, and sections 1201-1203 of the House bill and modifications committed to conference: Messrs. Jones of North Carolina; Anderson; Breaux; Studds; Lent; Young of Alaska; and Fields.

As additional conferees from the Committee on Foreign Affairs, solely for consideration of title XI, sections 1025, 1421, 1423, 1431 of the House bill, title I, sections 903, 1932, 1943, 1949, and 1952 of the Senate amendment, and modifications committed to conference: Messrs. Fascell; Hamilton; Bonker; Gejdenson; and Kostmeyer (except subtitle D of title XI of the House bill and modifications committed to conference); MacKay (except subtitle D of title XI of the House bill and modifications committed to conference); Broomfield; Gilman (except subtitle D of title XI of the House bill and modifications committed to conference); Roth; and Bereuter.

As additional conferees from the Committee on Ways and Means, solely for consideration of sections 107(d), 108(b), 113, 1002, 1929, 1952, 1953 and 1955 of the Senate amendment and modifications committed to conference: Messrs. GIBBONS; JENKINS; DOWNEY of New York; CRANE; and FRENZEL.

ENROLLED BILL SIGNED

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1264. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. THURMOND].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2089. A communication from the Clerk of the U.S. Claims Court, transmitting, pursuant to law, a certified copy of the court's judgment in the case of *The Navajo Tribe of Indians* v. *The United States*, Docket Nos. 69 and 299; to the Committee on Appropriations.

EC-2090. A communication from the general counsel of the Department of the Treasury transmitting a draft of proposed legislation to amend the Tariff Act of 1930, and for other purposes; to the Committee on Finance.

EC-2091. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report of the inspector general of the Department of Transportation for the period ended September 30, 1985; to the Committee on Governmental Affairs.

EC-2092. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, actuarial reports on the judicial survivors annuities system and the judicial retirement system for the year ended December 31, 1984; to the Committee on Governmental Affairs.

EC-2093. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 6-106 adopted by the Council on November 19, 1985; to the Committee on Governmental Affairs.

EC-2094. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 6-107 adopted by the Council on November 19, 1985; to the Committee on Governmental Affairs.

EC-2095. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 6-108 adopted by the Council on November 19, 1985; to the Committee on Governmental Affairs.

EC-2096. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 6-109 adopted by the Council on November 19, 1985; to the Committee on Governmental Affairs.

EC-2097. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 6-110 adopted by the Council on November 19, 1985; to the Committee on Governmental Affairs.

EC-2098. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 6-111 adopted by the Council on December 3, 1985; to the Committee on Governmental Affairs.

EC-2099. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 6-112 adopted by the Council on December 3, 1985; to the Committee on Governmental Affairs.

EC-2100. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period April 1, 1985, through September 30, 1985, from all the moneys appropriated to the Architect of the Capitol; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Report to accompany the joint resolution (H.J. Res. 465) making further continuing appropriations for the fiscal year 1986 (Rept. No. 99-210).

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

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.

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 266. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1574; referred to the Committee on the Budget.

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

H.R. 1890. An act to provide for an equitable waiver in the compromise and collection of Federal claims.

Mr. THURMOND. Mr. President, I am reporting H.R. 1890, a bill to provide for the equitable waiver in the compromise and collection of Federal claims. The bill was ordered to be reported favorably with minor amendments by the Committee on the Judiciary on November 21, 1985. Due to the fact that the first session of this Congress is imminent and we are most eager to pass this bill prior to adjournment, we have decided not to file a report. The committee does, however, agree with the recommendation and report submitted by the Committee on the Judiciary of the House of Representatives. The amendments added by our committee were recommended by the General Accounting Office and the Office of Management and Budget and are perfecting or stylistic in nature. I ask unanimous consent that letters from both agencies be printed in the RECORD following my statement.

Mr. President, in the last Congress I sponsored a private relief bill for 16 of my constitutents who worked at the Charleston Naval Shipyard. These individuals were requried to repay to the Government a portion of the per diem allowance they had received while on a long-term training program for the Navy. The Navy, through administrative error, had failed to reduce the allowance as required by a new regula-

tion. The Navy acknowledged its error, but because the law prohibits the waiving of travel and relocation claims, my constituents were forced to repay money the Navy had originally said they were authorized to spend. These 16 Charlestonians had to wait for 5 years before Congress could enact a private bill that granted them relief from their debts.

H.R. 1890, as amended, would alleviate this type of unnecessary hardship in the future by allowing for an equitable waiver for debts resulting from these unintended overpayments. Senator GRASSLEY, chairman of the Subcommittee on Administrative Practice and Procedure, should be commended for his assistance in preparing this needed legislation.

The legislation is supported by the General Accounting Office, the General Services Administration, and the Office of Management and Budget. H.R. 1890 has passed the House of Representatives by voice vote and has been reported by the Committee on the Judiciary without objection. I urge my colleagues to act swiftly on passing this noncontroversial legislation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington DC, November 20, 1985.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: The purpose of this letter is to express our suppport for H.R. 1890 which we understand is currently on the agenda of the Committee. The bill was introduced in the House at our request and was passed by the House on July 16, 1985. It was transmitted to the Senate and reported favorably by the Subcommittee on Administrative Practice and Procedures on November 7, 1985.

The bill is noncontroversial. Its purpose is to extend the existing waiver authority of the Comptroller General to allow waiver of collection of erroneous payments of travel, transportation, or relocation expenses to Federal employees. The existing law provides authority to waive collection of debts owed the United States arising out of erroneous payments of pay or allowances, when collection would be against equity and good conscience and not in the best interests of the United States. However, waiver may not be granted for erroneous payments of travel, transportation, and relocation expenses. The pending bill, H.R. 1890, would remedy this defect in the current statutes.

We believe that equitable claims arising from increasingly complex travel and relocation laws and regulations can best be resolved through the existing administrative procedures for waiving claims for overpayment of pay and allowances. The General Services Administration, which issues the Federal Travel Regulations, and the Office of Management and Budget have expressed their support for this legislation.

We strongly support H.R. 1890, and we urge the Committee on the Judiciary to report it favorably to the Senate.

Sincerely yours,

MILTON J. SOCOLAR
(For Comptroller General
of the United States).

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC., November 20, 1985.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to Mr. Wooten's informal request for the views of this office on H.R. 1890, "To provide for an equitable waiver in the compromise and collection of Federal claims."

The purpose of this bill is to extend administrative waiver authority to agency heads and the Comptroller General on collection of overpayments for Government employee travel, transportation and relocation expenses. The bill is retroactive to January 1, 1985, nearly a year ago. Although any effective date is necessarily arbitrary, we believe the bill should be prospective, so that it does not retroactively reach back to cover some past cases and not others.

Accordingly, we support enactment of H.R. 1890, provided it is amended as suggested above.

Sincerely,

JAMES M. FREY,
Assistant Director for Legislative Reference.

● Mr. GRASSLEY. Mr. President, I would like to thank the chairman of the Judiciary Committee, STROM THURMOND, for his swift action on this bill, H.R. 1890. This is a measure which passed the House of Representatives on July 16, 1985 and was referred to the Subcommittee on Administrative Practice and Procedure, which I chair.

H.R. 1890 provides a more equitable and efficient procedure to remedy situations where the Government has erroneously made a payment to a Federal employee for travel, transportation, or relocation costs. Under current law, when a Federal employee is granted an overpayment for such expenses and relies on that payment in good faith, the responsible agency is barred from reviewing the circumstances to consider granting a waiver for the employee's liability. Waiver authority is, however, statutorily provided to the agencies for any other type of erroneous pay.

On November 7, the Subcommittee on Administrative Practice and Procedure voted 4 to 0 to favorably report H.R. 1890 to the Senate Judiciary Committee without amendment. The full Judiciary Committee, by voice vote on November 21, approved two amendments to H.R. 1890 and agreed to favorably report H.R. 1890, as amended, to the full Senate.

The approved amendments were offered in order to change the January 1, 1985 effective date to date of enactment so that H.R. 1890 would not be retroactive to an arbitrary date. The second amendment imposed merely grammatical changes recommended by the Comptroller General who oversees the agency waiver process.

I again thank the able chairman of the Judiciary Committee for his assistance and ask that the bill be approved.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself and Mr. CRANSTON):

S. 1907. A bill to amend the Securities Exchange Act of 1934 to impose additional restraints on corporate tender offers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON (for himself and Mrs. HAWKINS):

S. 1908. A bill entitled the "Consumer Lease and Lease-Purchase Agreement Act"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MITCHELL:

S. 1909. A bill to require the Secretary of the Treasury to notify Congress with respect to actions taken relating to investment of the assets of the Social Security trust funds; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1910. A bill concerning inheritance claims by United States Nationals against Romania; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH, from the Committee on Labor and Human Resources:

S. Res. 266. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1574; to the Committee on the Budget.

By Mr. HUMPHREY (for himself, Mr. DIXON, Mr. GRASSLEY, Mr. KERRY, Mr. DENTON, Mr. RIEGLE, Mr. D'AMATO, Mr. LAUTENBERG, Mr. SYMMS, Mr. BRADLEY, Mr. BOSCHWITZ, Mr. DECONCINI, Mr. ANDREWS, Mr. BAUCUS, Mr. HELMS, Mr. FORD, Mr. WALLOP, Mr. EAST, Mr. MCCLURE, Mr. HECHT, Mr. PROXMIRE, Mr. ARMSTRONG, Mr. HARKIN, Mr. HEFLIN, Mrs. HAWKINS, Mr. MURKOWSKI, Mr. MOYNIHAN, Mr. GARN, Mr. HATCH, Mr. LONG, Mr. NICKLES, Mr. PRESSLER, Mr. STEVENS, Mr. BOREN, Mr. HEINZ, Mr. MITCHELL, Mr. MATTINGLY, Mr. SPECTER, Mr. ABDNOR, Mr. EXON, Mr. ZORINSKY, Mr. SARBANES, Mr. SIMON, Mr. EAGLETON, Mr. PRYOR, Mr. GLENN, Mr. BURDICK, Mrs. KASSEBAUM, Mr. ROCKEFELLER, Mr. MELCHER, Mr. BUMPERS, Mr. GORE, and Mr. WARNER):

S. Res. 267. A Resolution establishing a special panel on asylum; submitted and ordered to lie over under the rule.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself and Mr. CRANSTON):

S. 1907. A bill to amend the Securities Exchange Act of 1934 to impose additional restraints on corporate tender offers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

TENDER OFFER REFORM ACT

● Mr. D'AMATO. Mr. President, the Tender Offer Reform Act of 1985 is introduced in response to the public debate on corporate takeover activity which has been waged in earnest in Congress, the courts, corporate boardrooms and the SEC in recent years. This legislation addresses the many issues that have arisen from the increase in corporate takeover activity in the last 3 years. I would like to express my gratitude to my colleagues, especially Senators CRANSTON and METZENBAUM, for their participation in the hearings held on this subject and their counsel which provided great assistance in the drafting of this legislation. Further, I would appreciate their continued participation during the hearings that the Securities Subcommittee will conduct to examine this bill and other legislation proposals.

Within the last few years, contests for corporate control have become a more frequent phenomena on the American business scene. Once the private domain of a handful of investment bankers, lawyers, and corporate executives, control contests have become an increasingly popular spectator sport. The publicity surrounding several recent multibillion dollar acquisitions has familiarized the public with a glossary of new terms including, among others, golden parachutes, greenmail, bear hugs, shark repellants, poison pills, pac man defense, scorched earth defense, lock ups, leg ups, silver wheel chairs, crown jewels, and white knights. These terms have been used to described the various offensive and defensive tactics which may be employed to effectuate or prevent a change in corporate control.

Contests for corporate controls have been conducted with the intensity of military campaigns, with the futures of large and small companies and the economies of affected communities hanging in the balance. Elaborate strategies and ingenious tactics have been developed to facilitate takeover attempts and to defend against them. Skirmishes are fought in company boardrooms, in shareholders' meetings and, with increasing regularity, in the courts.

The "problems" attendant to takeovers are in the forefront of corporate law and have spawned much congressional inquiry. In hearings before the Securities Subcommittee of the Senate Banking Committee, the long-term effects of takeover activity on the credit and capital markets were examined. We also examined whether existing Federal regulation of the takeover process, the Williams Act, has maintained a balance between acquiring and target companies. Although the hearings were held several months ago, members of the committee have continued to expend considerable effort to develop an appropriate legislative response to the issues raised during those hearings and to the issues presented by recent court decisions affecting the application of the Williams Act.

During the committee's hearings and throughout our subsequent inquiry, the complexities attendant to the regulation of battles for corporate control have become apparent. For example, a tremendous divergence of opinion exists with regard to the threshold question: Is the Williams Act working? Some contend that Congress is compelled to act because the abusive tactics employed by raiders and defenders demonstrate a breakdown in the rules that govern corporate takeover activity. Others contend that the Williams Act is functioning properly and that few, if any changes are needed.

In devising an appropriate legislative response, several issues must be addressed. Foremost among them is determining the causes of the current increase in takeover activity and whether the causes are amenable to legislative solutions. In testimony received by the subcommittee, the increase in takeover activity was attributed to the depressed value of a target's stock price caused by international competition, a strong dollar, fluctuating interest rates, and declining rates of inflation; economic forces that have driven the restructuring of many U.S. industries rendering them susceptible to takeovers; the availability of credit to finance these transactions; the prevailing legal and business climate that permits combinations to take place with little risk of Government interference; and the advantages in the Tax Code that subsidizes debt over equity, thus encouraging the use of debt financing for acquisitions. If these are the causes of the recent increase in takeover activity, then amending the securities laws will not necessarily provide an appropriate legislative response.

Another possible solution would be to regulate the various offensive and defensive tactics employed in struggles for corporate control. There are numerous reasons why Congress should not attempt to ban specific tactics. Congressional prohibitions which preclude management from engaging in certain activities interject the Federal Government into the corporate decisionmaking process. Congress should be wary of needless intrusions into corporate boardrooms where it neither should feel comfortable, nor welcome. This is an area of regulation that traditionally has been left to State legislatures and to the application of the business judgment rule by State and Federal courts. Further, legislation which discourages takeover attempts necessarily interjects Congress into decisionmaking regarding the proper allocation of credit and capital. These decisions are best left to the efficiencies of the financial markets.

By addressing individual tactics, Congress also risks unbalancing the present legislative framwork to favor either bidders or targets. Any action which favors one group over another is at the very least an implicit judgment that tender offers are either good or bad—a judgment which we, like the authors of the Williams Act, should refrain from making. Moreover, congressional activity in such a rapidly evolving area of the law may be either premature, tardy, or totally unnecessary. Court decisions, shareholder actions, amendments to corporate charters and by-laws subject to shareholder approval, and stock exchange rules may provide adequate solutions to many of the concerns raised by those urging Congress to ban certain offensive and defensive tactics.

The testimony of the numerous witnesses was distinguished by the considerable expertise they provided to the committee and by their failure to agree on an appropriate regulatory response to the various offensive and defensive tactics employed in takeover battles. Despite this general disagreement, a consensus did emerge that the imperative objective of any amendments to the Wiliams Act must be to increase shareholder protections. The protections to shareholders intended by the act have been eroded by recent developments and legal interpretations of the rules governing the takeover process. Shareholder protection can be enhanced by making what may be considered procedural, rather than substantive changes to the Federal securities laws governing takeovers. Procedural changes to the regulation of takeover activity is entirely consistent with the legal framework of the Federal securities laws.

The determination of an appropriate legislative response to the issues addressed at the hearings of the Securities Subcommittee has been greatly influenced by the legislative history of the Williams Act. In 1968, Congress enacted the Williams Act to provide a framework for the regulation of corporate takeovers in the national marketplace. The Williams Act was designed to fill a gap in the securities statutes to ensure that investors and target companies had adequate information and opportunity to make investment decisions in transactions designed to

cause, or resist, a substantial shift of ownership away from existing securities holders. The Williams Act was not intended to discourage or encourage takeover activity or to provide management or any other group with special privileges or advantages over any other. The act was not designed to regulate the conduct of management or bidders or the tactics they employed to thwart or effectuate a takeover. The Williams Act sought to avoid tipping the scales either in favor of management or in favor of the bidder; to require full and fair disclosure to shareholders; to provide the bidder and management equal opportunity to present their case; and to ensure that shareholders had a fair opportunity to participate in a tender offer. We should not stray too far from these principles unless Congress is willing to make normative judgments concerning the appropriateness of corporate decisions.

The proposed amendments to the Williams Act contained in this legislation are consistent with the original intent of that act's authors. The proposed legislation modifies the act to ensure that it continues to protect investors and the public interest without placing undue impediments that thwart honest and lawfully conducted takeover transactions. Legitimate corporate takeover activity will not suffer by the enactment of this legislation. The modification of the disclosure requirements of sections 13 and 14 of the Exchange Act combined with the procedural modifications contained in the legislation will benefit investors and discourage pure financial plays.

Prudence dictated that we move cautiously in the development of a legislative response unless we are determined to impede the tender offer process. Legitimate tender offers, as distinguished from greenmail or financial plays, have a disciplining effect on incumbent management. Tender offers also provide economic benefits to the shareholders of a target who wish to participate in the offer. However, we found it a difficult task to impose restrictions on offers that may be considered pure financial plays without simultaneously impeding legitimate takeover activity. Moreover, restrictions on legitimate takeovers imposed by the Congress designed to reduce or eliminate takeover activity could deprive shareholders of potential opportunities to participate in an offer. The imposition of across-the-board restrictions on specific offensive and defensive tactics which would inhibit or promote such transactions involves Government interference in the free market's determination of credit and capital allocation.

Finally, it is not clear that substantive changes in the Federal securities laws governing tender offers would have any clear benefits for stockholders or for the economy at large. Contrary to claims that takeovers force corporate managers to sacrifice long-term investment planning for short-term profits, there has been no conclusive demonstration that tender offers are detrimental to the economy. Further, little conclusive evidence exists that demonstrates that tender offers have a disruptive effect on domestic credit and capital markets. There is evidence, however, which suggests that economic factors such as interest rates, inflation, the present structure of Federal corporate taxation, and consumer demands influence corporate planning to a far greater extent than the fear of corporate raiders. Therefore, it is preferable to allow individual companies to decide whether and how they want to acquire other companies or to protect themselves than to have the Federal Government impose rigid restrictions which govern corporate conduct during takeover battles.

Ideally, the legislation described below satisfies the objectives that the subcommittee intended to accomplish when it began its inquiry. Some critics will attack it as unresponsive to the needs of the beleaguered incumbent managements threatened by the specter of a hostile raider looming just beyond the horizon. Others will contend that the legislation represents an unwarranted Federal intrusion into the marketplace. They will contend that any regulation diminishes a shareholder's ability to reap the rewards to be gained from corporate raiders who claim that they are compelled to act out of concern for the shareholders' best interests and to promote economic efficiencies, rather than a desire for personal profit.

To these critics I would respond that neither this legislation, nor the Williams Act is designed to protect the jobs of incumbent managements or to ensure the success of a hostile offer by removing every impediment management may place in a raider's path. This legislation is not intended to benefit either target managements or bidders. The intended beneficiaries of this act are the shareholders affected by contests for corporate control. Shareholder protections will be enhanced by this legislation because it creates a more orderly process through which substantial portions of or entire corporations are bought and sold in the trading market.

The failure to accord this legislation expeditious consideration is needed to close a few loopholes in the William Act that its authors could not have envisioned at the time of enactment. This legislation is needed to ensure that shareholders will be able to make well informed investment decisions on the disposition of their holdings in a corporation subject to a takeover. Thus I strongly urge prompt and favorable consideration of this legislation by my colleagues. I ask unanimous consent that the explanation and analysis of the bill and the bill be printed in the RECORD.

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

S. 1907

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

SECTION. 1. This Act my be cited as the "Tender Offer Reform Act of 1985".

SEC. 2. (a) Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) is amended—

(1) by striking out "shall, within ten days after such acquisition, send" and inserting in lieu thereof "shall cease to acquire additional shares of such class until the expiration of two business days after such acquisition (or such shorter period as the Commission may prescribe pursuant to paragraph (7)), and shall, within twenty-four hours after such acquisition, make a public announcement of such acqusition and send"; and

(2) by adding at the end thereof the following: "The public announcement required to be made within twenty-four hours of an acquisition described in this paragraph shall include disclosure of the purchaser's identity, the amount of securities of the class beneficially owned by the purchaser, the identity of the issuer of that class, a brief description of the purpose of such acquisition, and other information that the Commission may prescribe by rule, regulation, or order.".

(b) Section 13(d) of the Securities Exchange Act of 1934 is further amended by adding at the end thereof the following new paragraph:

"(7) The Commission, by rule, regulation, or order, in the public interest or for the protection of investors and taking into account the time required for the information filed to be properly disseminated, may reduce the time period during which any person subject to the requirements of paragraph (1) of this subsection is prohibited from acquiring ownership of any additional shares of the equity security that is the subject of the statement required by paragraph (1) and may, subject to such terms and conditions as may be prescribed therein, provide exemptions from that prohibition.".

SEC. 3. (a) Section 13(d)(3) of the Securities Exchange Act of 1934 is amended by inserting "voting," after "acquiring,".

(b) Section 13(g)(3) of the Securities Exchange Act of 1934 is amended by inserting "voting," after "acquiring,".

SEC. 4. (a) Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended—

(1) by striking out the heading of such section and inserting in lieu thereof the following:

"PROXIES AND TENDER OFFERS";

(2) by inserting "(A)" after "(1)" in subsection (d);

(3) by adding at the end of paragraph (1) of subsection (d) the following:

"(B) The person making an offer, request, or invitation subject to this paragraph shall prepare and furnish to security holders at the time the offer, request, or invitation is published, sent, or given to security holders a summary disclosure of—

"(i) the identity and background of such person and any affiliates or associates of that person participating in the offer, request, or invitation;

"(ii) the value of the offer, request, or invitation;

"(iii) the amount of such securities beneficially owned by the persons identified under clause (i);

"(iv) the source and amount of funds or other consideration used for the proposed acquisition of securities;

"(v) the purpose of the acquisition;

"(vi) any plans or proposals the person has regarding the future operations or structure of the issuer; and

"(vii) such additional information as the Commission may, by rule or regulation, prescribe as necessary in the public interest or for the protection of investors.

Such person shall make a public announcement if the person varies any of the terms required to be disclosed under this subparagraph before the expiration of the offer, request, or invitation.

"(C) The Commission may adopt such rules, regulations, and orders as may be necessary or appropriate in the public interest or for the protection of investors to—

"(i) implement the provisions or carry out the purposes of this paragraph;

"(ii) to define any term used in this paragraph;

"(iii) to exempt any person or transaction or class of persons or transactions, as not comprehended within the purposes of this paragraph, in whole or in part, either unconditionally or upon specific terms and conditions; or

"(iv) to prevent any person from evading or circumventing the provisions of this paragraph.";

(4) by striking out paragraphs (2) and (3) of subsection (d), by redesignating paragraph (4) of such subsection as paragraph (2), and by inserting after such redesignated paragraph (2) the following new paragraph:

"(3)(A) Any person making a tender offer for or a request or invitation for tenders of any and all of the outstanding shares of a class of voting securities shall hold such offer, request, or invitation open for a period of at least 30 calendar days from the date on which such offer, request, or invitation is first published, sent, or given to security holders. Any person making a subsequent tender offer, request, or invitation for tenders for any and all or less than all of the outstanding shares during the pendency of another tender offer, request, or invitation for tenders under this paragraph with respect to any of such shares shall hold such offer, request, or invitation open for a period of at least 20 calendar days except that the subsequent offer, request, or invitation shall not terminate before the 30th calendar day following the initial offer.

"(B) Any person making a tender offer or request or invitation for tenders for less than all the outstanding shares of a class of voting securities shall hold such offer, request, or invitation open for a period of at least 40 calendar days from the date on which such offer, request, or invitation is first published or sent or given to security holders. Any person making a subsequent tender offer, request, or invitation for tenders for any and all or less than all of the outstanding shares during the pendency of another tender offer, request, or invitation for tenders under this paragraph with respect to any of such shares shall hold such offer, request, or invitation open for a period of at least 30 calendar days, except that the subsequent offer, request, or invitation shall not terminate before the 40th calendar day following the initial offer, request, or invitation.";

(5) by redesignating paragraphs (5) through (8) of such subsection as paragraphs (4) through (7), respectively;

(6) by redesignating subsections (f) and (g) as subsections (l) and (m), respectively; and

(7) by inserting after subsection (e) the following new subsections:

"(f) During a tender offer for, or request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, other than an offer, request, or invitation by the issuer, it shall be unlawful for the issuer of such securities to enter into or amend, directly or indirectly, agreements containing provisions, whether or not dependent on the occurrence of any event or contingency, that increase, directly or indirectly, the current or future compensation of any officer or director, except that this provision shall not prohibit routine increases in compensation, or other routine compensation agreements, undertaken in the ordinary course of the issuer's business.

"(g) It shall be unlawful for an issuer to purchase, directly or indirectly, any of its securities at a price above the average market price of such securities during the 30 preceding trading days from any person who holds more than 5 percent of the class of the securities to be purchased and has held such securities for less than 6 months, unless such purchase has been approved by the affirmative vote of a majority of the aggregate voting securities of the issuer, or the issuer makes an offer to acquire, of at least equal value, to all holders of securities of such class and to all holders of any class into which such securities may be converted.

"(h) The Commission may, by rule, regulation, or order, in the public interest or for the protection of investors, provide exemptions, subject to such terms and conditions as may be prescribed therein, from any or all of the provisions of subsection (f) or (g).

"(i)(1) It shall be unlawful for any person, whether a third party or the issuer of a class of securities being sought, to make a tender offer for, or request or invitation for tenders of, any equity security of a corporation which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940. Unless—

"(A) the offer, request, or invitation is open to all security holders of the class of securities subject to the offer, request, or invitation, except that this subsection shall not apply to an offer, request, or invitation in which the offeror is not a United States resident or citizen and the tender offer does not employ any jurisdictional means enumerated in section 14(d)(1) of this title; and

"(B) in addition to the provisions of section 14(d)(7) of this title, the consideration paid to any security holder pursuant to the offer, request, or invitation is the highest consideration offered by such person to any other security holder at any time during such offer, request, or invitation, determined from the earlier of the date of public announcement or the date of commencement of the offer, request, or invitation, except that, in an offer, request, or invitation in which more than one type of consideration is offered—

"(i) the types of consideration must be substantially equivalent in value on the earlier of the date of public announcement or the date of commencement;

"(ii) in the event of an increase by the offeror in the consideration offered during the offer, request, or invitation, the types of consideration must be substantially equivalent in value on the date such increase is first offered to security holders; and

"(iii) the highest consideration of each type offered to any security holder must be paid to any other security holder accepting that type of consideration.

"(2) Paragraph (1) shall not apply to any offer for or request or invitation for tenders of any security which the Commission, by rule, regulation, or order exempts from the provisions of this subsection as not entered into for the purpose of changing or influencing the control of the issuer or otherwise as not comprehended within the purposes of this subsection.

"(j)(1) During any 12-month period beginning on the date on which a person first acquires beneficial ownership of 20 percent of a class of (A) equity securities of a corporation which is registered pursuant to section 12 of this title, (B) equities security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or (C) equities security issued by a closed-end investment company registered under the Investment Company Act of 1940, or during any succeeding 12-month period, it shall be unlawful for any person to acquire, directly or indirectly, beneficial ownership of more than 2 percent of the outstanding shares of such a class of securities except by tender offer or request or invitation for tenders or by purchasers from the issuer.

"(2) Paragraph (1) does not apply in any case where—

"(A) the acquisition is involuntary, including any acquisition by gift, inheritance, or bequest, or by such similar transaction as the Commission may, by rule, regulation, or order, prescribe;

"(B) the acquisition is pursuant to a statutory merger or consolidation consummated under the laws of the issuer's state of incorporation; or

"(C) the Commission, by rule or regulation, or by order upon application, conditionally or unconditionally exempts any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of this subsection and any regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest and consistent with protection of investors and purposes fairly intended by the policy and provisions of this subsection.

"(3) In determining, for purposes of this subsection, any percentage of a class of any security, section 13(d)(3) shall apply and any person, in determining the amount of outstanding securities of a class of equity securities, may rely upon information set forth in the issuer's most recent report filed with the Commission pursuant to this Act which contains information concerning the

amount of outstanding securities of such class of securities.

"(4) For purposes of paragraph (1), a person will not be deemed to beneficially own securities by virtue of participating in a syndicate or group formed for the purpose of the solicitation of any proxy, consent, or authorization pursuant to section 14(a).".

(b) Such section is further amended by adding at the end thereof the following:

"(k)(1) when two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, voting, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a 'person' for purposes of subsections (d), (e), (f), (g), (i), and (j) of this section.

"(2) For purposes of subsections (d), (g), and (j) of this section, in determining any percentage of a class of any security, such class shall be deemed to consist of the amount of the outstanding securities of such class, exclusive of any securities of such class held by or for the account of the issuer or any subsidiary of the issuer.".

SEC. 5. None of the amendments made by this Act shall be construed to limit or condition the authority of the Securities and Exchange Commission, in the public interest or for the protection of investors, to supplement the proration, withdrawal, and minimum offering periods applicable to a tender offer or request or invitation for tenders.

SEC. 6. (a) The Comptroller General, in coordination and consultation with the Securities and Exchange Commission, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Savings and Loan Insurance Corporation, the Federal Deposit Insurance Corporation, the Secretary of the Treasury, and the Secretary of Labor shall study the issuance of and investment in high yield, noninvestment grade bonds during the 5 years prior to the date of enactment of this Act, including—

(1) the identity and rating (as determined by Moody's, Standard and Poor's, or other nationally recognized bond rating house) of the issuers of these bonds;

(2) the identity of the major purchasers of these bonds, including but not limited to federally insured depository institutions;

(3) the percentage of the total amount of high yield, noninvestment grade bonds that are issued as a method of financing corporate takeovers;

(4) the identity of the purchasers including, but not limited to, federally insured depository institutions that invest in high yield, noninvestment grade bonds that are issued as a method of financing corporate takeovers;

(5) the purposes for which high yield, noninvestment grade bonds are issued other than for financing corporate takeovers;

(6) a summary and analysis of the adequacy of current State and Federal laws that regulate investment in high yield, noninvestment grade bonds, by investors including, but not limited to, federally insured depository institutions and pension funds; and

(7) a review of the impact of the issuance of and investment in high yield, noninvestment grade bonds upon corporate debt as it relates to Federal monetary policy.

(b) In addition to the collection of information through surveys, public document review, interviews, and other information-gathering methods, at least one joint public hearing shall be held during the course of conducting the study.

(c) The Comptroller General shall transmit a report containing the results of the study under this section to the Congress not later than 120 days after the date of enactment of this Act.

EXPLANATION AND ANALYSIS

Section 1 of the bill states that the bill may be cited as the "Tender Offer Reform Act of 1985."

Section 2(a) amends the reporting requirements of section 13(d) of the Securities Exchange Act of 1934 (Exchange Act). Currently, under Section 13(d) of the Exchange Act, any person who acquires more than 5 percent of a class of equity securities of an issuer must, within 10 days after acquiring more than 5 percent, notify the issuer and file with the Securities and Exchange Commission (SEC) a statement containing certain information about the acquiror's background, the source and amount of funds used to make the acquisition, any intentions to acquire control of the issuer, and other information prescribed by statute or Commission rules.

Section 13(d) in its present form permits the notification and filing to occur as many as 10 days after the 5 percent threshold is exceeded. The 10 day threshold has frequently failed to supply stockholders, the trading markets, and the public with timely information about the identity and intentions of the purchaser. The 10 day interim filing period between the purchase of more than 5 percent and the reporting of the acquisition has been used to the unfair advantage by acquirors who continue to buy large amounts of securities before notifying the issuer, the SEC and the trading markets. Recent acquisitions demonstrate that the 10 day filing period allows an acquiror to gain controlling interest in a company before the company and the trading markets were notified of the acquisitions.

Section 2(a) eliminates the 10 day interim filing period by requiring that a person, who acquires more than 5 percent of a class of equity securities, publicly announce that acquisition and file the materials presently required by the Exchange Act with the SEC, the issuer and to each exchange upon which the security is traded within 24 hours of the acquisition. The acquiror is then precluded from acquiring additional securities of the same class for two business days after the acquisition that caused the acquiror's obligation to file the report, or such shorter period as the SEC may prescribe.

Section 2(a)(2) specifies the information that must be contained in the public announcement required by Section 2(a)(1).

Section 2(b) permits the SEC to exempt by rule, regulation or order certain acquirors from the terms and conditions of Section 2(a) if the SEC determines that such an exemption is in the public interest.

Section 3(a) and 3(b) are technical and amend sections 13(d)(3) and 13(g)(3) of the Exchange Act. Sections 3(a) and 3(b) apply the provisions of sections 13(d)(3) and 13(g)(3) of the Exchange Act to groups acting in concert for the purpose of voting securities. Although the statute currently applies to groups acting in concert for certain purposes, this section clarifies the application of the statute to groups acting in concert for the purpose of voting securities.

Section 4 amends Section 14 of the Exchange Act (Section 14 of the Exchange Act is commonly referred to as the Williams Act). Sections 4(a)(1) and 4(a)(2) are technical in nature.

Section 4(a)(3) adds a new provision to the Williams Act. This section is designed to effectuate the original purpose of the Williams Act by requiring that the shareholders of a company subject to a takeover receive adequate information of the offer in a comprehensible form. Under Section 14(d) of the Exchange Act, a person making a tender offer for, or a request or invitation for tenders of any class of any equity security registered pursuant to Section 12 of the Exchange Act must file certain information with the Commission and publish information for shareholders of the securities sought by the acquiror.

An examination of the materials that shareholders received pursuant to a tender offer demonstrated that, while these tender offer materials provided adequate disclosure in accordance with the technical requirements of the Williams Act and SEC regulations, the materials were often of little use to shareholders. The information contained in the tender offer materials received by shareholders is not easily comprehended by the average investor or in some cases by sophisticated investors and market professionals. In the absence of any clear explanation of the offer, investors must rely on information about the offer as provided by the media.

Although such a reliance may not be misplaced, the intent of the Williams Act was to ensure that shareholders received an explanation of the terms and conditions of an offer from the offeror. Although shareholders are literally bombarded with information about the offer, well linformed investment decisions are difficult where these tender offer materials prove incomprehensible.

Section 4(a)(3) resolves the shareholders' dilemma by requiring that an "executive summary" of the material terms and conditions of a tender offer be provided in addition to or included in the other tender offer materials received by shareholders. The information to be provided in this summary is described in the subsections (i)—(vii) of Section 4(a)(3). The acquiror must publicly announce any change of the information contained in subsections (i)—(vii). These provisions require that shareholders receive a brief explanation of the information similar to the information presently provided to the Commission pursuant to the requirement of Schedule 14D.

Subsection 4(a)(3)(ii) is specifically designed to address the issue of valuing the price of two-tier tender offers. The Committee has received testimony citing the potential confusion and the pressures experienced by shareholders confronted by a two-tier offer. This subsection is intended to require the bidder to provide information concerning its valuation of the "second step" of a two-tier offer and an explanation or accounting of the determination of the value ascribed to the "second step" payment where that payment is not an all cash offer.

Subsection 4(a)(3)(vi) is designed to address issues related to an acquiror's intentions to liquidate or merge the issuer or make any other change in its business or corporate structure. The acquiror would also be required to disclose its intentions to relocate material portions of the issuer's business activities, including its principal executive office and other major restructurings that would affect the issuer's management or employees. This provision does not require a statement of the effects of a change in corporate control upon the relevant community or communities. Therefore,

it should be viewed as a corporate impact statement rather than as a community statement.

Subsection 4(a)(3) is not designed to create a new legal cause of action in addition to those that presently exist under the disclosure provisions of the Exchange Act. It is designed to ensure that shareholders receive more adequate and useful disclosure of the terms and conditions of a tender offer and its effects on the target corporation.

Section 4(a)(4) amends section 14(d) by adding a new paragraph that extends the minimum offering period for tender offers. The minimum offering periods required by Section 4(a)(4) distinguish between tender offers for any and all outstanding shares of a company's stock and two-tier tender offers and an offer for less than all of the outstanding shares of a company's stock (partial offers). The minimum offering period for tender offers for any and all of a company's outstanding shares will be 30 calendar days. The minimum offering period for two-tier tender offers and partial offers will be 40 calender days. Under current SEC regulations, the minimum offering period for all tender offers is 20 business days. Section 4(a)(4) shall not apply to an issuer tender offer, if is not made in anticipation of or in response to another person's offer.

The extension of the minimum offering period is designed to benefit shareholders by providing them more time to consider and to assimilate information regarding a takeover attempt. The extension of the minimum offering period will also provide the SEC a greater opportunity to examine a tender offer prior to the termination of an offer and to determine whether the offer was made in compliance with the Williams Act. Hopefully, the extension of the minimum offering period will discourage the use of abusive defensive tactics by a target's management who often feel compelled to employ these tactics in an effort to buy time. The extension of the minimum offering period provides a target's management with a greater opportunity to solicit higher alternative bids. These higher bids and the higher premiums provide another benefit to shareholders.

The distinction between the 30 day minimum offering period provided for any and all offers and the 40 day minimum offering provided for two-tier and partial offers is justified due to the more complex nature of latter two types of bids. Given the terms and conditions of an any all offer, 30 calendar days should provide shareholders sufficient time to receive and consider tender offer materials and to make an informed investment decision. Given the notice to the market and target shareholders by the initial any and all bid, shareholders should have sufficient time to receive and consider these materials and to make an informed investment decision if the minimum offering period for a subsequent competing bid is 20 calendar days. The minimum offering period in Section 4(a)(4). Section 4(a)(4) also contains a provision that prevents the termination of a subsequent competing bid prior to the expiration of the initial offer.

By comparison, the terms and conditions of two-tier and partial offers present shareholders with more complex investment decisions. Current regulations under the Williams Act make little regulatory distinction between full, partial and two-tier offers. Witnesses appearing before the Committee argued that the use of two-tier and partial offers should be restricted or banned.

Opponents of two-tier and partial offers argued that these offers coerced shareholders into making investment decisions against their will. Others argued that partial offers provided positive economic effects and that two-tier offers provided shareholders of a target company higher premiums than offers with no second step. Moreover, empirical evidence provided to the Subcommittee demonstrated that the blended value of the premiums received in a two-tier offer were higher than premiums paid for cash offers. However, the reasons advanced by those advocating the equal treatment of any and all, partial and two-tier offers did not outweigh concerns with respect to the potentially coercive elements of partial and two-tier bids. Rather than prohibit the use of partial and two-tier offers, prohibitions inconsistent with the underlying legal philosophy of the Williams Act, the minimum offering period is extended to 40 calendar days. This extension should eliminate the more coercive elements of these offers by providing shareholders more time to evaluate the value of partial and two-tier offers and the consequences that participation in or a failure to participate in such offers would have on the value of their holdings. The distinction in the minimum offering periods between any, all and partial and two-tier offers operates as a regulatory disincentive against the use of partial and two-tier offers in contests for corporate control.

When a subsequent bid is made pursuant to an initial partial or two-tier offer, Section 4(a)(4) requires that the subsequent offer remain open for a minimum of 30 calendar days. Given the notice to the market and target shareholders by the initial bid, shareholders should have sufficient time to make an informed investment decision if the minimum offering period for a subsequent competing bid is 30 calendar days. The subsequent bid will not be allowed to terminate prior to the expiration date of the initial bid.

Section 4(a)(7) adds a new subsection (f) to Section 14(d) of the Exchange Act to prohibit the award of golden parachute agreements. (Present subsections (f) and (g) have been redesignated as subsections (l) and (m) respectively.) This provision prohibits an issuer, during a tender offer, from entering or amending agreements that increase directly or indirectly, the current or future compensation of any officer or director. The practice of awarding golden parachutes during the pendency of a tender offer presents the appearance of self-dealing by the management of a target company at the expense of its shareholders. The prohibition extends to provisions "whether or not dependent on any event or contingency." Thus, the prohibition affects termination agreements, large salary increases or stock options if they are precipitated by a tender offer.

This section neither prevents the hiring of new officers or directors, nor increases in compensation, if such actions resulted from an agreement pre-dating a tender offer. The prohibition does not apply to routine compensation agreements undertaken in the normal course of business. Golden parachute agreements adopted in the normal course of business that are disclosed to shareholders are not prohibited. Such agreements do not exemplify the type of abusive self-dealing the legislation would curb. Although recent amendments to the tax code discourage golden parachute payments by increasing the tax imposed upon them, additional legislation is required to prohibit golden parachute agreements adopted during a contest for corporate control.

Section 4(a)(7)(g) adds a new section (g) to section 14 of the Exchange Act. This section limits a corporation's ability to make greenmail payments. Greenmail constitutes a repurchase, at a significant premium, of a block of an issuer's stock held by a person threatening a takeover. The payment of greenmail is unfair to a company's shareholders because it unjustly rewards the recipient of the greenmail payment at the expense of the remaining shareholders. Such payments are in effect discriminatory offers that exclude a substantial majority of a company's shareholders. This section prohibits a company from purchasing its securities at a price above the average market price of the securities during the 30 preceding trading days from any person who has held more than 5 percent of its outstanding shares for less than 6 months. The payment of greenmail to a person covered by this section would be permitted upon the approval of a majority of the shareholders or the company's making an equal offer to its other shareholders.

Section 4(a)(7)(h) provides a new subsection (h) to Section 14 of the Exchange Act. This subsection authorizes the Commission to grant exemptions from new sections 14(f) and 14(g) of the Exchange Act. This section enables the SEC to use its exemptive authority to: (1) prevent unintended or inequitable results; (2) avoid the application of these sections to transactions which do not present the abuses or consequences that this legislation is designed to address; and (3) provide for flexible administration in a rapidly evolving area of the law, consistent with the SEC's investor protection mandate.

Section 4(a)(7)(i) provides a new subsection (i) to Section 14 of the Exchange Act. This section prevents the use of discriminatory tender offers by any person, including bidders and targets. This provision is a response to the recent decisions by the Delaware Court of Appeals in *Unocal Corp.* v. *Mesa Petroleum Company* and the Federal District Court for the Central District of California in *Unocal Corp.* v. *T. Boone Pickens.* At issue in both the Federal and Delaware litigation was the legality of Unocal's exclusionary tender offer. In the federal litigation, the issue was whether Williams Act prohibits exclusionary tender offers. In the Delaware litigation, Mesa Petroleum contended that the discriminatory exchange offer violated the fiduciary duties Unocal owed Mesa as a Unocal shareholder. The federal district court held that the Act does not impose an all holders requirement on bidders, stating that an all holders rule was substantive regulation of tender offers not intended by Congress. In rejecting the application of an all holders requirement, the federal district court cited the Commission's failure to adopt an all holders requirement that it had previously proposed. The court assumed that the Commission failed to act because the Commission either believed it lacked the authority to adopt such a rule or because it chose as a matter of policy not to do so. The Delaware court found that Unocal did not violate the fiduciary duties owed to Mesa since the execution of an exclusionary offer could be attributable to a rational business purpose. The court refused to substitute its views for those of the board.

These decisions address the scope of the Williams Act's coverage regarding the regu-

lation of contests for corporate control by questioning the SEC's authority to impose an all holders requirement on issuers. Section 4(a)(7)(i) eliminates any doubt with regard to the SEC's authority to promulgate rules in this area by imposing an all holders requirement and a best price provision upon bidders and issuers. The enactment of this section is not intended to suggest that the SEC lacks the authority to promulgate rules governing the conduct of tender offers. The SEC possesses the authority under sections 13(e), 14(d), 14(e) 23(a), 9(a)(6), 10(6) and 13(b) of the Exchange Act to promulgate rules in this area. However, the questions raised by the federal court's decision with regard to the applicability of an all holders requirement compel a statutory clarification of the scope of the Williams Act.

This provision facilitates the Williams Act's statutory purpose of investor protection because it precludes the making of tender offers to some shareholders while excluding others. It also precludes the making of an offer to all shareholders but at different terms. This provision is not a departure from the original intent of the Williams Act which was designed to favor neither the bidder nor the target. This provision increases investor protection by requiring that a tender offer must be extended to all holders of the class of securities subject to the offer and all such holders must be paid the highest consideration under the tender offer.

This provision is not intended to deprive management of an effective weapon which can be used to repel a takeover attempt. The legislation is intended to ensure that all shareholders have an opportunity to participate equally in a tender offer. This section prohibits both bidders and targets from conducting takeovers that exclude certain shareholders. This section is therefore not directed at certain offensive or defensive tactics. Rather, it is intended to ensure that all shareholders are accorded equal treatment under the Williams Act regardless of their identity, reputation or relationship with a bidder or a target.

Section 4(a)(7)(j) adds a new section 14(j) to the Williams Act that addresses the issues raised by large open market purchases that affect corporate control. The takeover contests between the Limited and Carter Hawley Hale Stores and Hanson Trust PLC and SCM Corporation are examples of large purchases that were determined not to constitute conventional or unconventional takeovers. In both cases, large percentages of a target's shares and the corresponding ownership interests were transferred in transactions that were not considered as conventional or unconventional tender offers and were therefore considered to be outside of the coverage of the Williams Act.

The SEC challenged the legality of the purchase program of Carter Hawley Hale and argued that the company's purchases constituted an unconventional tender offer. In *SEC* v. *Carter Hawley Hale Stores Inc.*, the court allowed the purchase of a large percentage of a target company's shares in a short time without requiring compliance with the Williams Act even where the purchase program was undertaken to defeat an offer conducted in accordance with that statute. The decision in *Hanson Trust PLC* v. *SCM Corp.* suggests that a bidder can begin a tender offer, thereby calling into play market forces that facilitate large accumulations of a target's stock, and then terminate the offer to take advantage of the market forces to purchase quickly an amount of stock in the open market that affects corporate control. This decision also suggests that an equal opportunity for shareholders to participate in tender offer transactions is not a goal of the Williams Act and that sophisticated investors do not need the protections of the Act. The decision demonstrates a fundamental failure of the court to comprehend the purpose of the investor protections provided by the Williams Act. This section and section 4(a)(7)(i) are designed to clarify any judicial misconstructions of the Williams Act. The Act is designed to treat all shareholders equally regardless of their level of sophistication and to ensure that all shareholders accorded the opportunity to participate in an offer at the same terms and for the same price.

Open market purchases that constitute unconventional tender offers merit regulation because a "purchaser" can effectively acquire contol of a corporation without paying the premium that usually accompanies such acquisitions. The shareholders are thereby denied the opportunity to realize a control premium. Further, some shareholders are either entirely excluded from participating in the purchase or prevented from having their shares taken up on a prorata basis as would be the case in a tender offer conducted in compliance with the Williams Act.

Section 4(a)(7)(j) limits the inequities suffered by shareholders in open market purchase programs that result in changes in corporate control by placing limitations on an acquiror's ability to acquire control by huge open market purchases that are not subject to the Williams Act. This section prohibits the acquisition of more than 2 percent in open market purchases of a company's outstanding securities in the calendar year after a person acquires beneficial ownership of 20 percent of a company's outstanding shares. The acquiror can continue to acquire 2 percent through open market purchases in each subsequent calendar year. Any acquisition above the 2 percent level in a calendar year once the 20 percent threshold has been reached can only be accomplished through a tender offer.

The 2 percent acquisition level is designed to permit acquisitions that are not substantial. Therefore, the requirements of this subsection do not apply to any acquisition or proposed acquisition when combined with all other acquisitions effected during the preceding 12 calendar months does not exceed 2 percent of the outstanding shares.

This section also contains exemptions that apply to: (i) acquisitions by gift, inheritance, bequest or other involuntary (ii) acquisitions by a statutory merger or combinaion consummated under the laws of the isser's state of incorporation; or (iii) any acquisition that the SEC by rule or regulation exempts in the public interest and consistent with the protection of investors. The exemptive language in this section and the other sections of the legislation grant the SEC the authority to exempt any transaction if the particular transaction will not change or influence control of the issuer or otherwise is not comprehended with the purposes of the Williams Act or the amendments to that Act contained in this legislation.

Section (4)(b)(k)(1) amends section 14 of the Exchange Act by defining persons for purposes of subsections (d), (e), (f), (g), (i) and (j) of Section 4(a) to include a group of persons, utilizing language similar to current section 14(d)(2). The statute thus makes explicit that the definition, which the Commission has interpreted as applying to current section 14(e), governs all tender offer provisions.

Section 4(b)(k)(2) provides that in determining for purposes of subsections (d), (g) and (j) of section 4(a), what constitutes a specified percentage of a class of any security, of the class shall be deemed to consist of the outstanding securities of the class, exclusive of securities held for the issuer or any subsidiary of the issuer.

Section 5 states that none of the provisions of the legislation limit the SEC's authority to supplement proration, withdrawal or minimum offering periods. The SEC has, and has exercised this authority under existing law.

The effective date of the legislation will be the date of enactment. The legislation does not apply to any tender offer that commences prior to the date of enactment.

Section 6 is intended to address the issues generated by the increased usage of high yield, non-investment grade bonds as a corporate finance technique. A great deal of publicity about the use of high yield, non-investment grade bonds has been generated by the use of these bonds to finance hostile corporate takeovers. Critics of the issuance of these bonds contend that they may not be suitable investments for the depository institutions, pension funds and other financial institutions that invest their assets through the purchase of these bonds. Supporters of high yield, non-investment grade bonds counter such criticisms by contending that: (1) the overwhelming majority of these bonds are used to finance corporate activity other than hostile takeovers; (2) these bonds have a significantly lower default rate than commercial bonds and other direct investments of the affected depository institutions; and (3) relatively few depository institutions are permitted to purchase these bonds and that these bonds have not eroded the safety and soundness of these institutions.

At present, several legislative proposals have been introduced that would curb investment in high yield, non-investment grade securities. Legislation that requires the imposition of these restrictions may ultimately prove necessary. However, attempts to develop an adequate legislative solution to curb investment in these bonds proved difficult due to a lack of information regarding the issuance of and investments in these bonds. Before restrictions are imposed that affect the issuance of and the investment in these bonds, further information is required.

The suitability of investments in high yield, investment grade securities by federally insured depository institutions will be specifically addressed in the Banking Committee's continued deliberations on federal deposit insurance reform. The regulation of investments in these bonds is more properly considered in the broader context of federal depository insurance reform rather than legislation that amends the Williams Act. At present, federal regulatory agencies possess the authority to supervise investment by federally insured depository institutions in such bonds. These federal agencies are empowered to restrict or prohibit any unsafe or unsound practices that would contribute to a weakness in an insured institution's financial condition. Prudence dictates that, before such investments are limited or prohibited and issuers suffer the unintended consequences of such restrictions, the breadth and depth of the market in high

yield, non-investment grade bonds be determined. Further, before legislation is enacted, Congress should consider expanding the scope of the supervision and enforcement powers of the regulatory agencies. Such an expansion of powers provides a more flexible approach to the regulation of investments in these securities. The information required in the Study mandated by Section 6 should provide Congress with timely and adequate data upon which to base its legislative deliberations.

Section 6 requires the Comptroller General, in coordination and consultation with the Securities and Exchange Commission, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Savings and Loan Insurance Corporation, the Federal Deposit Insurance Corporation, the Secretary of the Treasury and the Secretary of Labor to study the issuance and investment in high yield, non-investment grade bonds for the 5 years prior to the enactment of this Act, including:

(1) the identity and rating (as determined by Moody's, Standard and Poor's or other nationally recognized bond rating house) of the issuers of these bonds;

(2) the identity of the major purchasers of these bonds including, but not limited, to federally insured depository institutions;

(3) the percentage of the total amount of high yield, non-investment grade bonds that are issued as a method of financing corporate takeovers;

(4) the identity of the purchasers including, but not limited to, federally insured depository institutions, that invest in high yield, non-investment grade bonds that are issued as a method of financing corporate takeovers;

(5) the purposes of which high yield, non-investment grade bonds are issued other than for financing corporate takeovers;

(6) a summary and analysis of the adequacy of current state and federal laws that regulate investment in high yield, non-investment grade bonds, by investors including, but not limited to, federally insured depository institutions and pension funds; and

(7) a review of the impact of the issuance of and investment in high yield, non-investment grade bonds upon corporate debt as it relates to federal monetary policy.

The Study will be submitted to Congress within 120 days after the date of enactment of this legislation.●

By Mr. GORTON (for himself and Mrs. HAWKINS):

S. 1908. A bill entitled the "Consumer Lease and Lease-Purchase Agreement Act"; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER LEASE AND LEASE-PURCHASE AGREEMENT

Mr. GORTON. Mr. President, today I am introducing, for myself and Senator HAWKINS, the Consumer Lease and Lease-Purchase Agreement Act. The purpose of this measure is to enhance the consumer protection provided to people who lease products for longer term leases, or for short term leases with options to buy.

That such additional protections are required has been amply demonstrated. During the last Congress, Senator HAWKINS, my predecessor as chairman of the Subcommittee on Consumer Affairs of the Banking Committee, held hearings which documented the abuses which have been present in this field. Although the majority of businessmen and women engaged in the consumer products renting and leasing field are honest and straightforward in their business dealings, an unscrupulous minority has taken unfair advantage of unaware consumers with lease and lease purchase contracts that can only be described as exploitative.

The corrective measures proposed in this bill revolve around disclosure. This measure is intended to compliment, not replace, Federal and State measures covering deceptive trade practices. This measure would:

Provide for a list of items which must be disclosed to the consumer, which has been modeled on the Truth in Lending Act disclosures;

Limit balloon payments which exceed the value remaining in the product at the end of the lease term; and

Impose certain standards on consumer lease and lease purchase advertising.

In addition, the statute is written so as not to preempt any State laws in this area, except in the narrow case of outright inconsistency between the State and Federal law. All protections afforded by the consumer under State laws remain in effect, even if—indeed, especially if—such protections are stronger than under Federal law.

Mr. President, I commend the distinguished Senator from Florida for the work she did on the Banking Committee in the last Congress on this proposal. These provisions were included in the omnibus banking bill passed by the Senate last year, although the House of Representatives did not take them up. I intend to work to see that the Senate passes the measure again this Congress, and within a timeframe sufficient to ensure that the House also will pass a bill.

Mrs. HAWKINS. Mr. President, I am pleased to introduce with my good friend, Senator GORTON, the Consumer Lease and Lease Purchase Act. The provisions of this legislation are substantially similar to those submitted by the Federal Reserve Board in 1983 which I introduced last Congress while chairing the Banking Subcommittee on Consumer Affairs.

Consumers, particularly lower income working people feel they can't obtain credit. They are renting household items such as furniture and television sets without being informed of the total costs they may incur. It has been estimated that the number of such agreements is growing by up to 15 percent per year. Hearings held before the Banking Subcommittee on Consumer Affairs in 1983, while I was chairman, revealed that consumers are afforded no protection from sharp lease purchase practices on the Federal level, and only spotty protection from the States. A consumer from Miami, FL told us that she had been enticed into entering into a "buy by renting" arrangement under which she would become the owner of a TV, retailing for $637.95 after making a total of $2,109.12 in weekly payments. But it was only after the consumer had made $1,000 in payments that she found out from Legal Services that she would be required to make the total of $2,109.12 in payments.

The bill we are introducing today simplifies leasing rules by applying principles used in the 1980 simplification of the credit provisions of the Truth in Lending Act. It will also provide safeguards to limit balloon payments which exceed the value of that remaining in the product at the end of the lease term—which was the problem my constitutent fell victim to in Florida. The bill also emphasizes disclosure to consumers of essential cost information in a straightforward manner. Thus, it substantially reduces both the number and the complexity of the data disclosed, concentrating instead on the information most likely to be used in shopping and decision-making. The bill will also impose certain standards on the advertising of consumer lease and lease purchasing agreements.

Mr. President, let me say that I am grateful to my colleague, Mr. GORTON, for his efforts and concern of this very important issue and I look foward to working with him on this legislation.

By Mr. MITCHELL:

S. 1909. A bill to require the Secretary of the Treasury to notify Congress with respect to actions taken relating to investment of the assets of the Social Security Trust Funds; to the Committee on Finance.

NOTIFICATION TO CONGRESS RELATING TO INVESTMENT OF ASSETS OF THE SOCIAL SECURITY TRUST FUNDS.

Mr. MITCHELL. Mr. President, I rise today to introduce legislation which will assure that Congress and the members of the Social Security Board of Trustees are notified whenever the Secretary of the Treasury is unable to fully invest the assets of the Social Security trust funds in the event of a future debt limit problem.

My bill will further require that the report include an estimate of any interest loss or gain which may result from such action under current economic assumptions in the President's budget, the CBO baseline, and the trustee reports. When the uninvested funds have subsequently been reinvested in long-term securities, the Secretary shall file a revised report on the interest loss or gain.

We are all aware of recent events involving the investment and redemption policies used by the Secretary of

the Treasury with regard to Social Security trust funds. Earlier this fall, the Subcommittee on Social Security held a hearing on the issue of the recent divestment of Social Security short-term and long-term bonds. At that hearing, members of the committee not only learned that Treasury had been cashing in substantial amounts of long-term bonds from the Social Security trust funds over the past 3 months, but learned that there was no requirement that Treasury notify Congress of its intention to disinvest these bonds.

Mr. President, I find it unacceptable that there is no requirement that Congress be notified by the Treasury when it intends to take action affecting the Social Security trust funds.

To what extent the Social Security trust funds will be affected by recent events will not be known until next June 30, when all of Social Security's short-term assets are rolled over into long-term bonds. Harry Ballantyne, Chief Actuary of the Social Security Administration, has analyzed the possible ramifications of the Treasury's actions, and has stated that the losses could among to as much as $800 million over the next 15 years.

During the Senate debate on the budget reconciliation bill in November, Senator MOYNIHAN offered an amendment which addressed the current crisis facing the Social Security trust funds due to the recent debt limit situation. Senator MOYNIHAN's amendment, which was unanimously accepted by the Senate, would restore the losses, including interest lost, from funds which were disinvested or not invested from the Social Security trust funds since September.

Senator MOYNIHAN's amendment also requires a 15-day prior notification to Congress and the Social Security trustees of any intention by the Secretary of the Treasury to disinvest or not invest Social Security trust fund assets due to the debt limit.

The bill I am offering today will expand upon the precedent established in Senator MOYNIHAN's earlier amendment, and assure that any future losses to the Social Security trust funds due to a debt-limit crisis will be reported in full to the Congress. I believe it is important to require that the Treasury keep the Congress and the Social Security trustees fully apprised of any future disinvestment of funds, including an accurate account of the amount of interest lost to the trust funds.

Mr. President, we have an obligation to protect the Social Security trust funds from being used for any other purpose except to finance Social Security benefits. We must be watchful of the actions of the Treasury with regard to Social Security funds in the future, and make sure that any unusual action taken by the Secretary is done so with the full knowledge of the Congress and the trustees.

I believe that the bill I am introducing today will significantly improve vital communications between the Congress and the Secretary of the Treasury. We in the Congress must be fully cognizant of the actions of the Treasury with regard to the proper use of Social Security funds. I urge my colleagues to support this legislation.

ADDITIONAL COSPONSORS

S. 827

At the request of Mrs. HAWKINS, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 827, a bill to amend the Public Health Service Act to provide for the compensation of children and others who have sustained vaccine-related injuries, and for other purposes.

S. 1446

At the request of Mr. ANDREWS, the names of the Senator from California [Mr. WILSON], the Senator from Hawaii [Mr. INOUYE], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 1446, a bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of war?

S. 1773

At the request of Mr. LEAHY, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Iowa [Mr. GRASSLEY], and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 1773, a bill to express the policy of the Congress on the number of members of the Soviet mission at the U.N. headquarters.

S. 1818

At the request of Mr. DENTON, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1818, a bill to prevent sexual molestation of children in Indian country.

S. 1874

At the request of Mr. WEICKER, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1874, a bill to authorize quality educational programs for deaf individuals, to foster improved educational programs for deaf individuals throughout the United States, to reenact and codify certain provisions of law relating to the education of the deaf, and for other purposes.

S. 1889

At the request of Mr. DENTON, the names of the Senator from Oregon [Mr. PACKWOOD] and the Senator from Washington [Mr. GORTON], were added as cosponsors of S. 1889, a bill to amend title 11 of the United States Code, relating to bankruptcy, to prevent discharge of administratively ordered support obligations.

SENATE JOINT RESOLUTION 196

At the request of Mrs. HAWKINS, the names of the Senator from California [Mr. CRANSTON], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 196, a joint resolution designating September 22, 1986, as "American Business Women's Day."

SENATE JOINT RESOLUTION 198

At the request of Mr. MATHIAS, the name of the Senator from Ohio [Mr. METZENBAUM], was added as a cosponsor of Senate Joint Resolution 198, a joint resolution to designate the year of 1986 as the "Sesquicentennial Year of the National Library of Medicine."

SENATE JOINT RESOLUTION 220

At the request of Mr. MATTINGLY, the names of the Senator from California [Mr. CRANSTON], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 220, a joint resolution to provide for the designation of September 19, 1986, as "National P.O.W./M.I.A. Recognition Day."

SENATE JOINT RESOLUTION 235

At the request of Mr. DANFORTH, the name of the Senator from West Virginia [Mr. BYRD], was added as a cosponsor of Senate Joint Resolution 235, a joint resolution to designate the week of January 26, 1986, to February 1, 1986, as "Truck and Bus Safety Week."

SENATE JOINT RESOLUTION 236

At the request of Mr. GORTON, the name of the Senator from Mississippi [Mr. STENNIS], was added as a cosponsor of Senate Joint Resolution 236, a joint resolution to authorize and request the President to issue a proclamation designating April 20 through April 26, 1986, as "National Organ and Tissue Donor Awareness Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. THURMOND, the names of the Senator from Virginia [Mr. TRIBLE], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 242, a joint resolution to designate the year of 1986 as the "Year of the Flag."

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. BRADLEY, the name of the Senator from Pennsylvania [Mr. SPECTER], was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution in support of universal access to immunization by 1990 and accelerated efforts to eradicate childhood diseases.

AMENDMENT NO. 1183

At the request of Mr. BAUCUS, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of amendment No. 1183 proposed to S. 1884, a bill to amend the Farm Credit Act of 1971.

SENATE RESOLUTION 266—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 266

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. 1574, a bill to provide for public education concerning the health consequences of using smokeless tobacco products. Such waiver is necessary to permit the authorization of funds for fiscal year 1986 to carry out the responsibilities of the Secretary of Health and Human Services and the Federal Trade Commission under the bill and to enforce the provisions of the bill relating to the packaging and advertising of smokeless tobacco products.

SENATE RESOLUTION 267—ESTABLISHING A SPECIAL PANEL ON ASYLUM

Mr. HUMPHREY (for himself, Mr. DIXON, Mr. GRASSLEY, Mr. KERRY, Mr. DENTON, Mr. RIEGLE, Mr. D'AMATO, Mr. LAUTENBERG, Mr. SYMMS, Mr. BRADLEY, Mr. BOSCHWITZ, Mr. DECONCINI, Mr. ANDREWS, Mr. BAUCUS, Mr. HELMS, Mr. FORD, Mr. WALLOP, Mr. EAST, Mr. MCCLURE, Mr. HECHT, Mr. PROXMIRE, Mr. ARMSTRONG, Mr. HARKIN, Mr. HEFLIN, Mrs. HAWKINS, Mr. MURKOWSKI, Mr. MOYNIHAN, Mr. GARN, Mr. HATCH, Mr. LONG, Mr. NICKLES, Mr. PRESSLER, Mr. STEVENS, Mr. BOREN, Mr. HEINZ, Mr. MITCHELL, Mr. MATTINGLY, Mr. SPECTER, Mr. ABDNOR, Mr. EXON, Mr. ZORINSKY, Mr. SARBANES, Mr. SIMON, Mr. EAGLETON, Mr. PRYOR, Mr. GLENN, Mr. BURDICK, Mrs. KASSEBAUM, Mr. ROCKEFELLER, Mr. MELCHER, Mr. BUMPERS, Mr. GORE, and Mr. WARNER) submitted the following resolution; which was ordered to lie over under the rule:

S. RES. 267

Resolved,

SEC. 1. (a) that there is hereby established a special panel of the Senate, which may be called, for convenience of expression, the Special Panel on Asylum, to conduct an investigation and study of the general problems of persons from Communist countries asking the United States for asylum, including recent instances involving such persons, and the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in connection with such instances, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the rights of any person asking the United States for asylum in the future.

(b) The special panel created by this resolution shall consist of seven Members of the Senate, four of whom shall be appointed by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and three of whom shall be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special panel shall not be taken into account.

(c) The special panel shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the special panel during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the special panel or the chairman. Vacancies in the membership of the special panel shall not affect the authority of the remaining members to execute the functions of the special panel and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the special panel shall constitute a quorum for the transaction of business, but the special panel may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. That the special panel is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1(a). Without abridging or limiting in any way the authority conferred upon the special panel by the preceding sentence, the Senate further expressly authorizes and directs the special panel to make a complete investigation and study of the activities of any and all persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) Whether current procedures for handling persons asking the United States for asylum adequately protect the rights of such persons.

(2) Whether any officer or employee of the United States violated any law of the United States or of any state or municipality in connection with the defection attempt of Miroslav Medvid, including, but not limited to 18 U.S.C. 241, 18 U.S.C. 242, 18 U.S.C. 1201, 18 U.S.C. 1505, 18 U.S.C. 2, 18 U.S.C. 3, 18 U.S.C. 371, or any other statute, regulation, or procedure promulgated pursuant to the laws of the United States, or any state law or local ordinance.

(3) Whether there have been any additional instances in which persons asking the United States for asylum have been returned to the Soviet Union or other Communist nations in violation of the laws of the United States or any state or municipality thereof, or any regulation or procedure promulgated thereunder.

(4) What changes in the laws of the United States should be adopted to more adequately protect the constitutional, statutory, and moral rights of persons asking the United States for asylum.

SEC. 3. (a) To enable the special panel to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the special panel as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpoena or otherwise the attendance as witnesses of any persons who the special panel believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpoena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm or corporation to produce for its consideration or for any use as evidence in its investigation and study any books, correspondence, communications, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpoena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm or corporation to produce before the panel any books, correspondence, documents, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpoena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the Senate committees or the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the special panel or its chairman deems that such action is necessary or appropriate to enable the special panel to make the investigation and study authorized and directed by this

resolution; (11) to have access through the agency of any members of the special panel, chief majority counsel, minority counsel, or any of its investigatory assistants jointly designated by the chairman and the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the special panel to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpoenas may be issued by the special panel acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the special panel, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the special panel shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

SEC. 4. The special panel shall have authority to recommend the enactment of any new congressional legislation which its investigation considers is necessary or desirable to safeguard the rights of persons asking the United States for asylum.

SEC. 5. The special panel shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than one year after the effective date of this resolution. The special panel may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the special panel shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the special panel under this resolution shall not exceed $300,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special panel. The minority members of the special panel shall have one-third of the professional staff of the special panel (including minority counsel) and such part of the clerical staff as may be adequate.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATION, 1986

HOLLINGS (AND OTHERS) AMENDMENT NO. 1323

Mr. HOLLINGS (for himself, Mr. ZORINSKY, Mr. WEICKER, Mr. MATTINGLY, Mr. BUMPERS, Mr. HEFLIN, and Mr. RUDMAN) proposed an amendment to the amendment of the House to the amendment of the Senate numbered 134 to the bill (H.R. 3424) making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 1986, and for other purposes; as follows:

At the end of the amendment insert:

Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be made available to the National Endowment for Democracy.

APPLICATION OF ANTITRUST LEGISLATION TO INTERNATIONAL COMMERCE

DECONCINI AMENDMENT NO. 1324

(Ordered referred to the Committee on the Judiciary.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill (S. 397) to amend the Sherman Act and the Clayton Act to modify the application of such Acts to international commerce; as follows:

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

That this Act may be cited as the "Foreign Trade Antitrust Improvements Act of 1985".

SEC. 2. Section 7 of the Sherman Act (15 U.S.C. 6a) is amended by—

(1) inserting "(a)" before "This Act"; and

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

"(b) Whenever a motion to dismiss for lack of subject matter jurisdiction under this section shall be made in any action under the antitrust laws, the judge designated to hear and determine the case shall, except for good cause shown, hear and determine such motion, after such discovery or other proceedings directly related to the motion as the court deems appropriate, before conducting or permitting the parties to conduct any further proceedings in the action.".

SEC. 3. The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding after section 20 the following new section:

"SEC. 21. (a) Notwithstanding any other provision of the antitrust laws or any provision of any State laws similar to the antitrust laws, in any action brought by any person or State under the antitrust laws or similar State laws which involves trade or commerce with a foreign nation, the court shall enter a judgment dismissing the action as to all parties whenever it determines that the jurisdictional rule of reason requires such dismissal. In determining whether to dismiss the action, the court shall consider, as appropriate and without limitation except as provided in this Act, such factors as—

"(1) the relative significance, to the violation alleged, of conduct within the United States as compared to conduct abroad,

"(2) the nationality of the persons involved in or affected by the conduct,

"(3) the presence or absence of a purpose to affect United States consumers or competitors,

"(4) the relative significance and foreseeability of the effects of the conduct on the United States as compared with the effects abroad,

"(5) the existence of reasonable expectations that would be furthered or defeated by the action,

"(6) the degree of conflict with foreign law or foreign economic policies, and

"(7) the effect of the exercise of jurisdiction on international commerce.

"(b) Whenever a motion to dismiss pursuant to the jurisdictional rule of reason is made under this section, the court shall, after such discovery or other proceedings directly related to the motion as the court deems appropriate, and except for good cause shown, hear and determine such motion before conducting or permitting the parties to conduct any further proceedings in the action. The court shall notify the Attorney General upon the filing of any such motion and invite the views of the United States as to proper disposition of the motion.

"(c) If, in any action brought subsequent to the date of enactment of this section by any person or State under the antitrust laws or similar State laws and involving trade or commerce with a foreign nation, the Attorney General certifies to the court that the action will interfere with the conduct of the foreign relations of the United States, then the court shall enter a judgment dismissing the action as to all parties.".

SEC. 4. Section 12 of the Clayton Act is amended by—

(1) inserting "(a)" before "That suit"; and

(2) adding at the end thereof the following:

"(b) The doctrine of forum non conveniens shall be applicable in any suit, action, or proceeding under the antitrust laws that involves trade or commerce with a foreign nation, and nothing contained in this section or any other venue provision applicable to such suits, action, or proceedings shall be construed to prevent dismissal of such suits, actions, or proceedings on the ground of forum non conveniens.".

SEC. 5. The Clayton Act is amended by adding after section 4H the following:

"SEC. 4I. (a) Notwithstanding sections 4 and 4C, and in lieu of the relief provided for in such sections, and notwithstanding any provision of any State law providing damages for conduct similar to that forbidden by the antitrust laws, any person or State entitled to recovery on a claim under such section or provision shall recover (1) the actual damages sustained by such person or, in the case of a claim under section 4C, the total damage as described in subsection (a)(1) of such section, (2) interest calculated at the rate specified in section 1961 of title 28, United States Code, on such actual damages or the total damage as specified in subsection (d) of section 4 of the National Cooperative Research Act of 1984 (15 U.S.C.

4303(d)), and (3) the cost of suit attributable to such claim, including a reasonable attorney's fee, if such claim results from conduct occurring in the course of trade or commerce with a foreign nation and the court determines that—

"(A) the exercise of jurisdiction over the claim would be more consistent with the jurisdictional rule of reason if the claim were limited to actual damages or total damage as provided herein, and

"(B) the antitrust enforcement interest of the United States would not be substantially impaired if the claim were limited to actual damages or total damage as provided herein. In determining whether limiting the claim to actual damages or total damage renders the exercise of jurisdiction more consistent with the jurisdictional rule of reason, the court shall consider, as appropriate and without limitation except as provided in this Act, the factors specified in section 21(a) of this Act. In determining the effect of the limitation to actual damages or total damage on the antitrust enforcement interest of the United States, the court shall consider, as appropriate and without limitation except as provided herein, such factors as the nature of the violation claimed, the availability of governmental criminal or civil proceedings, the likely effect on the plaintiff's prosecution of the action if the claim is limited to single damages or total damage, and the existence of other private plaintiffs.

"(b) Whenever a motion to limit damages is made under this section, the court shall, except for good cause shown, hear and determine such motion, after such discovery or other proceedings directly related to the motion as the court deems appropriate, before conducting or permitting the parties to conduct any further proceedings in the action. The court shall notify the Attorney General upon the filing of any such motion and invite the views of the United States as to the proper disposition of the motion.".

● Mr. DeCONCINI. Mr. President, I am introducing today an amendment in the nature of a substitute to the Foreign Trade Antitrust Improvements Act of 1985, a bill designed to ameliorate the serious economic and political problems that can and do arise when the United States applies its antitrust laws to international trade and commerce. The amendment incorporates several clarifications and modifications to reflect the very useful testimony of the witnesses at the hearing on June 21, 1985, before the Senate Judiciary Committee and the consultations among interested parties that have taken place since the hearing. The modified bill that I introduce today was the subject of further hearings before the Senate Judiciary Committee on October 15, 1985, at which time it received the strong endorsement of leading U.S. business groups including the U.S. Chamber of Commerce and the Business Roundtable.

At the June 21 hearing, my proposed legislation was subject to thoughtful, extensive scrutiny by the representatives of the Departments of State and Justice, the international and antitrust sections of the American Bar Association, and the private international antitrust bar. In addition, written submissions were received from the Federal Trade Commission and the Bar Association of the City of New York. Finally, Mr. President, I have continued to receive formal and informal communications of support and constructive criticism from individuals in the business, governmental, academic, and private legal sectors, both in the United States and abroad. From all these sources, I drew many useful insights that were incorporated into the modified bill that was the subject of the October 15 hearing.

From everything I have heard, I think it is clear that there is strong and widespread agreement with my judgment that the Congress should act to reduce the conflicts between the United States and its trading partners over private antitrust enforcement. Reducing such conflicts is in the interests of the United States and of U.S. corporations doing business internationally, for reasons that I have set forth in my statements before this body on February 6, 1985, when I first introduced this legislation, and on February 27, 1985, when I shared with you the initial favorable reactions to the bill. Everything that I have been told strengthens my conviction that we are on the right track with this bill, that it is in fact long overdue, and that we should press forward to complete the legislative process and secure its enactment.

In my judgment, Mr. President, the bill that I reintroduce today solves the problems identified in the original bill and accommodates the legitimate concerns of the administration witnesses at the June 21 hearing—without in any way lessening the effectiveness of the bill. Indeed, as the strongly supportive testimony at the October 15 hearing confirms, the revised bill I introduce today is a better bill, not just a compromise. It is my hope and expectation that this new draft, as revised and clarified, will gain the active support of the administration. In this connection, it is my particular hope that the current review of antitrust legislation by the Cabinet councils on domestic and economic policy will cause the administration to focus on the problems addressed by my bill and the desirability of a solution along the lines that I have proposed.

The major modifications and clarifications in the Foreign Trade Antitrust Improvements Act of 1985 that I reintroduce today may be summarized as follows:

First, in sections 2(b), 3(b), and 5(b), providing for early judicial determination of motions based on the substantive provisions of these sections, I have adopted the suggestion of the Bar Association of the City of New York that while there should be a presumption favoring a stay of proceedings on the merits until these motions are decided, for good cause shown the court should be permitted to allow discovery on the merits to proceed during the pendency of the motion or motions. This change will reduce the temptation of defendants to file unmeritorious motions to dismiss or limit damages simply as a tactic to prevent the plaintiff from obtaining discovery on the merits that will be less effective if delayed—as where plaintiff faces the imminent loss of needed testimony or documents.

Second, several important changes have been made in the substantive provisions of section 3, providing courts with the authority to dismiss private antitrust damage actions that unnecessarily create international conflicts. To begin with, I have rephrased the operative jurisdictional test to rest explicity on the "jurisdictional rule of reason" that is well recognized even if not always applied, in American antitrust jurisprudence. This change has the advantage of making it clear that the bill's "balancing test" requires consideration not only of the foreign interests that may be affected by the private antitrust action but also the U.S. interest in promoting an efficient international trading system in which U.S. nationals engage in mutually beneficial commerce with foreign firms. This interest will be served by promoting the international system values inherent in the traditional concept of "comity," such as fairness to parties engaged in international trade, protection of justified expectations, efficiency in business decisionmaking and dispute resolution, and the like.

Next, I have purged the balancing test of any suggestion that the court, in applying the jurisdictional rule of reason should consider any foreign policy issues that are the exclusive province of the executive branch. This result has been accomplished by giving examples of the factors to be considered by the court in deciding whether to exercise jurisdiction over a private antitrust case involving international commerce. The factors specified are drawn principally from the Timberlane decision and Kingman Brewster's seminal discussion in 1958; excluded are the more "political" considerations added in Mannington Mills, as well as the too narrow formulations of the relevant foreign interests in the 1965 Restatement of U.S. Foreign Relations Law. I trust that this will satisfy the concerns of State and Justice over the judicial branch intruding into questions of foreign relations for which the executive branch is responsible.

Consistent with the foregoing clarifications, the role of the Attorney General in private antitrust cases affecting foreign national interests should be somewhat different from what was provided in the original draft of the bill. With the balancing test depoliticized and focused on the traditional

legal concept of comity, the court will not require the assistance of the Attorney General in applying the test. Such assistance should, however, be offered by the Justice Department as a matter of discretion more frequently than is now its practice, and the bill thus provides in section 3 for the court to invite the United States to express its views on motions to dismiss on comity grounds. On the other hand, where political foreign policy considerations dictate that jurisdiction should not be exercised, the executive branch should play the decisive role. In such a case what is required from the Attorney General is a certification that the executive branch has determined that the action will interfere with the conduct of U.S. foreign relations and ought therefore to be dismissed. A new subsection provides for such certification and dismissal.

Third, section 5, the detrebling provision, continues in the revised bill to perform the vital function of mitigating the impact on the international trading system of antitrust damage actions that raise substantial comity issues but do not quite meet the requirements for outright dismissal under section 3. Section 5 remains, therefore, a carefully limited step toward harmonizing the U.S. antitrust enforcement scheme with the competition laws of our trading partners and allies, who strongly object to our treble damage remedy. As redrafted, however, section 5 attacks the problem in a somewhat different way.

Revised section 5 contains, in addition to clarifying and conforming changes, two principal changes consistent with its basic purpose. One is that as redrafted, section 5 now provides that in considering detrebling the court should address the basic question of whether, even when it is reasonable for the court to permit the action to go forward, it is more reasonable that the action go forward only for compensatory, not punitive, damages. The factors that are relevant to determining whether the action would better satisfy comity requirements if it were detrebled are essentially the same factors that are relevant in applying the jurisdictional rule of reason, and the redrafted bill makes a cross-reference to section 3 at the appropriate point in section 5.

The other major change in section 5 is the addition of a new provision authorizing the court to refuse to detreble if to do so would substantially impair U.S. antitrust enforcement interests. Some of the factors bearing on this determination are specified in the text of the bill. I believe that limiting private antitrust actions to actual damages in cases raising substantial comity issues will, in the great majority of such cases, not significantly impair any U.S. enforcement interest, and I believe that in applying the specified factors and other appropriate considerations the courts will come to the same conclusion.

Fourth, the language of both sections 3 and 5 has been clarified to remove any possible doubt about the equal applicability of these sections to United States as well as foreign defendants. If an action is to be dismissed under the jurisdictional rule of reason, it is to be dismissed as to all defendants, United States as well as foreign. If the action is to be limited to single damages, it is to be so limited as to all defendants, United States as well as foreign. That was, I submit, the clear purport of the original text of the bill, but I am happy to put the question entirely to rest in this revision.

Let me mention one further technical point on this same subject, because the modification that I am about to note represents the one change in the bill that I introduce today as compared with the version that was the subject of the October 15 hearing. At the hearing the U.S. Chamber of Commerce drew attention to the fact that including the nationality of the parties as a factor to be considered in operating the jurisdictional rule of reason might in some cases enable a plaintiff to avoid a dismissal by omitting as defendants foreign corporations that were in fact involved in the conduct being challenged. I have dealt with this point by eliminating any reference to the nationality of "parties" and providing instead that the court should consider, among other things, the nationality of the "persons involved in or affected by the conduct" constituting the alleged violation—thus making it clear that it is the national connections of the persons or companies who engaged in the conduct about which the plaintiff complains, not the plaintiff's choice of defendants in the action, that is relevant to the court's determination as to whether to accept jurisdiction.

Mr. President, this last point about avoiding any possible discrimination against U.S. corporate defendants leads me to conclude by emphasizing the important benefits that will accrue to U.S. companies doing business internationally and thus to U.S. economic interests if the Foreign Trade Antitrust Improvements Act is enacted into law. At the present time, the overbroad exercise of U.S. jurisdiction in private antitrust cases subjects U.S. firms and their foreign subsidiaries and affiliates to added risks and unnecessary uncertainty about the legal consequences of their business conduct abroad. Moreover, United States "extraterritoriality" angers our trading partners and contributes to a climate of international opinion in which U.S. business interests are too often considered fair game for retaliatory or discriminatory legal action by foreign governments. And because the U.S. antitrust enforcement interest is so attenuated in so many of these cases, we get virtually nothing in return for all the trouble we cause ourselves. It is time for our courts to exercise a little judicial restraint in applying U.S. antitrust to international commerce, so that we do not unnecessarily burden U.S. companies' efforts to compete, for the good of the United States, in foreign and international markets.●

FURTHER CONTINUING APPROPRIATIONS, 1986

METZENBAUM (AND EVANS) AMENDMENT NO. 1325

Mr. METZENBAUM (for himself and Mr. EVANS) proposed an amendment to the joint resolution (H.J. Res. 465) making further continuing appropriations for the fiscal year 1986; as follows:

On page 29, line 15, strike all through page 31, line 2 and insert:

Except as otherwise provided in this item, all funds appropriated to the Energy Security Reserve are hereby rescinded. Funds so rescinded shall include all funds appropriated to the Energy Security Reserve by the Department of Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126), and subsequently made available to carry out title I, part B, of the Energy Security Act by Public Laws 96-304 and 96-514, and shall be deposited in the general fund of the Treasury. This recission shall not apply to:

(1) funds transferred from the Energy Security Reserve by this Act;

(2) 500,000,000, which may not be used for payments with respect to projects or modules under the Energy Security Act; and

(3) such amounts as may be necessary to make payments for projects or modules for which obligations were entered into under title I of the Energy Security Act before the date of enactment of this Act.

DODD (AND OTHERS) AMENDMENT NO. 1326

Mr. DODD (for himself, Mr. CRANSTON, Mr. PROXMIRE, Mr. KERRY, Mr. FORD, Mr. SASSER, Mr. LEVIN, Mr. LAUTENBERG, Mr. EXON, Mr. KENNEDY, Mr. RIEGLE, Mr. HEINZ, Mrs. HAWKINS, Mr. HART, Mr. GLENN, Mr. SARBANES, Mr. HARKIN, Mr. INOUYE, Mr. SIMON, Mr. MATSUNAGA, Mr. ANDREWS, Mr. DECONCINI, Mr. GRASSLEY, Mr. LEAHY, Mr. DIXON, Mr. D'AMATO, Mr. BUMPERS, Mr. MELCHER, Mr. BIDEN, Mr. QUAYLE, Mr. BRADLEY, Mr. BAUCUS, Mr. BINGAMAN, Mr. BURDICK, Mr. EAGLETON, Mr. GORE, Mr. JOHNSTON, Mr. METZENBAUM, Mr. PELL, Mr. PRYOR, Mr. ROCKEFELLER, Mr. KASTEN, Mr. MATTINGLY, Mr. SPECTER, Mr. WEICKER, Mr. SYMMS, Mr. MITCHELL, Mr. BOREN, Mr. DURENBERGER, Mr. PRESSLER, Mr. MOYNIHAN, Mr. RUDMAN, and Mr. MURKOWSKI) proposed an amendment to the

joint resolution (H.J. Res. 465), supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . Any joint resolution introduced on or after February 1, 1986, which states that the Congress objects to the proposed sale to Jordan of advanced weapons systems, including advanced aircraft and advanced air defense systems, (submitted to the Congress on October 21, 1985), shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

DECONCINI AMENDMENT NO. 1327

Mr. DECONCINI proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the end of the joint resolution, add the following:

SEC. . None of the funds available to the Bureau of Indian Affairs for the construction of housing on lands acquired pursuant to section 11(d) of Public Law 93-531, as amended, shall be expanded until a report is submitted to the House and Senate Committees on Appropriations detailing the proposed uses of such funds on the lands acquired pursuant to section 11(d) of Public Law 93-531.

In addition to plans for housing, the report shall include a description of other services intended to be provided including, but not limited, to water, sewers, roads, schools, and health facilities. If such services are not to be provided the report shall describe alternative services available. The report shall further identify the proposed sites to which households will be relocated, including the distance from the Joint Use Area to such sites.

The report shall be submitted no later than January 15, 1986, by the Navajo and Hopi Indian Relocation Commission with the concurrence of the Secretary of Interior.

RUDMAN (AND HATCH) AMENDMENT NO. 1328

Mr. McCLURE (for Mr. RUDMAN, for himself and Mr. HATCH) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the appropriate place in the resolution insert the following:

SEC. . None of the funds appropriated in this Act or any other Act to the Legal Services Corporation and made available to grantees may be expended by any recipient of such funds until such recipient has expended all funds carried over from previous fiscal years, unless the failure to expend the funds carried over from previous fiscal years has been approved by the Legal Services Corporation.

FORD (AND McCONNELL) AMENDMENT NO. 1329

Mr. HATFIELD (for Mr. FORD, for himself and Mr. McCONNELL) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

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

For purposes of this joint resolution, the following matter shall be deemed to be inserted before the period on line 23 of page 14 of H.R. 3011, as reported by the Senate Committee on Appropriations on September 24, 1985, shall be deemed to read as follows: ": *Provided further*, That $2,000,000 shall be available to assist local communities to protect Mammoth Cave National Park from groundwater pollution: *Provided further*, That the National Park Service share of the Mammoth Cave protection project shall not exceed 25 per centum".

BRADLEY (AND OTHERS) AMENDMENT NO. 1330

Mr. BRADLEY (for himself, Mr. KASTEN, Mr. INOUYE, Mr. HATFIELD, Mr. SIMON, Mr. GORTON, Mr. RIEGLE, Mr. MOYNIHAN, Mr. STAFFORD, and Mr. LAUTENBERG) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the end of the joint resolution, add the following new section:

SEC. . (a) The Congress finds that—

(1) the United Nations Children's Fund (UNICEF) reports that four million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diptheria, tetanus, and tuberculosis;

(2) at present less than 20 percent of children in the developing world are fully immunized against these diseases;

(3) each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social, and political development of their countries because they have not been immunized;

(4) ten million additional childhood deaths from immunizable and potentially immunizable diseases could be averted annually by the development of techniques in biotechnology for new and cost-effective vaccines;

(5) the World Health Assembly, the Executive Board of the United Nations Children's Fund, and the United Nations General Assembly are calling upon the nations of the world to commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

(6) the United States, through the Centers for Disease Control and the Agency for International Development, joined in a global effort by providing political and technical leadership that made possible the eradication of smallpox during the 1970's;

(7) the development of national immunization systems that can both be sustained and also serve as a model for a wide range of primary health care actions is a desired outcome of our foreign assistance policy;

(8) the United States Centers for Disease Control headquartered in Atlanta is uniquely qualified to provide technical assistance for a worldwide immunization and eradication effort and is universally respected;

(9) at the 1984 Bellagio Conference it was determined that the goal of universal childhood immunization by 1990 is indeed achievable;

(10) the Congress, through authorizations and appropriations for international health research and primary health care activities and the establishment of the Child Survival Fund, has played a vital role in providing for the well-being of the world's children;

(11) the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program; and

(12) the United States private sector and public at large have responded generously to appeals for support for national immunization campaigns in developing countries.

(b)(1) The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal by universal access to childhood immunization by 1990 by—

(A) assisting in the delivery, distribution, and use of vaccines, including—

(i) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 per centum of their annually projected target population with the full schedule of required immunizations, and

(ii) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(B) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

(2) In support of this global effort, the President should appeal to the people of the United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

BINGAMAN AMENDMENT NO. 1331

Mr. McCLURE (for Mr. BINGAMAN) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the end of the joint resolution insert the following:

SEC. . The Secretary of the Interior, acting through the Bureau of Indian Affairs and in consultation and cooperation with the Secretary of Health and Human Services and the Secretary of Education, shall develop and begin implementation of a program which provides instruction in health promotion and disease prevention to juvenile Indians enrolled in schools operated by, or on behalf of, the Bureau of Indian Affairs.

HATFIELD AMENDMENT NO. 1332

Mr. McCLURE (for Mr. HATFIELD) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

KERR LAND ACQUISITION

At the end of the bill insert the following new section:

"Notwithstanding any other provision in this joint resolution, there shall be appropriated $33,170,000 for land acquisition of the United States Fish and Wildlife Service, Land and Water Conservative Fund, within the Department of the Interior and $17,425,000 for land acquisition of the United States Forest Service, Land and

Water Conservation Fund, within the Department of Agriculture."

BAUCUS (AND CHAFEE) AMENDMENT NO. 1333

Mr. McCLURE (for Mr. BAUCUS, for himself and Mr. CHAFEE) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the end of the resolution insert the following:

SEC. . None of the funds provided in this Act may be used to establish new grizzly bear populations in any unit of the National Park System or the National Forest System where no verified grizzly bear population currently exists. None of the funds provided in this Act may be used for augmentation in occupied areas of grizzly bear habitat unless an augmentation plan has been developed and made available for public review and comment in full compliance with the National Environmental Policy Act by all participating federal agencies: *Provided*, That it is not intended to prohibit the preparation of proposals to augment existing grizzly bear populations in occupied grizzly bear habitat: *Provided further*, That such augmentation may be conducted only with funds specifically identified for such purpose in an agency budget justification and subsequently approved in a report accompanying an appropriation bill making appropriations for that agency, or with funds provided for through reprogramming procedures: *Provided further*, That notwithstanding any other provision of law, agencies included in this Act are authorized to reimburse permittees for such reasonable expenses as may be incurred as a result of moving permitted animals from one location to another, as may be required by the permitting agency, in order to prevent harassment and attacks by grizzly bears. Such expenses are to be determined by the agency responsible for the permitted action.

McCLURE AMENDMENT NO. 1334

Mr. McCLURE proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the end of the resolution add the following:

SEC. . Notwithstanding any other provision of this joint resolution $186,433,000 is appropriated to the Forest Service for reforestation, timber stand improvement, cooperative law enforcement and maintenance of forest development, roads and trails, to remain available until September 30, 1987.

PRESSLER AMENDMENT NO. 1335

Mr. McCLURE (for Mr. PRESSLER) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

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

Notwithstanding any other provision in this joint resolution, none of the funds provided by this Act shall be expended by the Secretary of the Interior to promulgate final regulations concerning paleontological research on federal lands until the Secretary has received the National Academy of Science's report concerning the permitting and post-permitting regulations concerning paleontological research and until the Secretary has, within 30 days, submitted a report to the appropriate committees of the Congress comparing the National Academy of Sciences report with the proposed regulations of the Department of the Interior.

BUMPERS AMENDMENT NO. 1336

Mr. BUMPERS proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the appropriate place in the joint resolution insert:

"No funds appropriated under this act for the Strategic Defense Initiatives Program shall be earmarked by any agency of the U.S. Government or any contractor exclusively for contracts with non-U.S. contractors, subcontractors, or vendors, or exclusively for consortia containing non-U.S. contractors, subcontractors, or vendors prior to source selection in order to meet a specific quota or allocation of funds to any Allied nation. *Furthermore*, it is the sense of the Congress that, whenever possible, the Secretary of Defense and others should attempt to award SDI contracts to U.S. contractors, subcontractors, and vendors unless such awards would degrade the likely results obtained from such contracts: *Provided further*, that allied nations should be encourage to participate in the SDI research effort on a competitive basis and be awarded contracts on the basis of technical merit."

GORTON AMENDMENT NO. 1337

Mr. McCLURE (for Mr. GORTON) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the end of the joint resolution insert the following:

SEC. . Notwithstanding any other provision of law, to satisfy an outstanding judgment against the Seattle Indian Health Board resulting from termination of its occupancy of the Kobe Park building in Seattle, Washington, $180,000 shall be provided from the unobligated balance available to the Indian Health Service from prior years' appropriation. Such payment shall be made only if the owners of the Kobe Park Building Company accept the sum named as full satisfaction for current or future claims against the Seattle Indian Health Board and the individual members of the Board.

SIMON (AND OTHERS) AMENDMENT NO. 1338

Mr. SIMON (for Mr. MATHIAS, Mr. KERRY, and Mr. BINGAMAN) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any other provision of this joint resolution, of the funds made available to the Department of Defense for fiscal year 1986 for research, development, test, and evaluation, Air Force, $5,000,000 shall be available only for the purpose of carrying out a research program to develop new and improved verification techniques to monitor compliance with any anti-satellite weapon agreement that may be entered into by the United States and the Soviet Union.

BINGAMAN (AND WILSON) AMENDMENT NO. 1339

Mr. BINGAMAN (for himself, Mr. WILSON, Mr. DOMENICI, and Mr. CRANSTON) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any other provision of this joint resolution, the total amount appropriated for the Defense Agencies of the Department of Defense for research, development, test, and evaluation to carry out the joint Department of Defense-Department of Energy conventional munitions technology development program is $10,000,000.

EXON (AND OTHERS) AMENDMENT NO. 1340

Mr. EXON (for himself, Mr. DOLE, Mr. ZORINSKY, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. COHEN, and Mr. MITCHELL) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . Section 221 of the Biomass Energy and Alcohol Fuels Act of 1980 (Public Law 96-294; 42 U.S.C. 8821) is amended by—

(1) Striking out "September 30, 1984" and inserting in lieu thereof "June 30, 1986"; and

(2) Adding at the end thereof the following: "The Secretary of Energy may modify the terms and conditions of any conditional commitment for a loan guarantee under this subtitle made before October 1, 1984, including the amount of the loan guarantee. Enactment of this Section shall not be interpreted as indicating Congressional approval with respect to any pending conditional commitments under this Act."

WILSON (AND CRANSTON) AMENDMENT NO. 1342

Mr. WILSON (for himself and Mr. CRANSTON) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

Insert where appropriate:

The Secretary shall include as part of the non-Federal contribution of the project for flood control, Fairfield Vicinity Streams, California, authorized in accordance with section 201 of the Flood Control Act of 1965, the cost of any work carried out by non-Federal interests on the project after December 31, 1973, and before the date of the enactment of this Act, if the Secretary determines such work is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

GORTON (AND OTHERS) AMENDMENT NO. 1341

Mr. GORTON (for himself, Mr. SASSER, Mr. QUAYLE, and Mr. EVANS) proposed an amendment to the joint resolution (H.J. Res. 465), supra; as follows:

At the appropriate place in this joint resolution, insert the following: Notwithstanding section 101 of this resolution, the amount appropriated for "Other procurement, Army" is $5,214,730,000.

PELL AMENDMENT NO. 1343

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 465), supra; as follows:

At the appropriate place in the bill add "for FY 1986 there are appropriated $9,476,875 for United Nations Environmental Program.

● Mr. PELL. Mr. President, I offer an amendment to increase the appropriations for the United Nations Environment Program to the level contained in the Foreign Assistance Authorization Act for this year.

Since 1979, Congress has funded UNEP at approximately the $10 million level. This has enabled UNEP to carry out key programs in the area of decertification, biological diversity, monitoring of chemical hazards, and international environmental law.

The cut contained in this continuing resolution would do serious damage to UNEP's ability to carry out these programs and to U.S. standing within UNEP.

Americans have been moved this year by the terrible toll that famine has taken on the people of Africa. Contributions from private American citizens have exceeded $100 million while U.S. Government has contributed more than one-quarter of a billion dollars. The African famine is fundamentally an environmental problem. It is pennywise and pound foolish for us to cut the one effective international environmental organization while expending hundreds of millions on emergency humanitarian assistance.●

WALT DISNEY RECOGNITION DAY

DOLE AMENDMENT NOS. 1344 AND 1345

Mr. DOLE proposed two amendments to the joint resolution (H.J. Res. 377) to designate December 5, 1985, as "Walt Disney Recognition Day"; as follows:

AMENDMENT No. 1344

On page 2, line 3, strike out "1985" and insert in lieu thereof "1986".

AMENDMENT No. 1345

The preamble is amended by amending the first 2 clauses to read as follows:

Whereas in 1986 there occurs the 31st anniversary of the founding of Disneyland; and the 15th anniversary of the founding of Disney World;

Whereas December 5, 1986, is the 85th anniversary of the birth of the founder of Disneyland and Disney World, Walter Elias Disney.

RELIEF OF MERCHANTS NATIONAL BANK OF MOBILE, AL

DENTON (AND HEFLIN) AMENDMENT NO. 1346

Mr. DOLE (for Mr. DENTON, for himself and Mr. HEFLIN) proposed an amendment to the bill (S. 593) for the relief of the Merchants National Bank of Mobile, AL; as follows:

On page 2 line 7 delete "(a)".

On page 2 delete lines 11 through 17.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that there will be a meeting of the Committee on Rules and Administration at 3:30 p.m., on Tuesday, December 10, 1985, in room EF-100, the Capitol, to consider executive and administrative business items currently pending on the committee's agenda.

The committee will be meeting to consider the nomination of Ralph E. Kennickell, Jr., of Virginia, to be Public Printer of the United States, to which position he was appointed during the last recess of the 98th Congress (December 11, 1984). Also scheduled is the selection of a vendor to provide a new telephone system for the Senate, and the consideration of a proposed amendment to the mass-mail regulations which would provide for reporting the cost on a quarterly basis of mass-mailings by each committee, leadership office, party conference, officer of the Senate, and other senatorial offices.

For further information regarding this business meeting, please contact Carole Blessington of the Rules Committee staff at 224-0278.

ADDITIONAL STATEMENTS

TRIBUTE TO SENATOR GOLDWATER

● Mr. HATCH. Mr. President, I would like to bring to the attention of the Senate a speech which was given by DeRoy Murdock in honor of our distinguished colleague Senator BARRY GOLDWATER. His remarks are certainly an extension of our admiration for the outstanding service that Senator GOLDWATER has given to the Senate and our Nation as a whole.

Mr. Murdock is a senior at Georgetown University and is the chairman of Free Students of America. For several years he has worked as an intern on my staff. I know of his abilities and his desire to help this country achieve its highest goals. Even as a college student, he is emerging as leader in our Nation. I hope that my fellow Senators will take the opportunity to read this speech.

The speech follows:

STATEMENT OF DEROY MURDOCK AT THE HERITAGE FOUNDATION'S TRIBUTE TO SENATOR GOLDWATER

Thank you Ladies and Gentlemen.

As I was thinking about this evening, I happened to remember the first time I saw Senator Barry Goldwater. I was just a 17 year old kid visiting Washington for the first time to witness a very special occasion: the Inauguration of Ronald Reagan as President. A couple of days after the Inaugural, I went to Capitol Hill to see the Senate in action. You can imagine my naivete. I anticipated seeing perhaps not 100 but at least 95 U.S. Senators very cordially sitting at their desks pondering and debating America's affairs of state.

So, I was quite disappointed to see there were only three Senators on the floor. Senator Stennis was arguing for increased military spending. Strom Thurmond was there, and so was Senator Goldwater who sat at his desk, with his hands folded as he listened to Senator Stennis' every word.

It then occurred to me that as busy as Senator Goldwater was, he still took time out of his schedule to show his support for a colleague across the aisle who was as concerned as he was about America's defense. Barry Goldwater made sure that John Stennis did not stand alone on the Senate floor that afternoon. As I pondered my first visit to Washington nearly five years ago to share in Ronald Reagan's inaugural, I was struck by the fact that I might likely not have made that trip had it not been for Senator Goldwater's crusade for principle as he sought the Presidency just one year after I was born. Barry Goldwater was guided by Richard Weaver's famous words, "Ideas have consequences." But he understood that the consequences are greatest when those ideas are put into action. Barry Goldwater challenged America's thinking by showing that growing government at home and shrinking freedom abroad were not the only answers. There was an alternative to the status quo based on philosophical principles and sound judgement stemming from reflection and, of course, common sense.

Though Senator Goldwater's initiative did not lead to victory in the narrowest sense of the word in 1964, we conservatives did not lose. As I was learning to walk and talk in Los Angeles, conservative activists, thinkers, and financiers were busy organizing to hold high the mantle of conservatism and prepare it for battle once again. When the battlefield shifted to California in 1966, conservatives were there, and they succeeded in their quest for virtue. They were successful there four years later. Through the 70's we built our strength in Congress and in the statehouses. 1976 did not go as we wished, but it brought about the dark ages of Jimmy Carter which did more to discredit the liberal mindset than a power failure at an Americans for Democratic Act convention. Finally, in 1980, in the first campaign in which I fought, we conservatives were able to get one of our own into the White House. The point is, Senator Goldwater, that in their hearts Americans knew you were right, but it just took them a while to do something about it!

As a member of the Third Generation of American conservatives, I must express my gratitude to Senator Goldwater for setting us on the path which has gotten us this far. Here we gather this evening, nearly 1000 conservatives (and a few members of the media, whatever they think. If they do). We

have not had to be scraped together from right-wing cells in the hinterland. We are the men and women who are opinion leaders and decision makers guiding the destiny of this nation. That is truly quite an achievement and for this we must all say, "Thank you, Barry Goldwater."

But where do we go from here? If I could resort to Greek mythology for a moment, our situation today reminds me of that poor old Greek, Sysiphus. Punished by the gods, he had to push a huge rock to the top of a hill only to see it roll back to the bottom. Sysiphus shoved the rock back up the hill, only to see the boulder tumble back down. This was to continue for eternity.

And for what must have seemed an eternity, we conservatives continuously fought liberalism, defeatism, isolationism and pessimism with the same frustrating lack of results which plagued Sysiphus. But Senator Goldwater and the First Generation of American conservatives were able to take the tumbling rock of the welfare state and international surrender and actually suggest that that rock need not always roll back down upon us. These men and women showed us that in fact we could defy gravity. By running against the odds, Barry Goldwater proved to be the quintessential optimist against defeatism of liberalism. He taught us that conservatives have faith in tomorrow while liberals are busy defending yesterday.

The Second Generation of American conservatives, with the help of Ronald Reagan, has been able to push the rock back up the hill, thus stymying the disaster we have known as liberalism.

The rock now lies on the top of that hill in a very unstable state of inertia. It is the task of the Third Generation, my generation of American conservatives, to take that liberal, statist, big taxing, big spending, pessimistic, gloomy and dusty rock and push it down the other side of the hill and back into the abyss where it belongs.

We must push hard to make Washington, D.C. a source of delight for tourists and depair for taxpayers. Just for laughs, we would love to put a couple of Federal Departments out of business.

And now that the forward march of Communism across the globe has been halted and indeed reversed, as Barry Goldwater a generation ago told us that it must be, it is the goal of the Third Generation to push the rock of Communist and Leninist tyranny down the hill and into the muck from which it erupted in 1917. We must push hard until eventually the Heritage Foundation and other conservative groups can open offices to advise the free governments in democratic Havana, democratic Budapest, democratic Prague, democratic Hanoi, democratic Phnom Penh, democratic Luanda, democratic Kabul, and democratic Managua! And I don't think it is too bold, ladies and gentlemen, to predict that someday we may even see tax cuts in liberated Moscow!

It must also be the task of the Third Generation to challenge the basic assumptions of the American people on issues of public policy. I believe sincerely that for us to affect everlasting change in America we need to do much more than just tinker with the budget a bit, or pass random pieces of legislation, important as these activities are. If we are truly going to fulfill our legacy from Barry Goldwater and leave our stamp on this nation as he has, we will have to engineer paradigm shifts in America's thinking.

For instance, the posturing and competition between the U.S. and the U.S.S.R. must seem entirely puzzling if an American does not see any significant differences between our two nations. Indeed things like America's defense buildup and our need ultimately to free the Soviet Empire will only make sense once the American public realizes that the Soviet Union is not morally equivalent to the United States but indeed is the moral equal of the Third Reich.

This combined effort of steamrolling in the opposite direction now that liberalism has been torpedoed and shifting the paradigms which guide America's thinking is quite a task, but it seems to be the next logical step in the development of the American conservative movement.

Were it not for the courageous, selfless, and uncompromising work which Senator Goldwater has performed for years in advancing the beliefs which we all share, this world might likely be an entirely different place. At home, some stifling form of socialism might exist. America's strength abroad might be much weaker, and the forces of Communism might have captured even more victims.

As we young conservatives of the Third Generation prepare to guide the movement in which we are all involved, we find ourselves in relatively sublime conditions. We have inherited a far better nation than we had just a few years ago and live in a world which, though often perilous, is filled with hope for the prospects of peace with freedom. Perhaps most importantly, our conservative philosophy is no longer seen as a gauche superstition, but now constitutes the articles of faith of our government. We have a long way to go, but we have already come a long way. And to a far greater extent than we can imagine, we have Senator Barry Goldwater to thank for that. Senator Goldwater, from the Third Generation, thank you very much.●

TOM CAWLEY, A DISTINGUISHED NEWSMAN

● Mr. MOYNIHAN. Mr. President, this past month, Thomas R. Cawley, the "Bard of Binghamton," died at 72. Tom Cawley was a Binghamton newspaperman for more than half a century. But his longevity as a reporter was far overshadowed by his poetry—his gracefully penetrating story, his telling phrase, the warmth and color that infused his writing, the overarching humor and humanity, and the transparent ease with which Tom Cawley put it down. Most of this focused on Binghamton and Broome County and its people. Tom told the essential story of that area for so many years. The Binghamton story was his story and his is the only book that contained it.

After years of reporting, Tom Cawley also started writing a column for the Evening Press in 1947, and wrote it almost until he died. For 31 years, he wrote five columns a week. And in that time, Tom became the best and best known newspaperman in Broome and its surrounding counties—informing, delighting and giving voice to the people who live there. He could have gone anywhere, but he chose to stay in what he would sometimes call, in mock deprecation, his "Bingington."

Mr. President, the Binghamton Evening Press has been one of the finest medium-size daily newspapers in the country—the deserved recipient of many awards. It has been blessed with the talents of many great editors, such as Erwin Cronk and Dick Venizelos. It has been blessed with the talents of many great reporters and columnists, such as Woody Fitchette, Gerald Handte, and Robert Manning, later editor of the Atlantic, and a current, longstanding reporter and columnist, Dave Rossie.

Mr. Rossie wrote of Mr. Cawley and Binghamton:

> He saw it through a lover's eyes. He would look out over the Chenango & Susquehanna and see the Seine or something even better. He would watch the winter sun chinning itself on South Mountain and describe it as if he were seeing it for the first time.

Dave Mack, the current managing editor of the newly combined Press and Sun-Bulletin said at Tom's funeral:

> The secret of this remarkable life, that made him the reporter, was that as much as we loved the man and his work, Cawley loved his work and us, as friends, as colleagues, as his beloved Binghamton, just a little bit more.

Tom Cawley took great pride in a simple declaration: "Look," he would say, "I'm a reporter."

He was the consummate reporter—about Binghamton, about people, He reported in his columns, in television and radio shows, and in occasional pieces for the New York Times.

Mr. President, nothing can encapsule over 5 million words that he wrote, but I would offer a column he wrote in 1970 for the New York Times, on politicians campaigning upstate, and one he did this past year, upon the death of his wife, which hint at his humor, grace, and affection.

The material follows:

A Good Friend to the Young Reporters is Gone

(By Tom Cawley)

I took a walk around this old neighborhood where I live two days before Christmas. It was its usual placid self, quietly busy with people impatient because the buses didn't seem to be running, and women picking up groceries in the markets.

The neighborhood was wearing its usual air with men and women going to mass at the Catholic church and wandering into the Episcopal, Lutheran and Methodist churches, and there was a bustle around the two neighborhood synagogues. In short, everything was normal.

The only desolate quality was that a friend of mine had died. She always had hooted at me because I was not a walker or a jogger or a runner.

When she walked, which was daily, she would come home and tell me the stories she had heard and seen. She never realized, I think, what a help she was. She would say, "Do you know what I saw today?" and she would tell me.

More frequently than not, it would be a good story for the paper. The girl was a natural reporter, with a reporter's instincts, and was reproachful when I would say thoughtlessly, "It doesn't sound like a good story to me."

She was a friend of reporters and a lot of their talent rubbed off on her. Especially the good ones. She doted on Woody Fitchette, Erwin Cronk, Dave Rossie, Dave Mack, Steve Lohr, Steve Morello, Bob Manning and Jerry Sullivan. She would say, "They're all smarter than you are."

The one thing I never got used to was that she was right. A good friend is the one who tells you the truth.

Then there was Peter Johnson, a good reporter in Washington. This house always has been full of children, and one of them was a noisy 5-year-old kid, named Pete Johnson. He would demand food and she would provide him with it, as she did for all the neighborhood kids.

One morning when I came home, she was on the telephone gabbing away with someone. She said to me after she had hung up the telephone, "That was Pete, Maybe you'd better call him back."

It turned out Pete was in Los Angeles. He didn't want to talk to me. He wanted to talk to her.

She was my best source, as the saying is. My good source, after she fell ill, disappeared.

She always looked for the good in people, even the worst, and she would find the good in them. Then she would tell me.

She always liked the late John O'Hara's short stories, the O'Hara who wrote when his wife died, "She never did an unkind thing to anyone." That about sums up June.

The young reporters she took in and sort of mothered are scattered all over the world these days. The letters that came were all addressed to her. When they came back to town for a minute, they came to see her.

Peter Johnson called the other midnight. He didn't want to talk to me. He wanted to talk about her. "I don't believe it," he said. He hadn't lost a surrogate mother. He had lost a good and firm friend.

[From the New York Times, June 6, 1970]

TOPICS: THE ART OF RED BARN CAMPAIGNING

(By Tom Cawley)

BINGHAMTON, N.Y.—In the 1966 campaign for Governor, Frank O'Connor of New York City stepped out of an airplane at Binghamton, ready to read a statement carefully prepared for the occasion. It was a lyrical tribute to Broome County, queen of dairyland.

A local political reporter glanced through the text swiftly and muttered to a city boy from The New York Times who had accompanied O'Connor on his upstate grope, "There haven't been any cows around here since Mrs. O'Leary ruined their image." The word got back to the Democratic nominee. His advisers suppressed the statement immediately and Mr. O'Connor ad libbed something or other.

His confusion was no less than that of Averell Harriman, who is at home in New Delhi, Paris and Sun Valley, but, like most politicians from the big city, awash in disorientation upstate. During a campaign, on the eve of Election Day, Mr. Harriman made a brief appearance at the door of his airplane at Binghamton and murmured how delighted he was to find himself once again in Elmira.

It is a political axiom to all residents of the vast upstate spaces that all candidates for public office live in Manhattan, the Bronx, Brooklyn or Long Island. Every four years, with their regalia clanking, their press aides whispering hoarsely, "No, not Binningtin, it's Bing-ham-ton!," their outriders alert for Indian raiding parties, the candidates venture north of Riverdale to distribute trinkets to the natives.

HORSES AND HIGHWAYS

They strive wistfully to identify with the picture their speech writers paint. They are briefed on new-mown hay. The children in the big centralized school districts of the sprawling suburbs around the industrial centers occasionally do get to see new-mown hay in a TV educational film given over to the quaint old practice of farming, featuring posed hayseeds.

They are filled in on red-painted barns. There are so few operable barns that a horse's neigh scares the drag racers off the four-lane highways that crisscross upstate. They are given the picture of bewhiskered old Yorkers whose conversation consist of "Yup." The only beards to be found upstate are on the 45-odd huge State University campuses that gradually are pushing the Adirondack Mountains back into Canada, and where conversation has graduated beyond one clear syllable.

The Red Barn Syndrome is the fault of the New York City political reporters. At least once during every statewide campaign, every New York writer is required to write one misty, Iroquois-smoke-tinted mood piece about the new red paint on the barns along Broome County roads, or lose his franchise.

The fact is that public safety experts have tabooed red as a color for roadside objects because at night the human eye has great difficulty detecting anything painted red. This is known as Perkinje's Shift, the discovery of Dr. J. E. Perkinje (1787-1869). It is because of Perkinje's Shift that upstate fire trucks are being painted yellow, but that's another story.

IN THE STICKS

The New York politicians try so strenuously to relate to the sticks that they overdo it. The late Senator Robert F. Kennedy (who delighted in saying, "I'm off to Johnson City" to the confusion of his advisers, who thought the only Johnson City was along the Pedernales River) took upstate to his bosom.

In a rush of affection, he got thirteen of its counties, gleaming with industrial plants and bursting with affluence, declared as part of Appalachia. This still has the boards of directors in the country clubs of Broome County fidgeting as they hoist their bonded whisky and toast the ways of downstate campaigners.●

PROBLEMS OF INDIAN TRIBES

● Mr. HATCH. Mr. President, as I have worked on the problems faced by Indians in my home State of Utah, I have become familiar with similar problems in other States. For example, the erosion of the economic base of the Blackfoot Tribe in Montana, because of drought and similar weather extremes, has been exacerbated by the unusually severe early season snow and cold. Cattle herds are at great risk, and other agricultural pursuits are endangered, all of which point to the necessity of expanding both employment and that economic base. All of the natural resources of the tribe should be carefully evaluated and developed, where feasible, to alleviate an unemployment rate approaching 60 percent.

We see here in microcosm the problems faced by many tribes, but we can also see possible solutions to some of these generic problems in steps being taken by the tribe in concert with one of my constituent firms from Utah to stem the tide. This past year INTEX Fuels and Chemical Co. has been working with the tribe on a proposal to construct a cogeneration project on the reservation at a cost of $13 million. The project is designed to produce electrical power, ethanol, and high protein feed.

Such projects have the potential of providing hope to the various tribes. Unfortnately, this particularly project has been delayed. Because of the time required for review by the Bureau of Indian Affairs, the BIA was unable to act by September 1985 on providing a 90-percent loan guarantee for the $13 million that was needed for the project. As we all know, it is very difficult to attract outside money for investments such as this. It is therefore critical that the 90-percent loan guarantee, where feasible, be provided for such projects if they are to be successful.

For such worthy purposes, I encourage the BIA, in appropriate circumstances, to approve such—90 percent—guarantees in this fiscal year so that real, unquestioned human needs can be met.●

HUGE INCREASE IN OIL IMPORTS PREDICTED BY ENERGY DEPARTMENT

● Mr. JOHNSTON. Mr. President, the United States faces a continuing long-term decline in domestic oil reserves and production, coupled with greatly increased oil imports. This projection is contained in the Department of Energy's soon-to-be-released national energy policy plan, according to an article in the December 3 issue of the Energy Daily.

This translates into very expensive reliance on oil imports with costs increasing from $60 billion this year to more than $100 billion per year by 2000, or $2.4 trillion from 1984 to 2010.

The preliminary DOE projections closely track a separate study done by the independent and highly respected Gas Research Institute.

Mr. President, these studies clearly demonstrate why it is very much in our national interest to continue our strategic petroleum reserve and synthetic fuels programs, as well as taking care that we do not discourage domestic oil production by changes in our tax laws. I ask that the Energy Daily article be printed in the RECORD.

The article follows:

HUGE INCREASE IN OIL IMPORTS FORECAST IN NEW DOE STUDY

(By Bill Rankin)

The United States faces a continuing long-term decline in domestic oil reserves and production, coupled with increased oil imports. This translates into spiralling costs for imported oil, from roughly $60 million this year to more than $100 billion a year by 2000. In total, the U.S. will spend more than $2.4 trillion for oil imports from 1984-2010, according to a draft of the President's 1985 National Energy Policy Plan (NEPP).

The soon-to-be released plan has been completed by the U.S. Department of Energy staff and is now circulating through federal agencies for comment.

Although many government and industry energy observers question the reliability and accuracy of such projections, this year's plan presents a staggering picture of increased and very expensive reliance upon oil imports into the next century. Concurring with the preliminary NEPP projections to a large extent is the Gas Research Institute, which released its 1985 baseline projections of U.S. energy supply and demand yesterday.

The draft NEPP assumes that Saudi Arablia will increase its production by next spring and maintain it at roughly 4.5 million barrels a day for the rest of the decade. This means relatively low oil prices for the period. In the 1990s, however, the Organization of Petroleum Exporting Countries (OPEC) is presumed to regain market control, with resulting price increases, according to the preliminary plan.

Using these assumptions as a reference, NEPP predicts:

U.S. domestic oil production (10.2 million barrels a day in 1984) will decline to 9 million b/d in 2000 and 7.6 million b/d by 2010, or 25 percent less than in 1984;

Annual oil import costs (constant 1984 dollars) will grow from $54 billion in 1990 to $106 billion in 2000 and $182 billion in 2010;

Total U.S. oil import costs will be roughly $350 billion for 1984-1990, $800 billion for 1991-2000 and $1.4 trillion for 2001-2010;

By 1990, the U.S. will be more heavily dependent upon oil imports than it was before the 1973 oil embargo; by 2000, oil imports could provide 47 percent of total U.S. oil consumption (versus 1984's 35 percent), an all-time U.S. record; and

From 1990 to 2010, U.S. domestic oil production will drop by 1.6 percent a year (from 10.5 million b/d to 7.6 million b/d), although real oil prices will increase at a substantial 4.6 percent annual rate (from $23 to $57 per barrel).

The preliminary plan predicts oil prices will increase gradually over the next 25 years: by 1990, $23 per barrel; 1995, $30; 2000, $37; 2005, $47; and 2010, $57. This constitutes a significant change of heart by the Administration, which in its 1984 forecast predicted oil prices to rise to $61 a barrel in 2000 and $90 a barrel by 2010. (The Gas Research Institute's projections, however closely track the 1985 NEPP projections. GRI predicts oil prices to cost $26 per barrel in 1990, $38.50 in 2000 and $57 in 2010.)

The preliminary NEPP plan also contains another drastic change from last year's plan. The 1985 draft says that by 2000, net energy imports will supply 17.2 percent of U.S. demand by 2000 and 15.3 percent by 2010. Last year's projection, however, predicted that net energy imports would account for just 8 percent of demand by 2000 and only 2.5 percent by 2010.

But sharing DOE's view of increased imports and decreased domestic production is GRI. Petroleum consumption will increase to 16.9 million b/d by 2010, says the institute. (NEPP says 16.4 million b/d.) "As a result, primary petroleum consumption grows at only 45 percent of the rate of growth in total energy demand," says the GRI forecast.

Despite the relatively slow growth in petroleum consumption, "declining petroleum production results in a significant increase in petroleum imports," says GRI. The institute projects that domestic production will fall from 10.3 million barrels per day in 1984 to 7.8 million barrels per day in 2010. GRI also predicts that between 1984 and 2010, the amount of petroleum imports needed to meet demand will increase from 4.8 million barrels per day to 9.3 million barrels per day.

Overall, GRI projects that total primary energy consumption will increase from 77.8 quads in 1984 to 102.2 quads in 2010 (a rate of 1.1 percent per year). Over the same period, the gross national product will grow at a 2.5-percent rate, says the forecast.●

IRA GERSHWIN'S BIRTHDAY

● Mr. D'AMATO. Mr. President, I rise today to salute the 89th birthday of Ira Gershwin and to pay tribute to both Ira and George Gershwin for their contributions to American music.

Ira Gershwin, one of the most talented American librettists and lyricists, has made an indelible mark in the annals of American music. His verses are as easily recalled today as they were when they were first written for the music of his brother, George Gershwin. Hum a Gershwin tune anywhere from New York to New Zealand and someone can finish the chorus.

George Gershwin began his musical career in 1914 at the age of 15, plugging his music as a pianist at Remicks, which was a music-publishing company in Tin Pan Alley—the center for popular music in New York and the Nation. George Gershwin's music soon reached the ears and hearts of every American. In 1924, George was joined by his brother, Ira, whose lyrics added a special dimension to George's music. Together, their creations blossomed, placing America on opera stages and in concert halls around the world.

The Gershwin's rise to fame came at a time when the United States was beginning to emerge as a world leader. During the Roaring 1920's, when the Gershwins first captured the hearts of divas and laymen the world over, the United States was beginning to distribute to the world the fruits of the labors of its people. Thomas Edison eliminated the darkness and recorded the human voice on a phonograph, and other Americans were perfecting the steamboat, the automobile, and the airplane. It was a time when Americans were in the forefront of every endeavor, but music. That void was filled by the Gershwins.

Let us spend a moment to reflect upon few of George and Ira's compositions. George Gershwin's first major hit came in 1919 with "Swanee," a song which Al Jolson sang with great vigor. George's love for music lead him to the concert hall with "Rhapsody in Blue," "Concerto in F," "An American in Paris," "Three Preludes," and many more. George's remarkable creations bring him and his works to mind when we least expect it.

Ira's presence in American music is felt with equal intensity. He composed some of the greatest lyrics known to all ages. He began writing lyrics for shows in 1918, and his first full fledged show as a lyricist was the musical comedy "Be Yourself." In 1924, Ira joined with George when he wrote the lyrics for his brother's musical comedy, "Lady, Be Good." Together, they later wrote "Summertime," "Strike Up the Band," and "Of Thee I Sing." With other composers, Ira wrote the lyrics for "The Man That Got Away" and "Long Ago and Far Away."

But there was never such harmony and feeling as when the two brothers worked together. Their culminating production, achieved in 1935, struck deep into the hearts of people everywhere. I speak, of course, of "Porgy and Bess." This masterpiece is celebrating its 15th anniversary this year.

Ira remained his brother's collaborator until George Gershwin's death in 1937, and his lyrics became an inalienable part of the whole, so that the brothers Ira and George Gershwin became artistic twins like Gilbert and Sullivan, indissolubly united in some of the greatest productions of theater music in America.

Earlier this year, I introduced legislation, Senate Joint Resolution 176, to award a special gold medal honoring George Gershwin to be presented to his sister, Frances Gershwin Godowski, and a gold medal honoring Ira Gershwin to be presented to his widow, Leonore Gershwin. I am pleased that Congress and the President saw fit to join me and make this measure law.

Let us remember these two great Americans and their emense contributions to American music as we commemorate the 89th birthday of Ira Gershwin. Indeed, what the Gershwins have achieved was not only to the benefit of American music, but also a contribution to the music of the whole world. Their music, in a remarkable way, has broadened communication between all peoples everywhere.●

SDI AND COMPUTER SOFTWARE

● Mr. BUMPERS. Mr. President, if there is one thing that both supporters and critics of the strategic defense initiative, or star wars, agree upon, it

is that the technical challenges it faces are very great indeed. As the Senate debate earlier this year illustrated, the technologies involved are beyond the present understanding of just about all the Members of this body. One of the biggest yet most subtle technical challenges in star wars is in the area of computer software, a technology where, I might add, the United States has a major lead over the Soviets.

For this reason I want to bring to the attention of my colleagues a useful article by David Parnas, a highly respected computer scientist, who has vast experience in defense computer software and who until his recent resignation was a member of the Strategic Defense Initiative Office's Panel on Computing in Support of Battle Management. Parnas' article which appears in the September-October 1985 issue of American Scientist, is actually a set of eight short essays which Parnas completed while he was still on the panel. They pinpoint the extreme difficulties facing our defense scientists in just this one technical area.

Although written for a scientific audience, so that some of the essays are on the technical side, they build a strong case that the United States could never have high confidence in the software that would support a deployed star wars defense system, much less in the system as a whole. As Parnas states:

> The inability to test a strategic defense system under field conditions before we actually need it will mean that no knowledgeable person would have much faith in the system . . . nuclear weapons will [thus] remain a potent threat.

I commend Parnas' essays on "Why the DSI Software System Will Be Untrustworthy" and "Is SDIO an Efficient Way to Fund Worthwhile Research?" to my colleagues' attention, and I ask that his article from American Scientist be printed in the RECORD at the conclusion of my remarks. While we certainly should continue research on ballistic missile defense technology at a prudent level, Parnas' article underscores the mistake we are making by rushing headlong into a star wars program before the major technical uncertainties are reduced to a manageable level.

The article follows:

SOFTWARE ASPECTS OF STRATEGIC DEFENSE SYSTEMS

(David Lorge Parnas)

This report comprises eight short papers that were completed while I was a member of the Panel on Computing in Support of Battle Management, convened by the Strategic Defense Initiative Organization (SDIO). SDIO is part of the Office of the US Secretary of Defense. The panel was asked to identify the computer science problems that would have to be solved before an effective antiballistic missile (ABM) system could be deployed. It is clear to everyone that computers must play a critical role in the systems that SDIO is considering. The essays that constitute this report were written to organize my thoughts on these topics and were submitted to SDIO with my resignation from the panel.

My conclusions are not based on political or policy judgments. Unlike many other academic critics of the SDI effort, I have not, in the past, objected to defense efforts or defense-sponsored research. I have been deeply involved in such research and have consulted extensively on defense projects. My conclusions are based on more than 20 years of research on software engineering, including more than 8 years of work on real-time software used in military aircraft. They are based on familiarity with both operational military software and computer science research. My conclusions are based on characteristics peculiar to this particular effort, not objections to weapons development in general.

I am publishing the papers that accompanied my letter of resignation so that interested people can understand why many computer scientists believe that systems of the sort being considered by the SDIO cannot be built. These essays address the software engineering aspects of SDIO and the organization of engineering research. They avoid political issues; those have been widely discussed elsewhere, and I have nothing to add.

In these essays I have attempted to avoid technical jargon, and readers need not be computer programmers to understand them. They may be read in any order.

The individual essays explain:

1. The fundamental technological differences between software engineering and other areas of engineering and why software is unreliable;
2. The properties of the proposed SDI software that make it unattainable;
3. Why the techniques commonly used to build military software are inadequate for this job;
4. The nature of research in software engineering, and why the improvements that it can effect will not be sufficient to allow construction of a truly reliable strategic defense system;
5. Why I do not expect research in artificial intelligence to help in building reliable military software;
6. Why I do not expect research in automatic programming to bring about the substantial improvements that are needed;
7. Why program verification (mathematical proofs of correctness) cannot give us a reliable strategic defense battle-management system;
8. Why military funding of research in software and other aspects of computing science is inefficient and ineffective. This essay responds to the proposal that SDIO should be funded even if the ABM system cannot be produced, because the program will produce good research.

WHY SOFTWARE IS UNRELIABLE

I. Introduction

People familiar with both software engineering and older engineering disciplines observe that the state of the art in software is significantly behind that in other areas of engineering. When most engineering products have been completed, tested, and sold, it is reasonable to expect that the product design is correct and that it will work reliably. With software products, it is usual to find that the software has major "bugs" and does not work reliably for some users. These problems may persist for several versions and sometimes worsen as the software is "improved." While most products come with an express or implied warranty, software products often carry a specific disclaimer of warranty. The lay public, familiar with only a few incidents of software failure, may regard them as exceptions caused by inept programmers. Those of us who are software professionals know better; the most competent programmers in the world cannot avoid such problems. This section discusses one reason for this situation.

II. System types

Engineering products can be classified as discrete state systems, analog systems, or hybrid systems.

Discrete state or digital systems are made from components with a finite number of stable states. They are designed in such a way that the behavior of the system when not in a stable state is not significant.

Continuous or analog systems are made from components that, within a broad operating range, have an infinite numbers of stable states and whose behavior can be adequately described by continuous functions.

Hybrid systems are mixtures of the two types of components. For example, we may have an electrical circuit containing, in addition to analog components, a few components whose descriptive equations have discontinuities (e.g., diodes). Each of these components has a small number of discrete operating states. Within these states its behavior can be described by continuous functions.

III. Mathematical tools

Analog systems form the core of the traditional areas of engineering. The mathematics of continuous functions is well understood. When we say that a system is described by continuous functions we are saying that it can contain no hidden surprises. Small changes in inputs will always cause correspondingly small changes in outputs. An engineer who ensures, through careful design, that the system components are always operating within their normal operating range can use a mathematical analysis to ensure that there are no surprises. When combined with testing to ensure that the components are within their operating range, this leads to reliable systems.

Before the advent of digital computers, when discrete state systems were built, the number of states in such systems was relatively small. With a small number of states, exhaustive testing was possible. Such testing compensated for the lack of mathematical tools corresponding to those used in analog systems design. The engineers of such systems still had systematic methods that allowed them to obtain a complete understanding of their system's behavior.

The design of many hybrid systems can be verified by a combination of the two methods. We can then identify a finite number of operating states for the components with discrete behavior. Within those states, the system's behavior can be described by continuous functions. Usually the number of states that must be distinguished is small. For each of those states, the tools of continuous mathematics can be applied to analyze the behavior of the system.

With the advent of digital computers, we found the first discrete state systems with very large numbers of states. However, to manufacture such systems it was necessary to construct them using many copies of very small digital subsystems. Each of those small subsystems could be analyzed and tested exhaustively. Because of the repetitive structure, exhaustive testing was not

necessary to obtain correct and reliable hardware. Although design errors are found in computer hardware, they are considered exceptional. They usually occur in those parts of the computer that are not repetitive structures.

Software systems are discrete state systems that do not have the repetitive structure found in computer circuitry. There is seldom a good reason to construct software as highly repetitive structures. The number of states in software systems is orders of magnitude larger than the number of states in the nonrepetitive parts of computers. The mathematical functions that describe the behavior of these systems are not continuous functions, and traditional engineering mathematics does not help in their verification. This difference clearly contributes to the relative unreliability of software systems and the apparent lack of competence of software engineers. It is a fundamental difference that will not disappear with improved technology.

IV. How can we understand software?

To ameliorate the problems caused by this fundamental difference in technology two techniques are available: (1) the building of software as highly organized collections of small programs and (2) the use of mathematical logic to replace continuous mathematics.

Dividing software into modules and building each module of so-called "structured" programs clearly helps. When properly done, each component deals with a small number of cases and can be completely analyzed. However, real software systems have many such components, and there is no repetitive structure to simplify the analysis. Even in highly structured systems, surprises and unreliability occur because the human mind is not able to fully comprehend the many conditions that can arise because of the interaction of these components. Moreover, finding the right structure has proved to be very difficult. Well-structured real software systems are still rare.

Logic is a branch of mathematics that can deal with functions that are not continuous. Many researchers believe that it can play the role in software engineering that continuous mathematics plays in mechanical and electrical engineering. Unfortunately, this has not yet been verified in practice. The large number of states and lack of regularity in the software result in extremely complex mathematical expressions. Disciplined use of these expressions is beyond the computational capacity of both the human programmer and current computer systems. There is progress in this area, but it is very slow, and we are far from being able to handle even small software systems. With current techniques the mathematical expressions describing a program are often notably harder to understand than the program itself.

V. The education of programmers

Worsening the differences between software and other areas of technology is a personnel problem. Most designers in traditional engineering disciplines have been educated to understand the mathematical tools that are available to them. Most programmers cannot even begin to use the meager tools that are available to software engineers.

WHY THE SDI SOFTWARE SYSTEM WILL BE UNTRUSTWORTHY

I. Introduction

In March 1983, the President called for an intensive and comprehensive effort to define a long-term research program with the ultimate goal of eliminating the threat posed by nuclear ballistic missiles. He asked us, as members of the scientific community, to provide the means of rendering these nuclear weapons impotent and obsolete. To accomplish this goal we would need a software system so well-developed that we could have extremely high confidence that the system would work correctly when called upon. In this section I will present some of the characteristics of the required battle-management software and then discuss their implications on the feasibility of achieving that confidence.

II. Characteristics of the proposed battle-management software system

1. The system will be required to identify, track, and direct weapons toward targets whose ballistic characteristics cannot be known with certainty before the moment of battle. It must distinguish these targets from decoys whose characteristics are also unknown.

2. The computing will be done by a network of computers connected to sensors, weapons, and each other, by channels whose behavior, at the time the system is invoked, cannot be predicted because of possible countermeasures by an attacker. The actual subset of system components that will be available at the time that the system is put into service, and throughout the period of service, cannot be predicted for the same reason.

3. It will be impossible to test the system under realistic conditions prior to its actual use.

4. The service period of the system will be so short that there will be little possibility of human intervention and no possibility of debugging and modification of the program during that period of service.

5. Like many other military programs, there are absolute real-time deadlines for the computation. The computation will consist primarily of periodic processes, but the number of those processes that will be required, and the computational requirements of each process, cannot be predicted in advance because they depend on target characteristics. The resources available for computation cannot be predicted in advance. We cannot even predict the "worst case" with any confidence.

6. The weapon system will include a large variety of sensors and weapons, most of which will themselves require a large and complex software system. The suite of weapons and sensors is likely to grow during development and after deployment. The characteristics of weapons and sensors are not yet known and are likely to remain fluid for many years after deployment. The result is that the overall battle-management software system will have to integrate a software system significantly larger than has ever been attempted before. The components of that system will be subject to independent modification.

III. Implications of these problem characteristics

Each of these characteristics has clear implications on the feasibility of building battle-management software that will meet the President's requirements.

1. Fire-control software cannot be written without making assumptions about the characteristics of enemy weapons and targets. This information is used in determining the recognition algorithms, the sampling periods, and the noise-filtering techniques. If the system is developed without the knowledge of these characteristics, or with the knowledge that the enemy can change some of them on the day of battle, there are likely to be subtle but fatal errors in the software.

2. Although there has been some real progress in the area of "fail-soft" computer software, I have seen no success except in situations where (a) the likely failures can be predicted on the basis of past history, (b) the component failures are unlikely and are statistically independent, (c) the system has excess capacity, (d) the real-time deadlines, if any, are soft, i.e., they can be missed without long-term effects. None of these is true for the required battle-management software.

3. No large-scale software system has ever been installed without extensive testing under realistic conditions. For example, in operational software for military aircraft, even minor modifications require extensive ground testing followed by flight testing in which battle conditions can be closely approximated. Even with these tests, bugs can and do show up in battle conditions. The inability to test a strategic defense system under field conditions before we actually need it will mean that no knowledgeable person would have much faith in the system.

4. It is not unusual for software modifications to be made in the field. Programmers are transported by helicopter to Navy ships; debugging notes can be found on the walls of trucks carrying computers that were used in Vietnam. It is only through such modifications that software becomes reliable. Such opportunities will not be available in the 30-90 minute war to be fought by a stategic defense battle-management system.

5. Programs of this type must meet hard real-time deadlines reliably. In theory, this can be done either by scheduling at runtime or by pre-runtime scheduling. In practice, efficiency and predictability require some pre-runtime scheduling. Schedules for the worst-case load are often built into the program. Unless one can work out worst-case real-time schedules in advance, one can have no confidence that the system will meet its deadlines when its service is required.

6. All of our experience indicates that the difficulties in building software increase with the size of the system, with the number of independently modifiable subsystems, and with the number of interfaces that must be defined. Problems worsen when interfaces may change. The consequent modifications increase the complexity of the software and the difficulty of making a change correctly.

IV. Conclusion

All of the cost estimates indicate that this will be the most massive software project ever attempted. The system has numerous technical characteristics that will make it more difficult than previous systems, independent of size. Because of the extreme demands on the system and our inability to test it, we will never be able to believe, with any confidence, that we have succeeded. Nuclear weapons will remain a potent threat.

WHY CONVENTIONAL SOFTWARE DEVELOPMENT DOES NOT PRODUCE RELIABLE PROGRAMS.

1. What is the conventional method?

The easiest way to describe the programming method used in most projects today was given to me by a teacher who was explaining how he teaches programming. "Think like a computer," he said. He in-

structed his students to begin by thinking about what the computer had to do first and to write that down. They would then think about what the computer had to do next and continue in that way until they had described the last thing the computer would do. This, in fact, is the way I was taught to program. Most of today's texbooks demonstrate the same method, although it has been improved by allowing us to describe the computer's "thoughts" in larger steps and later to refine those large steps to a sequence of smaller steps.

II. Why this method leads to confusion

This intuitively appealing method works well—on problems too small to matter. We think that it works because it worked for the first program that we wrote. One can follow the method with programs that have neither branches nor loops. As soon as our thinking reaches a point where the action of the computer must depend on conditions that are not known until the program is running, we must deviate from the method by labeling one or more of the actions and remembering how we would get there. As soon as we introduce loops into the program, there are many ways of getting to some of the points and we must remember all of those ways. As we progress through the algorithm, we recognize the need for information about earlier events and add variables to our data structure. We now have to start remembering what data mean and under what circumstances data are meaningful.

As we continue in our attempt to "think like a computer," the amount we have to remember grows and grows. The simple rules defining how we got to certain points in a program become more complex as we branch there from other points. The simple rules defining what the data mean become more complex as we find other uses for existing variables and add new variables. Eventually, we make an error. Sometimes we note that error; sometimes it is not found until we test. Sometimes the error is not very important; it happens only on rare or unforeseen occasions. In that case, we find it when the program is in use. Often, because one needs to remember so much about the meaning of each label and each variable, new problems are created when old problems are corrected.

III. What is the effect of concurrency on this method?

In many of our computer systems there are several sources of information and several outputs that must be controlled. This leads to a computer that might be thought of as doing many things at once. If the sequence of external events cannot be predicted in advance, the sequence of actions taken by the computer is also not predictable. The computer may be doing only one thing at a time, but as one attempts to "think like a computer," one finds many more points where the action must be conditional on what happened in the past. Any attempt to design these programs by thinking things through in the order that the computer will execute them leads to confusion and results in systems that nobody can understand completely.

IV. What is the effect of multiprocessing?

When there is more than one computer in a system, the software not only appears to be doing more than one thing at a time, it really is doing many things at once. There is no sequential program that one can study. Any attempt to "think like the computing system" is obviously hopeless. There are so many possibilities to consider that only extensive testing can begin to sort things out. Even after such testing, we have incidents such as one that happened on a space shuttle flight several years ago. The wrong combination of sequences occurred and prevented the flight from starting.

V. Do professional programmers really use this approach?

Yes. I have had occasion to study lots of practical software and to discuss programs with lots of professional programmers. In recent years many programmers have tried to improve their working methods using a variety of software design approaches. However, when they get down to writing executable programs, they revert to the conventional way of thinking. I have yet to find a substantial program in practical use whose structure was not based on the expected execution sequence. I would be happy to be shown some.

Other methods are discussed in advanced courses, a few good textbooks, and scientific meetings, but most programmers continue to use the basic approach of thinking things out that the computer will execute them. This is most noticeable in the maintenance (deficiency correction) phase of programming.

VI. How do we get away with this inadequate approach?

It should be clear that writing and understanding very large real-time programs by "thinking like a computer" will be beyond our intellectual capabilities. How can it be that we have so much software that is reliable enough for us to use it? The answer is simple; programming is a trial and error craft. People write programs without any expectation that they will be right the first time. They spend at least as much time testing and correcting errors as they spent writing the initial program. Large concerns have separate groups of testers to do quality assurance. Programmers cannot be trusted to test their own programs adequately. Software is released for use, not when it is known to be correct, but when the rate of discovering new errors slows down to one that management considers acceptable. Users learn to expect errors and are often told how to avoid bugs until the program is improved.

VII. Conclusion

The military software that we depend on every day is not likely to be correct. The methods that are in use in the industry today are not adequate for building large real-time software systems that must be reliable when first used. A drastic change in methods is needed.

THE LIMITS OF SOFTWARE ENGINEERING METHODS

I. What is software engineering research?

We have known for 25 years that our programming methods are inadequate for large projects. Research in software engineering, programming methodology, software design, etc., looks for better tools and methods. The common thrust of results in these fields is to reduce the amount that a programmer must remember when checking and changing a program.

Two main lines of research are (1) structured programming and the use of formal program semantics and (2) the use of formally specified abstract interfaces to hide information about one module (work assignment) from the programmers who are working on other parts. A third idea, less well understood but no less important is the use of cooperating sequential processes to help deal with the complexities arising from concurrency and multiprogramming. By the late 1970s the basic ideas in software engineering were considered "motherhood" in the academic community. Nonetheless, examinations of real programs revealed that actual programming practice, especially for military systems, had not been changed much by the publication of the academic proposals.

The gap between theory and practice was large and growing. Those espousing structured approaches to software were certain that it would be easy to apply their ideas to the problems that they faced in their daily work. They doubted that programs organized according to the principles espoused by academics could ever meet the performance constraints on "real" systems. Even those who claimed to believe in these principles were not able to apply them consistently.

In 1977 the management of the Naval Research Laboratory in Washington, DC, and the Naval Weapons Center in China Lake, California, decided that something should be done to close the gap. They asked one of the academics who had faith in the new approach (myself) to demonstrate the applicability of those methods by building, for the sake of comparison, a second version of a Navy real-time program. The project, now known as the Software Cost Reduction project (SCR) was expected to take two to four years. It is still going on.

The project has made two things clear: (1) much of what the academics proposed can be done; (2) good software engineering is far from easy. The methods reduce, but do not eliminate, errors. They reduce, but do not eliminate, the need for testing.

II. What should we do and what can we do?

The SCR work has been based on the following precepts:

1. The software requirements should be nailed down with a complete, black-box requirements document before software design is begun.
2. The system should be divided into modules using information-hiding (abstraction) before writing the program begins.
3. Each module should have a precise, black-box formal specification before writing the program begins.
4. Formal methods should be used to give precise documentation.
5. Real-time systems should be built as a set of cooperating sequential processes, each with a specified period and deadline.
6. Programs should be written using the ideas of structured programming as taught by Harlan Mills.

We have demonstrated that the first four of these precepts can be applied to military software by doing it. The documents that we have written have served as models for others. We have evidence that the models provide a most effective means of technology transfer.

We have not yet proved that these methods lead to reliable code that meets the space and time constraints. We have found that everyone of these precepts is easier to pronounce than to carry out. Those who think that software designs will become easy, and that errors will disappear, have not attacked substantial problems.

III. What makes software engineering hard?

We can write software requirements documents that are complete and precise. We understand the mathematical model behind such documents and can follow a systematic

procedure to document all necessary requirements decisions. Unfortunately, it is hard to make the decisions that must be made to write such a document. We often do not know how to make those decisions until we can play with the system. Only when we have built a similar system before is it easy to determine the requirements in advance. It is worth doing, but it is not easy.

We know how to decompose complex systems into modules when we know the set of design decisions that must be made in the implementation. Each of these must be assigned to a single module. We can do that when we are building a system that resembles a system we built before. When we are solving a totally new problem, we will overlook difficult design decisions. The result will be a structure that does not fully separate concerns and minimize complexity.

We know how to specify abstract interfaces for modules. We have a set of standard notations for use in that task. Unfortunately, it is very hard to find the right interface. The interface should be an abstraction of the set of all alternative designs. We can find that abstraction only when we understand the alternative designs. For example, it has proved unexpectedly hard to design an abstract interface that hides the mathematical model of the earth's shape. We have no previous experience with such models and no one has designed such an abstraction before.

The common thread in all these observations is that, even with sound software design principles, we need broad experience with similar systems to design good, reliable software.

IV. Will new programming languages make much difference?

Because of the very large improvements in productivity that were noted when compiler languages were introduced, may continue to look for another improvement by introducing better languages. Better notation always helps, but we cannot expect new languages to provide the same magnitude of improvement that we got from the first introduction of such languages. Our experience in SCR has not shown the lack of a language to be a major problem.

Programming languages are now sufficiently flexible that we can use almost any of them for almost any task. We should seek simplifications in programming languages, but we cannot expect that this will make a big difference.

V. What about programming environments?

The success of UNIX™ as a programming development tool has made it clear that the environment in which we work does make a difference. The flexibility of UNIX™ has allowed us to eliminate many of the time-consuming housekeeping tasks involved in producing large programs. Consequently, there is extensive research in programming environments. Here, too, I expect small improvements can be made by basing tools on improved notations but no big breakthroughs. Problems with our programming environment have not been a major impediment in our SCR work.

VI. Why software engineering research will not make the SDI goals attainable

Although I believe that further research on software engineering methods can lead to substantial improvements in our ability to build large real-time software systems, this work will not overcome the difficulties inherent in the plans for battle-management computing for SDI. Software engineering methods do not eliminate errors. They do not eliminate the basic differences between software technology and other areas of engineering. They do not eliminate the need for extensive testing under field conditions or the need for opportunities to revise the system while it is in use. Most important, we have learned that the successful application of these methods depends on experience accumulated while building and maintaining similar systems. There is no body of experience for SDI battle management.

VII. Conclusion

I am not a modest man. I believe that I have as sound and broad an understanding of the problems of software engineering as anyone that I know. If you gave me the job of building the system, and all the resources that I wanted, I could not do it. I don't expect the next 20 years of research to change that fact.

ARTIFICIAL INTELLIGENCE AND THE STRATEGIC DEFENSE INITIATIVE

I. Introduction

One of the technologies being considered for use in the SDI battle-management software is artificial intelligence (AI). Researchers in AI have often made big claims, and it is natural to believe that one should use this technology for a problem as difficult as SDI battle management. In this section, I argue that one cannot expect much help from AI in building reliable battle-management software.

II. What is artificial intelligence?

Two quite different definitions of AI are in common use today.

AI-1: The use of computers to solve problems that previously could be solved only by applying human intelligence.

AI-2: The use of a specific set of programming techniques known as heuristic or rule-based programming. In this approach human experts are studied to determine what heuristics or rules of thumb they use in solving problems. Usually they are asked for their rules. These rules are then encoded as input to a program that attempts to behave in accordance with them. In other words, the program is designed to solve a problem the way that humans seem to solve it.

It should be noted that the first definition defines AI as a set of problems, the second defines AI as a set of techniques. The first definition has a sliding meaning. In the Middle Ages, it was thought that arithmetic required intelligence. Now we recognize it as mechanical act. Something can fit the definition of AI-1 today, but, once we see how the program works and understand the problem, we will not think of it as AI anymore.

It is quite possible for a program to meet one definition and not the other. If we build a speech-recognition program that uses Bayesian mathematics rather than heuristics, it is AI-1 but not AI-2. If we write a rule-based progam to generate parsers for precedence grammars using heuristics, it will be AI-2 but and AI-1 because the problem has a known algorithmic solution.

Although it is possible for work to satisfy both definitions, the best AI-1 work that I have seen does not use heuristic or rule-based methods. Workers in AI-1 often use traditional engineering and scientific approaches. They study the problem, its physical and logical constraints, and write a progam that makes no attempt to mimic the way that people say they solve the problem.

III. What can we learn from AI that will help us build the battle-management computer software?

I have seen some outstanding AI-1 work. Unfortunately, I cannot identify a body of techniques or technology that is unique to this field. When one studies these AI-1 programs one finds that they use sound scientific approaches, approaches that are also used in work that is not called AI. Most of the work is problem specific, and some abstraction and creativity are required to see how to transfer it. People speak of AI as if it were some magic body of new idea. There is good work in AI-1 but nothing so magic it will allow the solution of the SDI battle-management problem.

I find the approaches taken in AI-2 to be dangerous and much of the work misleading. The rules that one obtains by studying people turn out to be inconsistent, incomplete, and inaccurate. Heuristic programs are developed by a trial and error process in which a new rule is added whenever one finds a case that is not handled by the old rules. This approach usually yields a program whose behavior is poorly understood and hard to predict. AI-2 researchers accept this evolutionary approach to programming as normal and proper. I trust such programs even less than I trust unstructured conventional programs. One never knows when the program will fail.

On occasion I have had to examine closely the claims of a worker in AI-2. I have always been disappointed. On close examination the heuristics turned out to handle a small number of obvious cases but failed to work in general. The author was able to demonstrate spectacular behavior on the cases that the program handled correctly. He marked the other cases as extensions for future researchers. In fact, the techniques being used often do not generalize and the improved program never appears.

IV. What about expert systems?

Lately we have heard a great deal about the success of a particular class of rule-based systems known as expert systems. Every discussion cites one example of such a system that is being used to solve real problems by people other than its developer. That example is always the same—a program designed to find configurations for VAX computers. To many of us, that does not sound like a difficult problem; it sounds like the kind of problem that is amenable to algorithmic solution because VAX systems are constructed from well-understood, well-designed components. Recently I read a paper that reported that this program had become a maintenance nightmare. It was poorly understood, badly structured, and hence hard to change. I have good reason to believe that it could be replaced by a better program written using good software engineering techniques instead of heuristic techniques.

SDI presents a problem that may be more difficult than those being tackled in AI-1 and expert systems. Workers in those areas attack problems that now require human expertise. Some of the problems in SDI are in areas where we now have no human experts. Do we now have humans who can, with high reliability and confidence, look at missiles in ballistic flight and distinguish warheads from decoys?

V. Conclusion

Artificial intelligence has the same relation to intelligence as artificial flowers have to flowers. From a distance they may

appear much alike, but when closely examined they are quite different. I don't think we can learn much about one by studying the other. AI offers no magic technology to solve our problem. Heuristic techniques do not yield systems that one can trust.

CAN AUTOMATIC PROGRAMMING SOLVE THE SDI SOFTWARE PROBLEM?

I. Introduction

Throughout my career in computing I have heard people claim that the solution to the software problem is automatic programming. All that one has to do is write the specifications for the software, and the computer will find a program. Can we expect such technology to produce reliable programs for SDI?

II. Some perspective on automatic programming

The oldest paper known to me that discusses automatic programming was written in the 1940s by Saul Gorn when he was working at the Aberdeen Proving Ground. This paper, entitled "Is Automatic Programming Feasible?" was classified for a while. It answered the question positively.

At that time, programs were fed into computers on paper tapes. The programmer worked the punch directly and actually looked at the holes in the tape. I have seen programmers "patch" programs by literally patching the paper tape.

The automatic programming system considered by Gorn in that paper was an assembler in today's terminology. All that one would have to do with his automatic programming system would be to write a code such as CLA, and the computer would automatically punch the proper holes in the tape. In this way, the programmer's task would be performed automatically by the computer.

In later years the phrase was used to refer to program generation from languages such as IT, FORTRAN, and ALGOL. In each case, the programmer entered a specification of what he wanted, and the computer produced the program in the language of the machine.

In short, automatic programming always has been a euphemism for programming with a higher-level language than was then available to the programmer. Research in automatic programming is simply research in the implementation of higher-level programming languages.

III. Is automatic programming feasible? What does that mean?

Of course automatic programming is feasible. We have known for years that we can implement higher-level programming languages. The only real question was the efficiency of the resulting programs. Usually, if the input "specification" is not a description of an algorithm, the resulting program is woefully inefficient. I do not believe that the use of nonalgorithmic specifications as a programming language will prove practical for systems with limited computer capacity and hard realtime deadlines. When the input specification is a description of an algorithm, writing the specification is really writing a program. There will be no substantial change from our present capability.

IV. Will automatic programming lead to more reliable programs?

The use of improved languages has led to a reduction in the amount of detail that a programmer must handle and hence to an improvement in reliability. However, extant programming languages, while far from perfect, are not that bad. Unless we move to nonalgorithmic specifications as an input to these systems, I do not expect a drastic improvement to result from this research.

On the other hand, our experience in writing nonalgorithmic specifications has shown that people make mistakes in writing them just as they do in writing algorithms. The effect of such work on reliability is not yet clear.

V. Will automatic programming lead to a reliable SDI battle-management system?

I believe that the claims that have been made for automatic programming systems are greatly exaggerated. Automatic progamming in a way that is substantially different from what we do today is not likely to become a practical tool for real-time systems like the SDI battle-management system. Moereover, one of the basic problems with SDI is that we do not have the information to write specifications that we can trust. In such a situation, automatic programming is no help at all.

CAN PROGRAM VERIFICATION MAKE THE SDI SOFTWARE RELIABLE?

I. Introducation

Programs are mathematical objects. they have meanings that are mathematical objects. Program specifications are mathematical objects. Should it not be possible to prove that a program will meet its specification? This has been a topic of research now for at least 25 years. If we can prove programs correct, could we not prove the SDI software correct? If it was proved correct, could we not rely on it to defend us in time of need?

II. What can we prove?

We can prove that certain small programs in special programming languages meet a specification. The word *small* is a relative one. Those working in verification would consider a 500-line program to be large. In discussing SDI software, we would consider a 500-line program to be small. The programs whose proofs I have seen have been well under 500 lines. They have performed easily defined mathematical tasks. They have been written without use of side effects, an important tool in practical programs.

Proofs for programs such as a model of the earth's gravity field do not have these properties. Such programs are larger; their specifications are not as neat or mathematically formalizable. They are often written in programming languages whose semantics are difficult to formalize. I have seen no proof of such a program.

Not only are manual proofs limited to programs of small size with mathematical specifications; machine theorem provers and verifiers are also strictly limited in the size of the program that they can handle. The size of the programs that they can handle is several orders of magnitude different from the size of the programs that would constitute the SDI battle-management system.

III. Do we have the specifications?

In the case of SDI we do not have the specifications against which a proof could be applied. Even if size were not a problem, the lack of specifications would make the notion of a formal proof meaningless. If we wrote a formal specification for the software, we would have no way of proving that a program that satisfied the specification would actually do what we expected it to do. The specification itself might be wrong or incomplete.

IV. Can we have faith in proofs?

Proofs increase our confidence in a program, but we have no basis for complete confidence. Even in pure mathematics there are many cases of proofs that were published with errors. Proofs tend to be reliable when they are small, well polished, and carefully read. They are not reliable when they are large, complex, and not read by anyone but their author. That is what would happen with any attempt to prove even a portion of the SDI software correct.

V. What about concurrency?

The proof techniques that are most practical are restricted to sequential programs. Recent work on proofs of systems of concurrent processes has focused on message-passing protocols rather than processes that cooperate using shared memory. There are some techniques that can be applied with shared memory, but they are more difficult than proofs for sequential programs or proofs for programs that are restricted to communication over message channels.

VI. What about programs that are supposed to be robust?

One of the major problems with the SDI software is that it should function with part of its equipment destroyed or disabled by enemy action. In 20 years of watching attempts to prove programs correct, I have seen only one attempt at proving that a program would get the correct answer in the event of a hardware failure. That proof made extremely unrealistic assumptions. We have no techniques for proving the correctness of programs in the presence of unknown hardware failures and errors in input data.

VII. Conclusion

It is inconceivable to me that one could provide a convincing proof of correctness of even a small portion of the SDI software. Given our inability to specify the requirements of the software, I do not know what such a proof would mean if I had it.

IS SDIO AN EFFICIENT WAY TO FUND WORTHWHILE RESEARCH?

The subject of this section is not computer science. Instead, it discusses an issue of concern to all modern scientists: the mechanism that determines what research will be done. These remarks are based on nearly 20 years of experience with DoD funding as well as experience with other funding mechanisms in several countries.

I. The proposal

In several discussions of this problem, I have found people telling me they knew the SDIO software could not be built but felt the project should continue because it might fund some good research. in this section I want to discuss that point of view.

II. The moral issue

There is an obvious moral issue raised by this position. The American people and their representatives have been willing to spend huge amounts of money on this project because of the hope that has been offered. Is it honest to take the attitude expressed above? Is it wise to have our policymakers make decisions on the assumption that such a system might be possible? I am not an expert on moral or polical issues and offer no answers to these questions.

III. Is DoD sponsoring of software research effective?

I can raise another problem with this position. Is the SDIO an effective way to get good research done? Throughout many

years of association with DoD I have been astounded at the amount of money that has been wasted on ineffective research projects. In my first contact with the US Navy, I watched million of dollars spent on a wild computer design that had absolutely no technical merit. It was abandoned many years after its lack of merit became clear. As a consultant for both the Navy and a number of contractors, I have seen expensive software research that produces very large reports with very little content. I have seen those large, expensive reports put on shelves and never used. I have seen many almost identical efforts carried out independently and redundantly. I have seen talented professionals take approaches that they considered unwise because their "customers" asked for it. I have seen their customers take positions they do not understand because they thought that the contractors believed in them.

In computer software, the DoD contracting and funding scheme is remarkably ineffective because the bureaucrats who run it do not understand what they are buying.

IV. Who can judge research?

The most difficult and crucial step in research is identifying and defining the problem. Successful researchers are usually those who have the insight to find a problem that is both solvable and important.

For applied research, additional judgment is needed. A problem may be an important one in theory, but there may be restrictions that prevent the use of its solution in practice. Only people closely familiar with the practical aspects of the problem can judge whether or not they could use the results of a research project.

Applied research must be judged by teams that include both successful researchers and experienced system engineers, They must have ample opportunity to meet, be fully informed, and have clearly defined responsibilities.

V. Who judges research in DoD?

Although there are a few notable exceptions within DoD, the majority of those who manage its applied research program are neither successful researchers nor people with extensive system-building experience. There are outstanding researchers who work for DoD, but most of them work in the laboratories, not in the funding agencies. There are many accomplished system builders who work for DoD, but their managers often consider them too valuable to allow them to spend their time reviewing research proposals. The people who end up making funding decisions in DoD are very often unsuccessful researchers, unsuccessful system builders, and people who enter bureaucracy immediately after their education. We call them technocrats.

Technocrats are bombarded with weighty volumes of highly detailed proposals that they are ill prepared to judge. They do not have the time to study and think; they are forced to rely on the advice of others. When they look for advice, they look for people that they know well, whether or not they are people whose areas of expertise are appropriate, and whether or not they have unbiased positions on the subject.

Most technocrats are honest and hardworking, but they are not capable of doing what is needed. The result is a very inefficient research program. I am convinced that there is now much more money being spent on software research than can be usefully spent. Very little of the work that is sponsored leads to results that are useful. Many useful results go unnoticed because the good work is buried in the rest.

VI. The SDIO

The SDIO is a typical organization of technocrats. It is so involved in the advocacy of the program that it cannot judge the quality of the research involved.

The SDIO panel on battle-management computing contains not one person who has built actual battle-management software. It contains no experts on trajectory computations, pattern recognition, or other areas critical to this problem. All of its members stand to profit from continuation of the program.

VII. Alternatives

If there is good research being funded by SDIO, that research has an applicability that is far broader than the SDI itself. It should be managed by teams of scientists and engineers as part of a well-organized research program. There is no need to create a special organization to judge this research. To do so is counterproductive. It can only make the program less efficient.

VIII. Conclusion

There is no justification for continuing with the pretense that the SDI battle-management software can be built just to obtain funding for otherwise worthwhile programs. DoD's overall approach to research management requires a thorough evaluation and review by people outside the DoD.●

AIDS IN NEW YORK CITY

● Mr. D'AMATO. Mr. President, I rise today to address one of the most serious and least understood diseases of our time—acquired immune deficiency syndrome.

New York City has the largest concentration of individuals with AIDS in the United States. Approximately 34 percent of all AIDS patients live in the New York metropolitan area.

The strain of the AIDS virus in New York City, pneumocystis carinii pneumonia, is distinctly different from that which exists in other parts of the country. Furthermore, an increasing proportion of the individuals with AIDS in New York City are IV-drug users. In 1981, only 18 percent of the total number of AIDS patients in New York City were IV-drug users. Today, that figures has risen to 33 percent.

The statistics are staggering; 60 percent of all IV-drug users in New York City have a positive test for the AIDS virus. It is estimated that 10 percent of these individuals eventually will contract the disease.

I commend my colleague in the House, Representative RANGEL, for taking the initiative to address the problem of AIDS in New York City by recently holding a hearing on the connection between IV-drugs and AIDS. This hearing featured as witnesses a number of public officials involved with law enforcement, health, and education. Their testimony was frightening.

One witness noted that New York City now has approximately 198,000 heroin addicts. In addition, the New York State Division of Substance Abuse Services indicates that 30,796 individuals in New York City were in State-funded treatment programs at the end of May 1985. At that time, methadone programs were operating at over 100 percent capacity with 24,130 clients.

The witnesses agreed that preventive education relating to drugs and AIDS is vital to the well-being of the youth of our country. I endorsed the need for significant drug-related educational efforts in the schools.

Preventive education in the schools is an effective way of targeting the individuals most at risk in the city. Younger and younger individuals are getting involved with drugs. It is high time we started to catch and warn these children before they take the step to get on the needle. Once they are on the needle, it is very difficult to get them off. This has significant implications for how we should go about combatting drugs and AIDS: The key is to catch people now, before they become addicts.

Recent research implies that non-IV-drugs also may be significant cofactors in the transmission and spread of AIDS. A very high percentage of AIDS patients have used marijuana, butyl nitrate, alcohol, PCP, or cocaine on a continual basis over a long period of time. These drugs weaken the body's immune system, making the body vulnerable to virus and infection. If these cofactors do play a significant role in the transmission of AIDS, drug prevention—both for IV-drugs and non-IV-drugs—is vital.

The hearing revealed New York City's specific areas of need if we are to make an all-out campaign against drug use and AIDS. The educational system, health care facilities, and law enforcement agencies all must be involved. A combined, collaborative effort is the only way New York City will be able to tackle this problem.

I bring this hearing to the attention of my colleagues because I believe the rest of the country can learn from the experience of New York City. All States eventually will have to come to terms with the difficult problem of AIDS and drug use. The fact that the two are so closely connected is a tragedy in and of itself. However, it is my hope that we can look beyond the tragedy and seriously address our efforts to arrest this problem. This year's appropriation of $234 million for AIDS research, education, and treatment is a promising step in the right direction.

This Nation requires a well thought-out and all-encompassing approach to deal with drug use and the spread of AIDS. The answer to this dilemma results in educational and research efforts that we, as public officials, can influence.●

ADVANCE NOTIFICATION OF 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 receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the Chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC.

In reply refer to: I-17112/85ct.

Dr. M. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country tentatively estimated to cost $50 million or more.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.●

TIME INC. CHAIRMAN RALPH P. DAVIDSON'S EFFORTS TO KEEP AFFIRMATIVE ACTION STRONG

● Mr. MOYNIHAN. Mr. President, I rise today to call my colleagues' attention to an article by a distinguished American and fellow New Yorker, Ralph P. Davidson, chairman of Time Inc.

In an essay in the November 25 edition of the New York Times Ralph Davidson eloquently affirms the importance and effectiveness of Federal affirmative action, noting that the executive order mandating this program enjoys not only the support of Republicans and Democrats but that of the business community as well.

Mr. President, as Assistant Secretary of Labor under President Johnson, I participated in the drafting of Executive Order 11246, the most recent in a series of Executive orders which, since 1941, have imposed nondiscrimination requirements and, since 1961, have required affirmative action in the employment practices of contractors and subcontractors of the Federal Government.

Ralph Davidson writes—quite correctly, I believe—that had this order mandated quotas of any kind, the American people, particularly the business community, would have abandoned it years ago. But that has not happened: the numerical goals have provided and expanded opportunity for tens of thousands of job-seeking Americans, who might otherwise have been left out of the American dream.

Mr. President, Ralph Davidson is respected and admired across America and I ask that his essay in the New York Times be printed in the RECORD.

The essay follows:

KEEP FEDERAL AFFIRMATIVE ACTION STRONG

(By Ralph P. Davidson)

Imagine a Government program that's been supported by five Presidents, Republicans and Democrats in both houses of Congress, the A.F.L.-C.I.O. and the National Association of Manufacturers. Imagine, too, a program credited with increasing the participation of women and minorities in our economy at small cost to taxpayers. Such a program, combining the goals of social justice with economic common sense, might seem an abstract ideal. It already exists. It's called affirmative action.

Affirmative action was set in place almost a quarter century ago by President John F. Kennedy and strengthened by the executive order signed into law by President Lyndon B. Johnson in 1965. Since then, affirmative action has proven its worth, using the leverage of Federal contracts and public investment to create equal job opportunities and thus translate the dreams of the civil rights struggle into reality.

Now there's pressure in the Administration to change the executive order by removing the statistical measurements—the "goals and timetables"—that give affirmative action its teeth. Proponents of this change base their case on three major points.

First, they argue that the order creates racial "quotas"—fixed and unalterable percentages to be met at any cost. "Quota" is a word that rankles and outrages many people, and if the order had in fact established quotas, pressure to rewrite it would have arisen long ago.

But this hasn't been the case. Most companies supported—and continue to support—the executive order. Why? For the simple reason that affirmative action isn't a bureaucratic inquisition aimed at enforcing a quota system. It hasn't meant the imposition of inflexible numbers. What it has meant is that those doing buisness with the Government must demonstrate a "good faith" effort to give women and minorities a fair share of the opportunities generated by Federal contracts. Instead of coercing businesses to follow a course they would otherwise resist, this requirement has, in many cases, reinforced already existing private sector affirmative action programs.

Second, opponents of the executive order complain that it constitutes a hidden tax, adding needlessly to the expenses of companies forced to keep records of their attempts to comply. But this ignores the fact that most companies routinely establish explicit goals to be met within prescribed periods of time. "Management-by-objective" isn't a creature of affirmative action. It's a tested business technique; and, as applied to hiring, it's an effective way of tapping new talent and opening avenues for those who, no matter how talented or ambitious, were denied advancement because of race or sex.

The third objection is that affirmative action is unnecessary. Now that de jure discrimination has been dismantled, the argument goes, the way is clear for women and minorities. The free market will do the rest.

In a time of economic growth and relative prosperity, its tempting to believe this. Unfortunately, the statistics tell another story. While the poverty rate recently showed an overall decline, it's still significantly higher than a decade ago. The rate for Hispanics actually rose. Unemployment is more than twice as high for blacks as for whites. Female-headed households still make up the bulk of the disadvantaged.

The bottom line is that the same people who suffered the most from the deep cuts in social spending of the past few years—in housing, education, job training, nutrition, child care—also profited the least from economic growth. For most of them, there is no fabled ladder of economic opportunity but rather a treadmill of underemployment and joblessness, of opportunities forever beyond their reach.

Any change in the executive order would only deprive us of one of the few proved and practical means we have of helping people stand on their own feet. It would open the way for the slow unraveling of all the hard-won gains of the past two decades.

Two centuries ago, Edmund Burke pointed out that "a state without the means of some change is without the means of its own conservation." Affirmative action is the means of constructive change. With it, we can continue to open doors to those long denied the opportunity to compete. The executive order should be affirmed. The door should not be closed.●

NATIONAL AUTISM WEEK

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to Calendar No. 450 (S.J. Res. 230).

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 230) to designate the week of December 1, 1985, through December 7, 1985, as "National Autism Week."

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ABDNOR. Mr. President, as a cosponsor of Senate Joint Resolution 230, Senator KERRY's resolution to designate this week as "National Autism Week," I am especially pleased to report that concerned parents in my State have formed the South

Dakota Society for Autistic Children [SDSAC].

I commend my colleague from Massachusetts for his efforts to call attention to autism, and I encourage our colleagues to read a speech given earlier this year by Mrs. Cathy Maynard, president of SDSAC, in which she gives a very personal and moving account of how she and her husband, David, discovered their son, Jon, is autistic. As Mrs. Maynard points out, autistic children are capable of leading meaningful, productive lives, if only their disorder is identified and addressed appropriately.

Mr. President, I ask that the entire text of Mrs. Maynard's statement be included in the RECORD.

The statement follows:

I'm here today to talk to you about autism. Some of you undoubtedly know as much, or more, about the clinical symptoms of autism as I do. The behavioral, language, and social problems of autistic children are pretty well known, so some of what I'll be talking about may already be quite familiar to you.

Part of what I want to give you today, though is something that you may not find in some of the text-books, or in the medical definitions on autism. Because, you see, only a few of the professionals who wrote the textbooks on autistic children actually live with autism "25" hours a day. The ones who do, are, like myself, the parents of an autistic child.

Most parents of autistic children are not nationally known experts in the field of autism. They're ordinary people, people from all walks of life.[1] People of all nationalities, people who may live next door, your neighbors. People who have, or at least started out with, the same hopes and dreams, for their child as you have for yours. The parents of autistic children are no different than you or I. Autism can occur in any family. No groups of people are safe from the possibility that some of their children will be autistic. Without warning, autism occurred in my own family. It could also occur in yours.

Autism turned our sedate, normal, ordinary lives into a circus of the inane. I marvel at the long-past, distant time in our lives. Before autism, when we actually worried about such trivia as our bank loan, or what I might wear to my sister's wedding.

Before Autism, our lives were probably much like yours. We quickly learned, though, that we simply did not have time to be concerned about things like what we wore to a wedding. Even bank loans took a back seat in the worry department. Our lives were consumed by trying to deal with a million child-rearing difficulties that weren't even mentioned in the books we'd read by Dr. Spock or Patterson. None of the books on parenting discussed how to deal with a child who screamed in terror when he saw peas as circles. None of the parenting books mentioned things like head banging or wrist biting.

As another parent once wrote: "Autism is a very traumatic, but effective cure for caring too much about what other people think of you. It is perhaps, the ultimate liberator."[2]

[1] Warren
[2] Akerley

As I mentioned earlier, the parents of autistic children are basically, no different than any other parent. The only possible difference is that they are trying to deal, often unsuccessfully, with behaviors that the parents of normal children never come in contact with. Thus, they live with the chronic unending stress of Autism.

Our son, Jon, is 9½ years old. Last September he was diagnosed as mildly autistic by Dr. Lee Marcus at division T.E.A.C.C.H. (Treatment and Education of Autistic and related Communication handicapped Children). University of North Carolina at Chapel Hill. Jon was autistic from the moment of his birth. Probably even before his birth. However, autistic children do not come with a label on their backs declaring their handicap, or with a tag on their forehead giving instructions on how to deal with the devasating challenges of raising an autistic child.

When Jon was born we never dreamed that someday, after all the years and years of unanswered questions, we'd end up going all the way across the country to have our son evaluated by some of the world's foremost experts in the field of autism. We know, though, that we'd find answers in North Carolina. After 9 years, we'd know, one way or the other exactly what was wrong with Jon.

When Jon was born we rejoiced! A perfect child! Our son. We, like other parents, assumed that our child was perfectly normal. He was the frosting on our cake, the joy of our lives. We already had a beautiful little daughter and the birth of a son was more than we had dared to hope for. Not only was Jon an only son, but also an only grandson, an only nephew. This was Jon Maynard, the last of a long family line, fifth generation Maynard to live on a farm homesteaded nearly 100 years ago by his great-great-grandfather.

Jon was the only male child to carry on the family name. Hopes and dreams had no limitations! We said, just like a million other parents before us, and like a lot of you may someday say to yourself as you gaze at your newborn child, "This little boy can do anything! He might even grow up to be President someday!" He was special, unique. At that time, we were unaware of just how special and unique Jon actually was. How "different."

This little boy was not going to grow up to be President, or an astronaut, or a doctor, or a teacher, or even a supermarket clerk, or a ditchdigger. Our hopes and dreams gradually changed. They're now more tuned-in to Jon. We now hope and dream that Jon will have some kind of place in society. That he can live a life of dignity. That people will be compassionate, and try to understand that being "different" is not a crime. We hope and dream that, perhaps in the kind of sheltered environment that Jon will need as an adult, he'll be able to live a meaningful and productive life.

Autistic children do grow up, and the parents of autistic children do not live forever. Thus, we're faced with a great worry that the parents of normal children never consider. What will become of our children when we're no longer there to care and provide for them? No longer there to protect them?

The future is grim. According to NSAC statistics, between 95 and 98 percent of all autistic adults are institutionalized.

It does not have to be this way. Appropriate educational services for autistic children can make the difference. For some, the difference will be enough to enable them to lead productive lives as adults; live in community settings instead of meaningless existences in institutions. However, unless parents know exactly what their child's handicap is, and what kind of educational services he needs, they will be unable to advocate for these services. Unable to advocate for their child's very future.

Each of you in this room can help. It should not, of course, fall solely upon the shoulders of educators to diagnose an autistic child. Such an evaluation should also include input from a psychologist, or child psychiatrist, who has specific training in the field of autism. Information and observations from teachers and speech clinicians often proves invaluable in the diagnostic evaluation of autistic children. They're the professionals who are in daily, close contact with the child, and in some occasions, are the first professional to actually start piecing together the child's various symptoms.

Some of you in your future professions as teachers or speech clinicians, will undoubtedly come into contact with autistic children. Do not be surprised if these children are not diagnosed or labeled. Afterall, South Dakota is a noncategorical State.

Some of the children, even though they are not adequately diagnosed, may have strings of adjectives in their records that seem to avoid the real issue. Some of these vague or incorrect labels may be "developmental delay with autistic-like features," or "behavioral abnormalities with retardation," "emotional disturbance with expressive language delay."

At one point, many years ago, we believed that the noncategorical system was "humane," less stigmatizing. Professional after professional told us that it didn't matter what was wrong with a child, as long as the treatment was the same. This is a myth. Treatment is not the same. Different handicaps require different treatments. I cannot stress that point strongly enough. Unless a child receives an accurate diagnosis for whatever his handicap may be, treatment will be, at best, guesswork, haphazard, a hit and miss affair.

In trying to decide what to talk to you about today, I contacted a few of the parents I know who also have autistic children. I asked them, in their opinion, what they felt I should tell you. What was most important to them? What would have helped them the most when they were searching for answers? They, like my husband and I, feel that it's crucial to the progress of the child to have an accurate diagnosis.

Tell the parents what you see, and what those symptoms may mean. Assist the parents in finding someone with expertise in autism to evaluate their child. If a child is indeed autistic, early diagnosis means early treatment. Years and years are often wasted simply because no one actually has the courage to go out on a limb and say, "I think your child may have a lifelong handicap called autism."

I know that's a tragic thing to have to tell any parent. And its easy to understand why some doctors and educators pass the buck, or say nothing, just in case they could be wrong. However, parents are usually the first to notice that something is amiss with their child. The sooner they know what is wrong, the sooner they'll be able to pick up the pieces of their lives, and plan accordingly.

Are you still wondering if you could ever have the courage to be the bearer of such bad news? If so, for a moment, try to imagine that you have a child. A perfectly

normal, beautiful child, who laughs and plays, and talks, and hugs you. A child that you love more than life itself. A child that you, would do anything for, because, after all, you're a typical parent, just like a million other parents. Just like me. Try to imagine that your child seems very ill, vomits day and night, and is running a high fever. Your beautiful child no longer laughs, or smiles, or hugs you. Your once healthy child is obviously ill, and needs help.

Your worry is continual. Could it be the flu? Something worse? What? Oh, my God. Reye's syndrome?

Try to imagine taking your sick child from doctor to doctor, seeking help, seeking answers to the always present question of, "What is wrong with my child?" Try to imagine being told, "We don't know. We'll look at the child again in a year," or being told "Nothing is wrong with your child . . . he'll outgrow that fever." Try to imagine being asked, "What did you do to make your child sick?" or, being told to go down the hall to Dr. X, who is an "authority" Dr. X sends you to Dr. Y. Dr. Y tells you to quit wasting your time in search of answers. It doesn't matter what the problem is as long as treatment is the same. Dr. Y sends your sick child to Dr. Z, and Dr. Z sends your child all the way back to Dr. A. Full circle.

Try to imagine the constant fear, constant worry, always there. "What is wrong with my child? Surely we must know what is wrong before we can know what to do about it!" Try to imagine that this intense worry is with you for a week, and then two weeks. And then a month.

The continual, unending stress would be more than many parents could endure. After all, you are like a million other parents. Nothing is more important than your child.

Now, pretend that your child is not the normal, smiling, beautiful child who was sick for a month. Pretend that your child is a different one. Again, a beautiful child, but one who doesn't like hugs, or being snuggled. A child with perfect features and an angelic smile. A child who runs in circles for hours, following the endless road of a braided rug. A child who says words and phrases over and over, but who cannot communicate. Your child is a question without an answer, a puzzle with only half the pieces, a child half-way here, half-way there. A child who seems, in some ways, to be a budding genius. In other ways, to be severely retarded. A child who sometimes seems deaf, unhearing. And yet, at other times, he hears the slightest sound. A child who becomes intensely absorbed in watching his fingers make lines on smooth surfaces. A child who screams for hours, and can tolerate not the slightest change. A child who can spin coins and jacks with the greatest ease. A child who does not know how to wave goodbye, or cry when he's hurt. Imagine that this child is your child.

The worry doesn't stop in a week, or in a month, or in a year, or in two years, or three. Can you imagine living for years, asking the endless question, "Help me, please. What is wrong with my child?" The answer is autism.

Knowing the answer is difficult to deal with, and hard to bear. Not knowing the answer is impossible to deal with, unbearable.

Perhaps you're wondering how misdiagnosis, or no diagnosis can be harmful to an autistic child. There are countless examples, but let me give you only a few. These examples are some that occurred with our own son over the years.

When Jon was just barely 2, we put our fears into words, and asked our family doctor why Jon screamed constantly, and had made no real effort to talk. Jon had said a few single words, but the words were not used to tell us anything. . . . They did not seem to be the building blocks of developing language. Our doctor glanced at the wild child on my lap, and said, "You've got to have control. Children must know their limits." He obviously thought this must be an extreme case of poor discipline. I felt as though I had been reprimanded by God! If only our doctor had taken just one moment, to think of our perfectly behaved daughter, he might have realized that Jon's problems needed further investigation. As for Jon's lack of speech, he said, "Some perfectly normal children don't say much until they're 5 years old."

Our doctor did not refer Jon to other professionals who may have been able to diagnose his autism at an early age. Thus, Jon missed out on the early help that he desperately needed. And, we were not spared the needless trek that so many other parents of autistic children have also endured. Dragging their children from one ill-informed "Pseudo-expert" to another. Searching for answers. Getting none that fit, for years.

When Jon was 3 years and 9 months old. He had his first seizure, and was hospitalized for a medical work up. Old records of Jons hospitalization refer to a child who used only echolalia, mimicked noises that he heard, and parroted questions that were asked him. The records describe a child who had reduced facial expression, and a reserved manner around people. A child who insisted that certain routines and rituals be followed. A child who tantrumed and screamed. A child who would eat little other than mandarin oranges and malts. A child who liked to manipulate objects that could spin. A child who was not potty-trained. A child who was developmentally delayed. A child who, when asked a verbal question such as "What letter is that?" would respond by repeating, "What latter is that?" A child who, when given the instructions, "Touch the W," would not echo, but would immediately touch the correct letter. A child who, amazingly, could correctly identify by pointing to every single letter of the alphabet. A child who was fascinated by printed letters and symbols.

The possibility of autism was mentioned in Jon's old hospital records, but it was not mentioned to us, his parents. Jon was not referred to a diagnostic center specializing in autism. We remained in the dark, our lives upside down, unable to understand the different little boy whose rituals and routines literally determined our every move. And, I do mean our every move. Jon could accept no changes.

If one of us mistakenly sat in the "wrong" chair during a meal. Jon would explode like a volcano. He could drink from only one kind of glass, the glass had to be placed in a certain spot on the table, and certain words had to be said before he could take a drink. Our wee little son was the unknowing dictator. In a sense, we were made to dance to the tune of a song that we'd never heard before. Our lives were totally engulfed by something we didn't understand, couldn't comprehend.

We had never even heard of the word "autism."

Jon attended pre-school programs for 3 years, at ages 4, 5, and 6. Also at 6, he was mainstreamed into a regular kindergarten class. Jon had terrific teachers, and we all hoped, prayed, that kindergarten would work.

Jon had made a tremendous amount of progress in the area of language. He very seldom echoed anymore. His expressive one-word vocabulary score was 2 months above his actual age, and his receptive vocabulary score was 1 year and 5 months above his chronological age.

Jon, though, was not like the other children in kindergarten. Even though he was now quite verbal, he did not use most of the words that he understood. He still could not answer most simple questions. He did not seem to understand words when they were put together into sentences. He did not seem to understand words as language. Questions had to be re-phrased several times, often to no avail. Jon would often answer, "No" when he meant, "Yes." The yes concept seemed impossible for him to learn. Jon's classmates could talk circles around him, none of them needed questions carefully re-phrased.

Jon was the only child in kindergarten who did not know how to play, or interact. Even two Down's syndrome children seemed eager to interact. But, not Jon.

Jon was the only child in kindergarten who screamed when a routine was changed, or who seemed frightened of the small American flag. Jon was the only child in kindergarten who had not nodded his head to signal yes, or shaken it to signal no. Jon was the only child in kindergarten who had to "body language," Jon had never even pointed his index finger at something, or waved good-bye. Jon was the only child in kindergarten who could not accept "different" things, like mittens, or new coats, or new shoes. Jon was the only child in kindergarten who could not button his shirt, or dress himself.

Jon, my son, my different little boy, was the only child in kindergarten who could read. What was wrong with Jon??? Autism.

Kindergarten for Jon lasted for only one month. His teachers said it was such a shame that he couldn't adapt, after all, he was such a bright little boy. Any child who had learned to read without being taught as early as 4½ or 5 years old had to be very intelligent, indeed! Right? Wrong. Autism.

The DSM-111 diagnostic criteria for infantile Autism are:

A. Onset before 30 months.

B. Pervasive lack of responsiveness to other poeple.

C. Gross deficits in language development.

D. If speech is present, peculiar speech patterns such as immediate and delayed echolalia, metaphorical language, pronoun reversal.

E. Bizarre Responses to various aspects of the environment. E.G., Resistance to change, peculiar interest in, or attachment to animate or inanimate objects.

F. Absence of delusions, hallucinations, loosening of associations, and incoherence as in schizophrenia.

Diagnosis—299.00 infantile Autism. Full syndrome present.

In I.Q. testing, approximately 60% of Autistic patients have scores below 50. 20% between 50 and 70, and only 20% greater than 70. A few of the children, like Jon have, an area of excellency. A particular, isolated skill, that is in the normal, or above normal range. These skill are deceptive. The children are ofter placed in educational programs that are too difficult, simply because the children may seem so intelligent, in actuality, the children may function in the retarded range in most other areas, Jon's skill

was in his precocious ability to decode written words. . . . Reading. This is actually called hyperlexia, and is often found in some Autistic children.

Even though a few Autistic children do function in the normal range of intelligence, hyperlexia is not necessarily indicative of high I.Q. functioning, and the majority of Autistic children do not have islets of intelligence.

Autism is a variable condition, and no two childen are exactly the same. Autism, like retardation, occurs along a continum, with the most mildly afflicted children resembling children who have receptive dysphasia. Autistic children, though, have less use of gesture, and are more limited in imaginative play than children with other language disorders.

There are many misconceptions about Autism.

Misconception 1:[3] Autistic children don't talk.

Fact 1: The language handicap ranges from mutism to peculiar modulation difficulties and odd inflection and intonation patterns. Some of the children do become quite verbal.

Misconception 2: Autism is an emotional disorder.

Fact 2: Autism is not an emotional disorder, and is not a mental illness. Autism is not related to schizophrenia, which occurs at a much later age of onset, usually in adolesence or young adulthood.

Current research on autism points to a physical cause, probably affecting parts of the brain which deal with the higher organization of sensory information, and language. Untreated PKU, rubella, celiac disease, and chemical exposure in pregnancy can cause autism.

Autism frequently occurs in association with other syndromes, specific diseases, and developmental disabilities, the brain pathology which produces the symptoms of autism also produce the syndrome of retardation in approximately 80% of all patients.

Epilepsy, fragile X, and severe allergies are other frequent, concurrent syndromes.

In 1981, autism was removed from the category of "emotionally disturbed" in P.L. 94-142. Since it's now known that autism has physical causes, it is now in the category of "other health impaired" in P.L. 94-142. Some states, in their own State law have put autism into separate category of it's own, to ensure that autistic children receive an appropriate education.

Misconception 3: Autistic children are locked in a shell, and can be coaxed out if given enough love.

Fact 3: The disorder is characterised by impaired relatedness, lack of desire for affection, and aloneness, this is part of their developmental disorder. They need structured teaching to learn how to relate to others.

Misconception 4: Autistic children are willful in their failure to talk, and relate to others.

Fact 4: The social and communication handicaps are part of their developmental disorder, which is organic in nature.

Misconception 5: Autistic children are potentially bright, if only you can unlock the shell.

Fact 5: 70 to 80% of all autistic children are mentally retarded. Retardation in certain areas is sometimes accompanied by normal, or superior abilities, in one or more area.

[3] T.E.A.C.C.H. handout.

Misconception 6: Autistic children are trying to communicate when they flap their hands, or move their bodies in repetitive motions.

Fact 6: The repetitive and peculiar use of toys and objects and peculiar body motions are ritualisitic and self-stimulatory.

Misconception 7: Autistic children are stubborn.

Fact 7: The children have unusual reactions to perceptual stimuli, such as not seeming to hear certain sounds, and over-reacting to others. (e.g. Holding hands over ears, "Looking through" objects and people).

Misconception 8: Autistic children "withdraw" in reaction to parents who are cold and rejecting.

Fact 8: The onset of autism is at birth or in some cases there is an apparent normal early development. Followed by deterioration in functioning or decreased developmental rate, occurring within the first 3 years of life. Putting "blame" on the parent of an autistic child is as ludicrous and tragic as it would be to "blame" another parent for letting their child contract cerebral palsy, or Polio.

Misconception 9: All autistic children are withdrawn.

Fact 9: They may be hyperactive or passive.

Misconception 10: Most autistic children are self-injurious.

Fact 10: Only a minority of autistic children injure themselves.

Misconception 11: The problems of autism disappear in adolescence or adulthood.

Fact 11: Although the nature of the difficulties may change, or lessen as the children get older, autism is almost always a lifelong, severe disability.

Misconception 12: Autistic children do not have eye contact.

Fact 12: Only some autistic children have poor or fleeting eye-contact.

Additional Misconceptions about autism include the myth that all autistic children are alike. They're not, even though they have in common the same basic, core handicap, they're each different from one another. Just as you and I have some individual differences. For example: I have blonde hair. . . Do you? My eyes are blue. . . Are yours? I love spinach. . . Do you? I detest football. . . Do you?

Some autistic children may be severely autistic, others only very mildly autistic. Some autistic children spin objects, or go in circles. Others don't. Some of the children dislike touch, others are clingy. Most of the autistic children who are verbal echo, but some children don't. Some flap their hands, or make odd finger motions. Others may snap their fingers, or twirl string. The variations of behaviors among autistic children seem endless, and any combination of behaviors can be possible.

Some autistic children improve in their ability to relate to people more normally as they grow older. Even though they may not react exactly like a normal child, they do make gains. Our son, Jon, fills our hearts with joy, and makes us laugh aloud, when he tries to give his version of a compliment, by saying things such as, "I love you Mom, and you certainly have a big nose!"

It's true, our son will never grow up to be President. But in his own way, he is special and unique, even though he is "different."

Because of Jon, we've learned lessons in compassion and empathy that would not have been possible if he had been a "normal" child. . . The kind who can grow up to be President.

We've also learned to laugh at ourselves, and not take the unimportant too seriously. However, at times, we do get some rather strange looks from our neighbors.

When Jon was 6, he was still unable to play normally outdoors. Instead, he would dig countless little holes, over and over, for hours. In an effort to develop more normal play habits, my husband built a huge sandbox, and filled it with toy soldiers, cowboys, trucks and cars. Dave would then get in the sandbox with Jon, and would spend hours teaching Jon to play more normally. Even so, Jon had a tendency to leave. To just get up, and wander off. Once when this happened, Dave stayed in the sandbox, hoping to entice Jon back into the "playing." Jon was out of eyesight, but could hear as Dave made inviting cowboy and truck sounds. Soon, he was sure, Jon would be lured back into the game.

Dave glanced up from his solitary "play" in the sandbox, and saw our next-door neighbors driving by very slowly. They seemed quite astonished. it's not everyday that they get to see a full grown man, playing all alone in a sandbox! I'm sure they're now convinced that autism is genetic!

Autism is not a common disorder. However, it's not as uncommon as is thought. It's just that a great portion of South Dakota's autistic population are not identified as autistic.

Autism occurs in 15 of every 10,000 births. South Dakota's total population of 690,768, based on the 1980 census, means that, statistically, we have 185 school-aged autistic children in this State. And, statistically, there would be a total of 1,036 autistic children and adults in South Dakota.

Where are the autistic people of South Dakota? How are they being helped? It's impossible to help them until we find them. Identify them. Diagnose them.

Who are these autistic people? My child is only one. Where are the others?

Just because they aren't labeled, diagnosed, doesn't mean they aren't there, and it doesn't mean they don't need help.

Be an advocate for these people, for their rights, and for their education. Their education is their only chance for any kind of future. They cannot advocate for what they need themselves. They need us.

You can help. You might be the one to make "the difference" in the life of an autistic child. The difference between a meaningful, productive life, or life in an institution, in the shadows. Alone. Hidden. Unidentified, undiagnosed. Forgotten.

You may ask, "is it worth all the effort, time, and money that it takes to help even one child?"

Before you decide, try to imagine . . . that child is yours.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

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

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 440, the House companion bill.

The PRESIDING OFFICER. The joint resolution will be stated by title.

51-059 O-87-24 (Pt. 25)

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 440) to designate the week of December 1, 1985, through December 7, 1985, as "National Autism Week".

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 440) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that Calendar Order No. 450, Senate Joint Resolution 230 by indefinitely postponed.

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

WALT DISNEY RECOGNITION DAY

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 377, to designate December 5, 1985, as "Walt Disney Recognition Day."

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A House joint resolution (H.J. Res. 377) to designate December 5, 1985, as "Walt Disney Recognition Day."

There being no objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 1344

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1344.

On page 2, line 3, strike out "1985" and insert in lieu thereof "1986".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOLE. Mr. President, I move adoption of the resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to further amendment. If there be no further amendment to be offered the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 377) was ordered to a third reading, was read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1345

Mr. DOLE. Mr. President, I send an amendment to the preamble to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment No. 1345.

The preamble is amended by amending the first 2 clauses to read as follows:

Whereas in 1986 there occurs the 31st anniversary of the founding of Disneyland; and the 15th anniversary of the founding of Disney World;

Whereas December 5, 1986, is the 85th anniversary of the birth of the founder of Disneyland and Disney World, Walter Elias Disney;

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1345) was agreed to.

The preamble, as amended, was agreed to.

The title was amended so as to read:

"Joint resolution to designate December 5, 1986, as "Walt Disney Recognition Day".

NATIONAL POW/MIA RECOGNITION DAY

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 449, Senate Joint Resolution 220, POW/MIA Recognition Day.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 220) to provide for the designation of Septenber 19, 1986, as "National POW/MIA Recognition Day."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MATTINGLY. Mr. President, I urge the support of all Senators for Senate Joint Resolution 220, the legislation designating September 19, 1986 as "National POW/MIA Recognition Day."

The resolution, which I introduced on October 21, has 54 cosponsors and has gathered broad, bipartisan support. The designation of a special day of remembrance for those who have served our Nation so bravely will once again provide a particularly appropriate time to pause and pay tribute to them. The resolution honors all veterans in all wars who have served our Nation under such terribly difficult circumstances but it obviously has a special meaning as our Government continues the efforts to obtain a full accounting of the more than 2,400 servicemen and civilians who remain missing and unaccounted for in Indochina.

Passage of the resolution provides an opportunity for the Senate to salute those Americans who have endured such hardship in service to our country. In addition, it is clear, further evidence that our Government has not and will not forget those who remain missing and that our collective resolve, Mr. President, to obtain the accounting we seek has not lessened and will not diminish.

I appreciate the support lent to this effort by the distinguished chairman of the Judiciary Committee, Senator THURMOND who is also an original cosponsor and by Senators MURKOWSKI and CRANSTON, the very able chairman and ranking member of the Committee on Veterans' Affairs.

I urge the adoption of the resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint 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 (S.J. Res. 220), with its preamble, is as follows:

S.J. RES. 220

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in such wars were captured by the enemy or are missing in action;

Whereas many American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war and many such prisoners of war died from such treatment;

Whereas many Americans are still listed as missing and unaccounted for and the uncertainty surrounding their fate has caused their families to suffer acute hardship; and

Whereas the sacrifices of American prisoners of war and Americans missing in action and their families are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 19, 1986, shall be designated as "National POW/MIA. Recognition Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to

commemorate such day with appropriate activities.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

RELIEF OF MERCHANTS NATIONAL BANK OF MOBILE, AL

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to Calendar Order No. 429, S. 593.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 593) for the relief of the Merchants National Bank of Mobile, Alabama.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the bill.

Mr. DENTON. Mr. President, on March 6, 1985, Senator HEFLIN and I introduced S. 593, a bill for the relief of the Merchants National Bank of Mobile. Passage of the bill would conclude a congressional reference proceeding that began in the U.S. Senate more than 5 years ago. On October 31, 1985, the bill was considered by the Judiciary Committee and was unanimously reported to the full Senate for consideration.

The bill complements the legislation that was introduced by Senator HEFLIN in the 96th Congress (S. 2052), and referred in November 1979 by Senate Resolution 291 to the Chief Commissioner of the U.S. Claims Court.

The reference sought the court's consideration of whether the bank was legally or equitably entitled to compensation for losses sustained in connection with a defective Federal loan guarantee issued by the Department of Defense. After a lengthy trial before a hearing officer, and argument before a review panel, the U.S. Claims Court, through its chief judge, has advised the Senate that the bank has an equitable claim for $809,609, and that payment of the amount would not constitute a gratuity.

The losses sustained by the bank relate to loans made to a Government contractor in Mobile, AL, which was attempting to perform two contracts, awarded by the Defense Logistics Agency in 1976, to assemble combat rations for the military. In the early stages of the contracts, lengthy delays and mishandling of materiel by the Government, generated substantial unforeseen costs to the contractor. To assist the contractor in securing financing for the costs, the Agency approved a loan guarantee to the bank pursuant to the Defense Production Act "V-Loan Guarantee" Program.

When the bank had advanced virtually the entire guaranteed sum—almost $2 million—the Agency abruptly canceled the guarantee because it discovered that no funds had been appropriated to support the guarantee agreement. Nevertheless, stressing the importance of the combat rations contracts to the defense effort, the Agency pledged its full assistance to Merchants Bank and the contractor to encourage them to proceed with the contracts. The Agency pledged its full assistance to Merchants Bank and the contractor to encourage them to proceed with the contracts. The Agency even drafted legislation to allow the issuance of a suitable replacement guarantee. Based upon these assurances, the bank agreed to continue supporting the Government's contractor.

Soon thereafter, appropriate language was included in the 1978 DOD Appropriations Act to make available $5 million for the express purpose of authorizing new loan guarantee agreements. At this point, the bank applied for a new V-loan guarantee consistent with the assurances it had received from the Defense Logistics Agency. Notwithstanding the availability of suitable loan guarantee authority and the assurances that the Agency would do everything possible to restore the guarantees upon which the bank had relied, the Agency refused the application. Instead, it offered a guarantee substantially less favorable than the first, and only after requiring the bank to extend an additional half-million dollars in unguaranteed credit to the Government's contractor.

Meanwhile, the Agency acknowledged that its handling of the contracts had substantially increased the cost of performance. Consequently, it enlarged the credit requirements of the contractor. Because the second loan guarantee was wholly insufficient to support these credit requirements, and since the bank could not prudently extend further credit in light of its already substantial unguaranteed exposure, the contractor was forced to close its doors and file for bankruptcy in 1978. Both before and after the bankruptcy petition was filed, the bank expressed its willingness several times to join with the Agency in cooperative financing arrangements that would save the company. The Agency refused to entertain these suggestions, and in April 1978 the contractor was adjudged bankrupt.

In extending credit for the performance of the Government contracts, the bank understandably relied upon representations and assurances of the Defense Logistics Agency. When the first guarantee was suddenly canceled, the bank again relied upon the assurances of senior Agency officials that, pending enactment of new guarantee authority, a replacement loan guarantee would be established in an amount sufficient to protect the bank. When the Agency ultimately refused to stand by those assurances, the resultant credit limitations left the contractor facing bankruptcy and caused the bank to suffer losses of nearly $1.7 million.

Because the bank's losses were primarily the result of its reliance upon a guarantee that exceeded the authority of the responsible Government officers, it was apparent that a successful legal cause of action for the recovery of these losses was extremely unlikely. Where Government officials act beyond the scope of their authority, the obstacles to maintaining a legal cause of action to recover from the United States are virtually insurmountable. For that reason, S. 2052 was introduced in the 96th Congress and was referred by Senate resolution to the Court of Claims for consideration.

After a lengthy trial, which filled 2,000 transcript pages, Judge Spector, a senior judge of the claims court, on April 30, 1984, issued an exhaustive 65-page report in which he recommended that Congress authorize payment to Merchants Bank of $809,609 in full settlement of all its legal or equitable claims against the United States. The report concluded that the Government was responsible for a series of wrongful acts, including several unfulfilled assurances upon which the bank had relied in extending credit to the contractor. Judge Spector also found that the bank's cooperation with the Government and its contractor was in part motivated by the Agency's insistence that continued production under the contract was urgently required to support national defense needs.

Government counsel took exception to many of the findings, and a three-judge review panel of the claims court considered yet another round of briefs and oral argument from the parties. The resulting 22-page report of December 6, 1984, confirmed Judge Spector's conclusions and recommended that the chief judge transmit to the Senate its conclusion that Merchants Bank has an equitable claim against the Government for $809,609. Copies of the decisions of both Judge Spector and the review panel were referred to the Secretary of the Senate by the chief judge of the claims court on December 19, 1984.

The bill would give effect to the conclusions rendered after careful adjudication by the claims court. It does not compensate the bank for all of the losses it has suffered in supporting this Government contractor. Indeed, the bank has never sought total compensation from the United States for its losses, nor does it seek to recover the painful costs generated by some 5

years of watching this congressional reference proceeding take its long and careful course.

The bill would confirm the efficacy of some of the longstanding traditions of a congressional reference, traditions founded in part upon a simple recognition that there should be an avenue by which the Government can be held accountable for its mistakes and excesses. Accountability is particularly important when, as in this case, losses are suffered expressly because of the trust and reliance that was placed quite naturally in a Government agency responsible for the national defense.

The bill involves a unique, unprecedented set of facts, and will provide compensation only to the Merchants National Bank of Mobile for its own proven losses.

Mr. President, I urge my colleagues to support equitable compensation for the Merchants National Bank of Mobile by implementing the findings of the U.S. Claims Court and passing S. 593.

Mr. HEFLIN. Mr. President, S. 593 is the result of a congressional reference voted by the Committee on the Judiciary to have the Merchants National Bank's claim considered by the U.S. Claims Court. A trial was conducted at the Claims Court before a hearing officer, the case was argued in full before a review panel, and the chief judge of the Claims Court advised the Senate that the bank has a legitimate, equitable claim.

The bank's losses resulted from U.S. Government Department of Defense loan guarantees made to a Government contractor to assemble combat rations for the military. When the bank had advanced virtually the entire guaranteed sum—almost $2 million—the agency abruptly canceled the guarantee. The agency continued, however, to pledge its full assistance to the bank to encourage it to proceed with the contracts. In short, the contractor declared bankruptcy and the bank suffered losses of $1.7 million.

In a 65-page report and after a trial filling 2,000 transcript pages, Judge Spector, a senior judge of the Claims Court, concluded that the U.S. Government was responsible for a series of wrongful acts. The bank's cooperation with the Government was in part motivated by the agency's insistence that continued production under the contract was urgently required to support national defense needs.

Because the bank's losses were primarily a result of its reliance on a guarantee that exceeded the authority of the responsible Government officers, sustaining a legal cause of action would have been impossible.

Mr. President, this is a fair judgment based on losses sustained through no fault of the bank. I urge favorably consideration of this legislation.

AMENDMENT NO. 1346

Mr. DOLE. Mr. President, on behalf of Senator DENTON and Senator HEFLIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] on behalf of Mr. DENTON and Mr. HEFLIN proposes an amendment numbered 1346.

On page 2 line 7 delete "(a)".

On page 2 delete lines 11 through 17.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1346) was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $809,609 to the Merchants National Bank of Mobile, Alabama for compensation for losses sustained during the period January 1, 1976 through December 31, 1978, concerning the issuance and cancellation of a Government loan guarantee and the subsequent issuance of a second loan guarantee on reduced terms, resulting from actions and misrepresentations of the Defense Logistics Agency of the Department of Defense and its fiscal agent, the Federal Reserve Bank of Atlanta.

SEC. 2. The payment made pursuant to the first section of this Act shall constitute full settlement of all legal and equitable claims by the Merchants National Bank of Mobile, Alabama against the United States, covered by this Act.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session in order to consider the nomination of Gregory J. Newell, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection.

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

DEPARTMENT OF STATE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Gregory J. Newell, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Mr. KENNEDY. Mr. President, the selection of Gregory Newell to be Ambassador to Sweden is a troublesome one for me. My concern is based on Mr. Newell's record at the Department of State, where he currently serves as Assistant Secretary for International Organizations. During his tenure, Mr. Newell presided over the United States withdrawal from UNESCO as a result of the serious problems that plague that agency administratively and politically.

However, at the time of our withdrawal, the United States made a firm commitment to continue international cooperation in the areas of science, education and culture, through initiatives separate from UNESCO. Mr. Newell and other State Department officials assured Congress and the country that our national commitment to international cooperation in UNESCO fields had not lessened and that U.S. resources would be available to other agencies and programs.

Yet, this year the budget request for international programs in these fields was not $47 million, the amount spent in our last year of participation in UNESCO, but $2.75 million. Of that amount, only $250,000 has been earmarked for cultural programming.

Although I fully understand the critical budget restraints facing us, I am concerned by the administration's drastic departure from its clear commitment to international cultural cooperation—a departure which slashes our previous financial commitment by 94 percent.

The Foreign Relations Committee held 2 days of hearings on Mr. Newell's nomination. I am grateful to Chairman LUGAR for his courtesy in including my questions in these deliberations. At the first hearing, I submitted several questions to Mr. Newell regarding the administration's commitment to continue supporting worthy UNESCO-type programs. I am disappointed by the response I received and the obvious lack of support for those programs, particularly with regards to cultural initiatives.

I intend to monitor the State Department recommendations and requests in this area, and I hope that Mr. Newell's successor will be willing to work with Congress to find suitable ways to honor the administration's commitment to international cultural exchange.

I ask unanimous consent that my correspondence with Mr. Newell be printed in the RECORD.

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

RESPONSES TO KENNEDY-LUGAR CORRESPONDENCE OF NOVEMBER 6, 1985

REPORT ON US/UNESCO POLICY REVIEW—STATE DEPARTMENT—FEBRUARY 1984

"UNESCO cultural programs have been relatively free of political problems . . . Withdrawal from UNESCO would mean that UNESCO's central coordinating functions would no longer be available to the U.S. . . . But withdrawal would also free resources that we might use to fund activities we wished to promote . . . We could also increase our support to various international cultural organizations, both domestic and foreign."

In assessing the comparative worth of our involvement and planned withdrawal from UNESCO, the State Department made these evaluations and observations about the U.S. role in UNESCO.

This report further states that withdrawal would free up approximately $6 million for alternative cultural programs and pinpoint activities we should support.

1. Q. Is the $6 million dollar sum referenced here, the amount of the total UNESCO allocation for culture?

A. No. The proposed budget for UNESCO's cultural activities for the period 1986-87 is approximately $28 million. The U.S. share based on a 25 percent contribution would be about $7 million per biennium.

2. Q. How much of that $6 million was diverted to other cultural programs? To what agencies?

A. The $2.75 million fiscal year 1986 request contains $250,000 in funding for libraries, archives and other cultural activities. It would be directed for the most part to the National Commission on Library and Information Science.

3. Q. The Administration did not seek an increase in funding for the National Endowment for the Arts, one of the agencies listed as an appropriate alternative conduit for cultural programming. Which programs did assume the responsibility for these programs to insure a world-wide collaboration with respect to the arts?

A. It has been our view that the excellent programs of our prestigious universities, museums, orchestras and cultural societies were, are, and will be the vehicles that insure a world-wide collaboration with respect to the arts. In New York, Chicago, Boston, and Cambridge, very distinguished private institutions are the bearers of culture. They have always assumed a responsibility to insure a world-wide collaboration with respect to the arts.

4. Q. One of the objectives of UNESCO listed in the same report is the "stimulation of artistic and intellectual activity through the promulgation of UNESCO's Recommendation on the Status of the Artist." The United States was closely involved in the preparation of this document and, to my best understanding, still supports the Recommendations. What steps have we taken, or are appropriate to take in the future, with respect to this document?

A. Since 1980, when the UNESCO Recommendation of the Status of the Artist was adopted, the Endowment's International Office has widely circulated the text of this Recommendation throughout the United States. It has been discussed with (a) members of the National Council on the Arts; (b) National Endowment panel members and program directors; (c) 150 dance managers, professional dancers, and union representatives in a series of U.S. conferences; and (d) 500 arts managers trained at the National Endowment who are now working throughout the country. In 1984 the Endowment cooperated with the U.S. Actor's Equity and the Actor's Fund to establish a retraining program for dancers in the United States.

5. Q. Does the lack of financial commitment to the programs of UNESCO signal a lack of national commitment to this document?

A. No. As indicated above, numerous artist organizations in the United States, with the encouragement of the National Endowment for the Arts, are involved in discussing and implementing some of the recommendations contained in the UNESCO document.

6. Q. In this hearing, Mr. Newell, you indicate that "the Administration is committed to continuing international cooperation in UNESCO's fields with or without UNESCO . . . We have developed criteria for the selection of alternatives (which we will be able to fund.)" What are these criteria?

A. In developing these criteria for the selection of UNESCO alternatives, the Department of State gave special emphasis to those program activities which (a) replace or continue activities proper to UNESCO; (b) address world-wide problems; (c) promote Third World development; (d) accord with the priorities of U.S. domestic constituencies; and (e) promote self-reliance and private initiatives.

7. Q. How did you weigh a balance between education, science and culture?

A. Responsible career experts serving in U.S. government agencies directly involved in programs falling within the areas of UNESCO's charter responsibilities weighed the balance. In essence, they preserved current proportions.

8. Q. Who served on the "experts" group, particularly, who from the cultural community?

A. Given its primary charge to assess the "replacement" role of U.S. Government agencies with cultural matters (and the need to prioritize government agency budget items), this "experts" group was composed of U.S. Government officials from the National Endowment for the Arts, Department of the Interior, Smithsonian Institution, and the United States Information Agency.

9. Q. Further in this hearing, you indicate that the expert groups compiled a "wish list" of programs totaling $160 million, compared to $47 million which we are committed to seek from the Congress." How did you arrive at a budget request of $2.75 million in evaluating your commitment to a budget level of $47 million and an expert group's recommendation of need totaling $160 million?

A. I presented a $47 million package of alternative culture, science, communications and education projects to the Office of Management and Budget which, for reasons of budgetary stringency, decided not to make an FY 1986 request for UNESCO alternatives. The $47 million represented one year's contribution to UNESCSO on the part of the U.S. The $160 million was, as the question indicates, an uncritical "wish list". The $2.75 million request in the International Organizations and Programs (IO and P) Account will continue U.S. participation in UNESCO affiliated international conventions and organizations essential to the United States and not duplicated elsewhere, i.e., the Intergovernmental Oceanographic Commission and the Intergovernmental Committee on the Universal Copyright Convention.

Other activities, while desirable, were in themselves not judged to be essential, or were thought to be subtantially duplicated elsewhere. Given the stringent prioritization required by the budgetary situation, these could not be funded at this time.

10. Q. The programs earmarked in that request seem to ignore education and cluture. Why?

A. The bulk of the $2.75 million request is for science activities because they most readily fit the funding criteria, i.e., they are considered most essential to U.S. interests and are not duplicated elsewhere; we do, however, continue to support a wide range of international educational and cultural programs through existing multilateral and bilateral aid channels.

11. Q. Later in the hearing, in response to questioning, you indicate that "Contingent upon the approval of funding, a carefully planned and executed alternatives program will be put into effect during the first nine months of 1985, with funding of activities to begin in October 1985. The cost of the program is anticipated to be $47 million, which approximately equals the size of the U.S. contribution to UNESCO. These funds will be requested in the President's 1986 budget." Explain in detail the status of the alternatives program.

A. As stated in my answer to Question 9 above, the Office of Management and Budget did not approve a $47 million alternatives package which I proposed for Fiscal Year 1986. The scaled down $2.75 million request is pending before Congress.

12. Q. How do you explain the apparent change in Administration policy which does not substantiate this statement which you made to that Congressional committee?

A. As I stated at the hearing, the alternatives program was planned "contingent upon the approval of funding. " Due to the stringent budgetary situation, this approval was not granted by OMB.

13. Q. In this same hearing, you stated that "it is anticipated that USIA, AID, the Department of Education, the National Science Foundation, and the National Endowment for the Arts will be among the government agencies involved in implementing UNESCO alternatives." What steps have you taken to coordinate activities with these agencies' implementation of UNESCO alternatives?

A. The Department of State has established an ad hoc working group consisting of representatives from those government agencies to continue support for U.S. participation in those activities considered essential and important to the United States. This group has held several meetings to date.

HOUSE REPORT: TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 1986, AND 1987 FOR DEPARTMENT OF STATE, USIA, BOARD OF INTERNATIONAL BROADCASTING, ETC., APRIL 1985

14. Q. Please respond to the following excerpt from this report. "Although the committee anticipated a Department submission of approximately $50 million in alternative programming, only $2.75 million in scientific programming was submitted in the fiscal year 1986 foreign assistance authorization request. It is clear from the discrepancy between the Department's commitment and its actual submission that the executive branch reneged on its commitment. The committee feels that it has not been dealt with in good faith on that issue. This situation undermines the committee's confidence in the Department's representatives who testify before the committee. The committee hopes that the Department will live up

to its commitment with respect to funding these programs."

A. I expressed in my testimony before Mr. Mica's Subcommittee on International Operations on March 12 of this year my disappointment, shared by Secretary Shultz, that the funds requested for alternatives funding had been reduced to $2.75 million. I respectfully disagree with the report's statement that the Department "reneged on its commitment" or that it did not deal with the Committee in good faith. Because of overriding budgetary restraints and competing priorities, it was determined that a zeroing out of UNESCO alternatives would be required. In the Department of State we confronted a $730 to $750 million shortfall. Subsequently, we were successful in garnering support for a request for $2.75 million.

EXCERPT FROM ASSISTANT SECRETARY NEWELL'S DECEMBER 1984 STATEMENT THE UNITED STATES CONFIRMS WITHDRAWAL FROM UNESCO

15. Q. "The United States remains committed to genuine and effective international cooperation that serves the legitimate needs of developing nations. We intend to continue support for international activities in the fields of education, science, culture and communication through other existing channels: multilateral, regional, bilateral, and private sector institutions." Can you explain how the United States has lived up to its commitment as expressed in the above statements?

A. The "We" of this statement is not just the agencies, bureaus and offices of the United States Government. When one speaks of international activities in the fields of education, science, culture and communication, I should hope that "We" still comprehends the conscientious work of scholars, artists, educators, musicians, and museum curators. "We" comprehends, also the work of those who have helped to preserve and rebuild cultural monuments—whether under the auspices of the UN, or (as it equally well might be) the National Geographic Society. As to the specific commitment of the United States Government: the effort and funds it gives to support international activities in the fields of education, science, culture and communication do not disappear from view (or cease to have good effect) when such aid is given through unilateral, bilateral, or regional means. The U.S. Government contributes significant sums and effort through its continued assessed and voluntary contributions to international organizations other than UNESCO (including other specialized agencies of the UN). It contributes also through the work done by USIA and AID. These agencies do a great deal to promote educational, scientific, and communications development. If the requested $2.75 million dollars is appropriated, we will be able to make a contribution to a number of UNESCO-related international bodies that are of particular interest to the United States, including the International Oceanographic Committee, the Intergovernmental Committee on the Universal Copyright Convention, the International Geological Correlation Program, the Man and the Biosphere Program, and the International Libraries, Archives, and Science Documentation Program.

16. Q. How, specifically, do you respond to the allegation that the U.S. has reneged on a promise?

A. I say that the U.S. did not "renege on a promise." As noted in the responses to the two preceding questions, I respond, speaking for myself, that I made a good faith effort to obtain $47 million dollars for UNESCO alternatives funding but, for the compelling reasons cited above, did not achieve that result. In that effort, I contacted the White House, the Office of Management and Budget, the Secretary of State and a number of departments and agencies. I may regret that the necessary final conclusion was that the UNESCO alternatives program, as first conceived, did not, in the end, in comparison with other national priorities—health, social security, the dramatic improvement of secondary education—appear to be of premier importance. In the office I have held, I have been a sincere advocate and supporter of useful and effective international cooperation. I mean to keep—I believe I have kept—the promise that the United States will support such international cooperation. My recommendation that the United States withdraw from UNESCO was consistent with that advocacy and that support. It is not, however, my prerogative to attempt to usurp the authority of OMB to formulate a budget, or of Congress to make appropriations.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. DOLE. Mr. President, let me indicate that I know Gregory Newell personally and I expect him to do an outstanding job as our Ambassador to Sweden.

Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

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

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

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

THE WEEK AHEAD

Mr. DOLE. Mr. President, while we are awaiting the distinguished minority leader, I just indicate to my colleagues that next week could be the last week of the first session of the 99th Congress—it may not be either, but it could be the last week. So it is going to be very difficult to predict for any of our colleagues what may happen on Monday, but there have been a number of inquiries from both sides, and I know there will be one vote probably around noon. I have been advised by the distinguished chairman of the Appropriations Committee and I think the distinguished ranking minority member feels the same way, they would like to move on with that bill on Monday and hopefully finish it Monday, if not Monday, certainly on Tuesday.

But there is no way we can possibly adjourn next Friday or Saturday unless we quickly get into conference on the continuing resolution.

I am heartened that there has been some major breakthrough on the Gramm-Rudman-Hollings provision this afternoon in conference. They have agreed on all the major issues. There are three other issues still outstanding.

I certainly want to commend all the conferees. That has been a long tortuous process.

So the logjam is starting to break.

If we can get the continuing resolution to conference, if Gramm-Rudman is in a position now of coming to use sometime next week for action, I have a good feeling about the farm bill. My view is we will get a pretty good farm bill, one that will protect farm income for the next couple of years and give us an opportunity to see if we can get the American farmer through this present crisis.

As to the farm credit legislation, the House and Senate bills are pretty much alike. That is another item on the must list, and that would leave only reconciliation. "Only" may be an understatement. That is a very complicated piece of legislation.

I think there are somewhere in the neighborhood of 50 Senate conferees and who knows how many House conferees. At the time they have a meeting, it will take a day or two.

So there is some hope of adjournment next week. But if not, I hope it would come on the Monday or Tuesday of the following week.

So I thank all my colleagues for their cooperation.

ORDERS FOR MONDAY, DECEMBER 9, 1985

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, December 9, 1985, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not more than 5 minutes each; provided, further, that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. BYRD. Mr. President, reserving the right to object, and I shall not object, what is the convening hour on Monday, may I ask the distinguished majority leader?

Mr. DOLE. 10:30 a.m.

Mr. BYRD. I thank the distinguished majority leader.

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

PROGRAM

Mr. DOLE. Mr. President, to recap what may occur on Monday, December 9, the Senate will convene at 10:30 a.m. Then the two leaders, under the standing order, will have 10 minutes each, and routine morning business not to extend beyond the hour of 11 a.m., with Senators permitted therein to speak for not more than 5 minutes each.

Following routine morning business, the Senate will resume consideration of House Joint Resolution 495, the continuing resolution. The Senator from Ohio [Mr. GLENN], will be recognized to offer an amendment dealing with the implementation of the United States-China nuclear agreements. I understand there will be a vote on that amendment, I would guess, perhaps around noon. Votes are expected throughout the day, as I have indicated earlier.

It is the hope of the majority leader and the manager of the bill that we can complete action on the continuing resolution on Monday. If that were to happen, then I believe our hope of adjourning next weekend would be strengthened.

ADJOURNMENT UNTIL 10:30 A.M. MONDAY, DECEMBER 9, 1985

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now stand in adjournment until 10:30 a.m., on Monday, December 9, 1985.

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

Thereupon, at 6:34 p.m., the Senate adjourned until Monday, December 9, 1985, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 6, 1985:

DEPARTMENT OF STATE

Margaret M. O'Shaughnessy Heckler, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

IN THE COAST GUARD

Pursuant to the provisions of 14 U.S.C. 729, the following-named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain:

John J. Clare
Louis A. Unger III
Albert L. Epstein
David L. Boothe
Adolf E. Fullgrabe
Dennis W. Kurtz
Yuille M. Young, Jr.
John T. Schulenberg
Robert G. Christian
Richard F. Healing
Douglas W. Brown
Steven B. Satterthwaite
Bruce M. Patterson
Thomas E. Simms III
Robert B. Rabon
Jackson D. Ingram
Russell T. Hebert
Darvy M. Cohan
Robert W. Staton III
Samuel R. Volpentest
Ernest L. Seeman
Warren G. Appell
William B. Powell
Richard R. Shaw
Charles M. Schubert
Richard H. Plager
Paul F. Keane
Dennis A. Lupher
Richard F. Sanders
Gary L. Cousins
Robert P. Sniffen

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Richard A. Burpee, [redacted] FR, U.S. Air Force.

IN THE NAVY

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Huntington Hardisty, [redacted] /1310, U.S. Navy.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James H. Webber, [redacted] /1440, U.S. Navy.

IN THE AIR FORCE

The following persons for Reserve of the Air Force appointment, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

Donald R. Klein, [redacted]
Wesley G. Petty, [redacted]

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

MEDICAL CORPS

To be colonels

Bala, Mani, [redacted]
Basewell, David L., [redacted]
Bautista, Etty V., [redacted]
Burnett, Robert, [redacted]
Compton, Alan B., [redacted]
Dabe, Irwin B., [redacted]
DeJong, Rudolph H., [redacted]
Lee, Bernard J., [redacted]
Levine, Matthew E., [redacted]
Nardi, James A., [redacted]
Philbin, George, [redacted]
Prager, Robert E., [redacted]
Prats, Arturo R., [redacted]
Randall, Virginia F., [redacted]
Salvado, August, [redacted]
Snyder, Robert C., [redacted]
Turella, Giorgio S., [redacted]
Wheat, Thomas A., [redacted]
York, Lester A., [redacted]

To be lieutenant colonels

Anderson, Donald, [redacted]
Anderson, Thomas, [redacted]
Atkinson, Alva W., [redacted]
Bala, Padma, [redacted]
Bowen, James N., [redacted]
Brunsvold, Robert, [redacted]
Gardner, Richard, [redacted]
George, David, [redacted]
Hope, John M., [redacted]
Gray, Ronald K., [redacted]
Griffin, Gerald, [redacted]
Hodge, Gerald M., [redacted]
Hoffer, Thomas C., [redacted]
Jaccard, John T., [redacted]
Jamison, Rodney, [redacted]
Marino, Paul F., [redacted]
McIlwain, Thomas, [redacted]
Nguyen, Tu H., [redacted]
Nidhiry, Grace E., [redacted]
Petzold, Robert, [redacted]
Picou, Keith A., [redacted]
Porr, Darrel R., [redacted]
Shaukat, Mauhamma, [redacted]
Sjogren, Maria H., [redacted]
Stith, Rosa B., [redacted]
Stone, Irvin K., [redacted]
Vadewalle, Michael, [redacted]
Wikert, Gary A., [redacted]
Wilson, Linda D., [redacted]

To be major

Krashin, Maurice, [redacted]

To be captains

Alvero, Ruben J., [redacted]
Bell, Brenda K.T., [redacted]
Bernier, Renee M., [redacted]
Bettencourt, Joseph A., [redacted]
Bower, David J., [redacted]
Brito, Albert V., [redacted]
Cheney, Christopher P., [redacted]
Cornum, Rhonda L.S., [redacted]
Cuda, Darryl D., [redacted]
Duncan, Albert B., [redacted]
Eastman, Dennis P., [redacted]
Endy, Timothy P., [redacted]
Eng, Tony Y.L., [redacted]
Erne, Jerel J., [redacted]
Fraser, Susan L., [redacted]
George, Roger K., [redacted]
Giacoppe, George N., Jr., [redacted]
Gibson, Susan E., [redacted]
Gillespie, David L., [redacted]
Grimes, Steven R., [redacted]
Hughes, Brian J., [redacted]
Hughes, Gregory B., [redacted]
Iwanyk, Eugene J., [redacted]
Janusziewicz, Alan A., [redacted]
Koski, Karen A., [redacted]
Krauss, Margot R.H., [redacted]
Labeau, Deborah A., [redacted]
Lane, Henderson M., [redacted]
Lee, Mark W., [redacted]
Lee, Terry, [redacted]
Liss, Ronald A., [redacted]
Longacre, Jeffrey L., [redacted]
Marino, Chris J., [redacted]
Martins, Albert J., [redacted]
McLaughlin, Victor G., Jr., [redacted]
McKnight, Richard M., [redacted]
McLean, Scott D., [redacted]
Mooney, Michael J., [redacted]
Moscovic, Anita M., [redacted]
Ober, Elizabeth R., [redacted]
Polo, James A., [redacted]
Polo, Kathleen B.L., [redacted]
Porter, Clifford A., [redacted]
Pulcini, Joseph P., [redacted]
Reynolds, Paul C., [redacted]
Runkle, Guy P., [redacted]
Secord, Ann R. M., [redacted]
Seiken, Gail L., [redacted]
Speers, Don P., Jr., [redacted]
Stack, Richard S., [redacted]
Stone, Gregory I., [redacted]
Sutherland, Ronald S., [redacted]
Swann, Steven W., [redacted]
Turco, Suzanne E., [redacted]

Vogel, Paula S., [redacted]
Walker, John C., [redacted]
Wasserman, Rochelle T., [redacted]
Wiley, Thomas M., [redacted]
Wilson, Dennis N.F., [redacted]
Wood, Dwight W., [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be majors

Applewhite, Margare., [redacted]
Berg, Valerie J., [redacted]
Conrad, Shirley N., [redacted]
Gallo, Jeanne M., [redacted]
King, Kristin D., [redacted]
Henley, Hannah C., [redacted]
Level, Maria B., [redacted]
May, Howard C., [redacted]
Murphy, Thomas C., [redacted]
Rasorgreenhalgh, Susan., [redacted]
Romack, Roxanne E., [redacted]
Stratton, Steven A., [redacted]
Zitzka, Claudia A., [redacted]

ARMY NURSE CORPS

To be colonel

Digirol, Martlyn T., [redacted]

To be majors

Ahern, Judith., [redacted]
Allanach, Elaine J., [redacted]
Allen, Linda C., [redacted]
Anderson, Frances D., [redacted]
Baldvins, Lynn A., [redacted]
Baxter, Mary A., [redacted]
Blankemeier, Cheryl., [redacted]
Bond, John, H., Jr., [redacted]
Boyle, Karen E., [redacted]
Brown, Martha E., [redacted]
Campbell, Tonia D., [redacted]
Carson, John F., [redacted]
Carvill, Kathleen M., [redacted]
Cefaly, Patricia., [redacted]
Chadek, Paul E., [redacted]
Chancey, Linda S., [redacted]
Choy, Sergio J., [redacted]
Clark, Mark E., [redacted]
Cofer, Gloria D., [redacted]
Conneen, Robert L., [redacted]
Craigmorich, Caroly., [redacted]
Decesare, Elaine M., [redacted]
Dickrell, Gretchen M., [redacted]
Dodd, Cynthia A., [redacted]
Dolenar, Elizabeth E., [redacted]
Downs, Martha C., [redacted]
Dufresne, Leon A., [redacted]
Duncan, Deborah J., [redacted]
Dunsmore, JoAnne M., [redacted]
Eberhardt, Janet M., [redacted]
Erlitz, Gail D., [redacted]
Ewald, Charles T., [redacted]
Ferguson, Joellen, [redacted]
Finney, William E., [redacted]
Flash, Thomas E., [redacted]
Fontana, LeAnn D., [redacted]
Ford, Lark A., [redacted]
Fuschino, Wanda A., [redacted]
Galeas, Dewey G., [redacted]
Gerson, Carol A., [redacted]
Girlando, Regina M., [redacted]
Goodrich, William C., [redacted]
Haferman, Charles T., [redacted]
Hagan, John R., [redacted]
Hagley, Michael W., [redacted]
Halliday, Ann E., [redacted]
Harris, Janet R., [redacted]
Harris, Selma V., [redacted]
Hayslett, Karen T., [redacted]
Helfers, Mary J., [redacted]
Herod, Arlita M., [redacted]
Higgins, Suzanne J., [redacted]
Hildreth, Pamela J., [redacted]
Hooper, Teresa A., [redacted]
Jantzen Ragni M., [redacted]
Kallish, Monika F., [redacted]
Kephart, Tami L., [redacted]
Kessler, Diane L., [redacted]
Killian, Deanne M., [redacted]
Kilpatrick, Darla M., [redacted]
King, Christine A., [redacted]
Kinneberg, Roger W., [redacted]
Kokoszka, Edward A., [redacted]
Langlie, Kaureen L., [redacted]
LeBlanc, Rene J., [redacted]
Kockhart, Mary J., [redacted]
Long, David R., [redacted]
Loomis, Rebecca, [redacted]
Lopez, Yvonne F., [redacted]
Lupine, Alfred E., [redacted]
McDonough, Terry E., [redacted]
McMillan, Deborah L., [redacted]
McNeill, Nina B., [redacted]
Means, Thomas E., [redacted]
Michael, Mary K., [redacted]
Mitcham, Denise R., [redacted]
Monteith, Maryann, [redacted]
Moore, Kathleen L., [redacted]
Muzyka, Sharon S., [redacted]
Nunnery, Mary B., [redacted]
Ogg, Donna L., [redacted]
Pieratti, Jacqueline M., [redacted]
Pinneke, Roger F., [redacted]
Pixley, Beryl K., [redacted]
Plumley, Susan D., [redacted]
Pollock, Gale S., [redacted]
Potter, Maureen C., [redacted]
Pray, Kathleen F., [redacted]
Rabon, Patricia A., [redacted]
Raines, Esther L., [redacted]
Reyna, Helen N., [redacted]
Ritchie, Rosemarie, [redacted]
Robbins, Dennis L., [redacted]
Rowlett, Barbara L., [redacted]
Santiagorivera, Miguel, [redacted]
Saulsberry, Patricia, [redacted]
Schempp, Catherine, [redacted]
Schlesser, David A., [redacted]
Schmidtke, Lynne E., [redacted]
Sheaffer, Steven M., [redacted]
Shriver, Natalie M., [redacted]
Simmonds, Gwenneth, [redacted]
Smith, Mary R., [redacted]
Smith, Mildred M., [redacted]
Sorbello, Samuel C., [redacted]
Sprague, Thomas E., [redacted]
Staehel, Joseph, [redacted]
Stetz, Charles K., [redacted]
Sutter, Michael J., [redacted]
Swartz, Ann L., [redacted]
Tate, Saundra D., [redacted]
Tefft, Steven L., [redacted]
Tikkanen, Patricia, [redacted]
Trafford, Antoinett, [redacted]
Treleven, Ann M., [redacted]
Trivette, Paula K., [redacted]
Varner, Anne E., [redacted]
Wade, Annie L., [redacted]
Walsh, Gregory C., [redacted]
Wedge, Brenda J., [redacted]
Wesso, Cindy Lou R., [redacted]
Wickwire, Frederick, [redacted]
Wilhelm, Katherine, [redacted]
Williams, Rita L., [redacted]
Wise, Wayne C., [redacted]
Wright, Yvonne B., [redacted]
Yungbluth, Joseph A., [redacted]
Zamora, Donald B., [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

Gillogly, Alan R., [redacted]

To be majors

Adams, Roderick M., [redacted]
Agosta, Richard H., [redacted]
Aiken, David A., [redacted]
Allen, William P., [redacted]
Armitage, Edwin K., [redacted]
Ayers, Gregory D., [redacted]
Baker Glenn D., [redacted]
Becker, John A., [redacted]
Bliss, John L., [redacted]
Bongiovanni, Rodolf., [redacted]
Bottaro, Samuel D., [redacted]
Bratcher, Linda L., [redacted]
Bridenstin, Thomas, [redacted]
Briggs, Lee W., [redacted]
Brinkley, Larry D., [redacted]
Brown, John H., [redacted]
Bruggeman, Gary E., [redacted]
Burney, Bruce W., [redacted]
Butler, Joseph W., [redacted]
Byrod, Fred J., [redacted]
Carlson, Lyle W., [redacted]
Castle, Ralph, Jr., [redacted]
Caudill, Vaughn E., [redacted]
Chang, John, [redacted]
Chula, Robert, Jr., [redacted]
Ciba, Edward J., [redacted]
Clark, Larry J., [redacted]
Comte, Ronald N., [redacted]
Connor, Sheryl A., [redacted]
Conrad, James D., [redacted]
Cook, Harold R., [redacted]
Cusack, John P., [redacted]
Davis, Jon D., [redacted]
Dean, Gary W., [redacted]
Dehnert, Loren M., [redacted]
Demarais, Richard A., [redacted]
Diamond, John J., [redacted]
Driggers, Lee I., [redacted]
Ebeling, Stanley J., [redacted]
Edwards, Michael S., [redacted]
Eng, Robert R., [redacted]
Ewing, Karen M., [redacted]
Fairchild, Leigh S., [redacted]
Farris, Jack C., [redacted]
Feeley, Michael J., [redacted]
Fitzpatrick, Glen M., [redacted]
Fosler, Steven R., [redacted]
Francois, James J., [redacted]
Garot, Kenneth, [redacted]
Gelston, Hugh M., [redacted]
Gentile, Robert D., [redacted]
Gonzalez, Roberto A., [redacted]
Goodes, Dennis P., [redacted]
Grubbs, Frank K., [redacted]
Hagey, David K., [redacted]
Harbell, John W., [redacted]
Harrison, Ronald C., [redacted]
Hart, Loren S., [redacted]
Hawkins, James B., [redacted]
Herbert, David K., [redacted]
Heidenheim, Rene A., [redacted]
Hicks, Michael C., [redacted]
Hohl, Wesley S., [redacted]
Hsieh, David A., [redacted]
Jackson, James N., [redacted]
Jellen, Linda K., [redacted]
Jerome, James J., [redacted]
Johnson, Howard E., [redacted]
Johnson, Montie S., [redacted]
Josie, Larry L., [redacted]
Kelley, Michael B., [redacted]
Klein, Terry A., [redacted]
Knudson, Kathryn H., [redacted]
Kulbiski, Joseph V., [redacted]
Kuoni, Philip J., [redacted]
Latch, John R., [redacted]
Latona, Dean P., [redacted]
Levesque, John C., [redacted]
Lewis, Bobby D., [redacted]
Lynch, Robert A., [redacted]
MacDonald, Bruce W., [redacted]
Madsen, Ellis M., [redacted]
Magnusson, David C., [redacted]
Maschek, Randall P., [redacted]
Mays, Mary Z., [redacted]
McAdam, Richard G., [redacted]
Meadows, Claude V., [redacted]
Mennito, Vincent J., [redacted]
Mestas, Robert I., [redacted]
Miles, Henry L., [redacted]
Minton, Terry R., [redacted]
Mowry, Richard B., [redacted]

Nacev, Vladimir [redacted]
Navo, Thomas J., [redacted]
Ohare, Donald A., [redacted]
Parkison, Steven C., [redacted]
Parsons, James C., [redacted]
Patterson, Thomas E., [redacted]
Payne, Cary J., [redacted]
Phoenix, Randy E., [redacted]
Read, Robert C., [redacted]
Roberts, Welford C., [redacted]
Robichaux, Rene J., [redacted]
Rogers, Patricia L., [redacted]
Rollins, Kenneth D., [redacted]
Rizer, Albert G., [redacted]
Rowden, Scott E., [redacted]
Sajac, Richard A., [redacted]
Sanders, Richard D., [redacted]
Sanftleben, Kurt A., [redacted]
Saxen, Thomas P., [redacted]
Scmitt, Thomas J., [redacted]
Schultz, George E., [redacted]
Scott, Leon C., [redacted]
Sellers, William S., [redacted]
Serenbetz, Raymond, [redacted]
Sharp, Harold E., [redacted]
Sheliga, Vivian I., [redacted]
Shipley, Patrick L., [redacted]
Silence, Roy J., [redacted]
Silkwood, Cheryl L., [redacted]
Simmons, James C., [redacted]
Skelly, Eileen M., [redacted]
Smith, David W., [redacted]
Smith, James E., [redacted]
Smith, William B., [redacted]
Solimando, Dominic [redacted]
Solverson, Luther D., [redacted]
Simpson, Glenn C., [redacted]
Spade, Elton L., [redacted]
Spadlin, Michael C., [redacted]
Spinks, Martha K., [redacted]
Steele, Carol A., [redacted]
Stieneker, Robert E., [redacted]
Sutton, David T., [redacted]
Thomas, John D., [redacted]
Thomas, Robert W., [redacted]
Thresher, William H., [redacted]
Tierney, John W., [redacted]
Tomlinson, Jeffrey, [redacted]
Torstick, Michael, [redacted]
Vaiani, Albert III., [redacted]
Valadez, Alex W., [redacted]
Vannoy, Allen E., [redacted]
Vernon, Darleen M., [redacted]
Waldrop, Lucius S., [redacted]
Wanersdorfer, Joseph, [redacted]
Ward, Dann C., [redacted]
Weiser, John C., [redacted]
Wheeler, Michael D., [redacted]
White, Joseph C., [redacted]
White, Sandra L., [redacted]
Whiteaker, Roger S., [redacted]
Wild, Larry W., [redacted]
Willard, Lloyd F., [redacted]
Williams, David W., [redacted]
Williams, Michael R., [redacted]
Wilson, John E., [redacted]
Yanklowitz, Barry, [redacted]
Yoshihashi, Eric J., [redacted]
Young, John Y., [redacted]

To be second lieutenant

Weir, Alan F., [redacted]

IN THE NAVY

The following-named lieutenant commanders of the line of the Navy for promotion to the permanent grade of commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER (11XX/13XX)

Ackley, Victor H.
Acuff, Lucian Mark
Adams, James Joseph
Agnor, Robert Joseph
Ahart, John Louis
Albright, Jeffrey Horace
Alleman, David Peterson
Allen, David Michael
Allison, Jacqueline Omeara
Almendinger, Sylvia Sue
Almy, Gideon Wilcox, III
Andersen, James Benjamin
Annis, Robert Earl
Appleby, Robert Thomas
Arndt, Stephen Alan
Arnote, Stanley Dean
Atkinson, John Scott, Jr.
Ayres, Kermit Arnold
Babin, Ordale Paul, Jr.
Bahnmiller, Michael Patrick
Barnett, Stewart Roland, III
Barrett, Gary Allen
Barry, John Michael
Bashore, Harry William, III
Beasley, Drew Wentz
Benjes, Christopher
Beresky, Michael Thomas
Berger, Robert Denton
Bernard, Eugene Philip
Bersticker, Keith Paul
Bickford, John Charles
Bigos, Randall Edward
Birkholz, Howard Daniel
Black, Richard Allen
Blair, Thomas Benton, II
Blum, George Edward
Bogdewic, Daniel David
Bogle, Ronald Coombs
Boland, Lawrence Joseph, Jr.
Bolcar, James Andrew
Bolkcom, Daniel Lee
Bolton, Patrick Joseph
Boniface, John Morrill
Booher, Stephen Reed
Boucher, David Lee
Bouck, William Gordon
Bouton, Edwin Harry, Jr.
Bradford, Gregory Copeland
Brake, Terry Allen
Brandes, John Charles
Breitinger, Thomas Leinbach
Bridge, Frederick Lawrence
Brooke, James Robert
Brooks, Wayne Guy
Brown, Daniel Earl
Brown, Harry Parker, Jr.
Brown, Henry Pell, Jr.
Brown, John Richard
Brown, Randall Ray
Brown, Steven Allen
Brunelli, Duane Lee
Bryan, Timothy Robert
Bryant, James Brantley
Burns, Allen Dale
Butkus, Stephen Benedict
Butt, Cyrus Hugh, IV
Byrd, Robert Earl
Cadden, Charles John
Caffrey, Edward Francis, Jr.
Camp, Phillip Steven
Cann, John D.
Carnahan, Thomas Michael
Carr, Russell Morgan
Carson, Thomas Hill, III
Cashman, Edward J.W.
Champagne, Lee Wesley
Chapple, Leroy Windsor
Charbonnet, Pierre Numa, III
Chattin, James William
Childers, Robert Blair
Chin, Sheck Gen
Christman, John Howard
Clark, Augustus Walter, III
Clark, James
Cocowitch, John Herbert
Coffey, Rickee Eddleman
Cole, Christopher Warren
Cole, Fred Gordon
Comer, Stephen Andrew
Connelly, Joseph Bernard
Cook, Norman Ervin
Cooper, Arthur Thomas
Cooper, Ward Joseph
Coppotelli, Lawrence
Cosgriff, Kevin Joseph
Covington, George Barkley
Coward, Thomas Wayne
Crowe, Robert Kenneth
Culbertson, Frank Lee, Jr.
Dahlquist, Paul William
Dale, Charles Joseph
Daniels, Thomas Lee
Darcy, Dorothy Messier
Dargo, Ronald Steven
Davis, John Ray
Davis, Michael Eugene
Deal, Carolyn Faye
Deering, Ronald Dean
Deloof, Ronald Milton
Denny, Donald Jefferson
Deputy, Robert Allen, Jr.
Dewey, Roger Scott
Disney, Donald Bruce, Jr.
Dobrovolny, Timothy
Dobson, Joseph O., III
Dodd, Carl Thomas
Dolle, James Edward
Doorly, Dale Martin
Dougherty, Terryll, Jr.
Doyle, John Joseph
Dresel, Jon William
Dryden, Richard Arthur
Duclos, Edward Decell
Dumas, Edward Lewis
Duncan, Michael Gordon
Dwornik, Richard Thomas
Edholm, Steven William
Edington, Ronald James
Edmondson, Joel Martin
Egan, John Robert
Eichelberger, Kenneth Lee
Eldridge, John Karson
Elkins, Marlene Marlitt
Ellerman, Dean William, Jr.
Elsen, Morris Eugene
Enderly, Richard Harold
Engel, Douglas Todd
Engel Gregory Allen
Enright, Joseph Earl
Erndle, Daniel Edward
Ersek, David Alan
Etnyre, Terrance Thomas
Etter, Stephen Shawn
Everett, Jon Berry
Falkner, James Raymond
Farrington, Robert Paul
Feallock, William John, III
Feeley, Michael Edward
Fellin, Tom Steven
Finley, Richard Gale
Finn, Michael Patrick
Finney, Charles Parker
Fjelde, John Arthur
Flannery, Peter Andrew
Fletcher, Patrick James
Flood, Jeffrey Lee
Fodor, Louis Charles
Foley, Kathleen Janet
Fontana, Stephen James
Foraker, Allen Shane
Forness, William Lawrence
Foulk, Donald Lamar, Jr.
Frankenfield, Howard Oakley
Feeland, Thomas Lee
French, Michael Jon
Frimenko, Michael, Jr.
Fritchman, Wilson John
Frohlich, Thomas William
Froman, Veronica Zasadni
Funk, William Ted
Futral, Donald Gordon
Gabe, Daniel Evans

Gabriel, Daniel Webster, Jr.
Gaffney, Michael Gattrell
Gamber, Charles Thomas
Gardner, James Adams
Gass, Michael Richard
Gauthier, Normand Claude
Gearhart, Michael Warren
Geddes, Stephen Schcolcraft
Giger, Charles Eugene
Girvin, Charles Rodney, III
Goodwin, Robert Archer, III
Gorman, John Joseph, Jr.
Gorski, Thomas Henry
Graeber, Grant L.
Gray, James M.
Graybill, Jon Gilbert
Green, Kevin Patrick
Green, Michael Jeffrey
Green, Richard Howard
Greene, Brenton Clair
Griffiths, Charles Henry, Jr.
Gunter, Clarence Earl, Jr.
Hagee, Carl Lynn
Hagstrom, David William
Hall, Garry Richard
Hallihan, Timothy James
Hamilton, William Lawrence
Hammer, Susan Colbeth
Hanel, Lynne Ellen
Hardee, James Bryan
Harper, Gregory Paul
Haskins, Michael Leslie
Hayes, Bradd Crouch
Hayes, James Alfred
Hayes, Thomas Mather
Heath, Gregory Garver
Hebert, Edward Richard
Heil, Frances Taney
Heineman, Ellen Elizabeth
Held, John Michael
Helgeson, Marc Arnold
Henson, John William
Herger, Joseph Ferdinand
Hermanson, Bruce
Hess, Mark William
Hewett, Ronald Edward
Higgins, Robert Arthur
Hilton, William Ray
Himmelwright, Heber Hodges
Hingle, Leander Leon, Jr.
Hodermarsky, George Thomas
Hoert, Michael John
Hoewing, Gerald Lee
Holland, William Wayne
Hollenbach, James Warren
Holmstrom, Garry
Hope, Roger Keith
Hornung, Scott Allen
Houck, Tomothy Lee
Howard, David George
Hubbard, John Hampton
Hull, David Clay
Hunter, Bruce Reed
Huston, Norman Earl, Jr.
Jackson, Tomothy Howard
Jacobs, Robert William
Janssens, Carol Jean
Jarabak, John Paul, Jr.
Jarvis, David Earl
Jenkins, Craig William
Jensen, Jens Alford
Johanek, James Francis
Johnson, Dennis Jack
Johnson, Larry Charles
Jones, Darrell Wayne
Jones, John Herbert, II
Jordan, Kenneth Sterling
Josefson, Carl Elof, Jr.
Kaczmarek, Michael Herbert
Kapinos, James Michael
Kauffman, Jack Emerson
Keane, Joseph Patrick, Jr.
Keating, Timothy John
Keehn, Thomas Joseph
Kennan, Philip Vincent
Kehoe, Micheal John
Kellner, Harry Herman, Jr.
Kelly, Edward William
Kelly, Taylor Daniel
Kemp, Curtis Allen
Kendall, Gene Roger
Keuhlen, Phillip Joseph
Kimmel, Robert Lee
Kissmann, Ronald Martin
Kocmich, Eugene Joseph
Koger, Gary Lang
Kok, Timothy Alan
Kraemer, Francis Xavier, Jr.
Krattli, Robert Walter
Krayer, William Edward
Krug, William George
Kutcher, Robert James
Lake, Robert George
Lang, Thomas Conley
Large, William Robert, III
Larkin, Robert Joseph
Larson, Gregg David
Larue, Larry Dean
Lassman, Abraham Joel
Lee, Robert Edward
Leuschner, James William
Lichwala, Stanley John
Linder, Bruce Richard
Lindroos, John Fredrick, II
Long, John Harvey
Long, Paul Bucher
Longworth, Michael William
Love, Robert Creekmore, Jr
Luengen, David William
Luhan, John Bernard
Lunning, Robert Marshall
Lynch, Michael James
Lynch, William Daniel
Mackin, Thomas Gabriel
Mader, James Fredrick
Madurski, Paul Edward
Magnino, John David
Mahaffey, Vaughn Eugene
Mahoney, Stanton Van, Jr
Mallgrave, Fred Joseph, III
Maris, James Raymond
Marks, Michael D
Marschalk, Pete Vanburen
Martin, John Thomas Oliver
Martin, Robert Roy
Martini, Perry James, Jr
Marvin, Richard Bruce
Mason, Lewis Gerhard
Massenburg, Walter Black
Mathews, Monty Guwain
Mathis, Michael George
Mattix, Thomas Mayer
Mattos, John Christopher
Maxey, John Donald
Mayberry, Jack Brian
McArthur, James Drake, Jr
McBride, Michael Patrick
McCabe, Michael J
McCabe, Robert J
McCarley, Theodore Kershaw
McCarty, Franklin Boyd
McClendon, Erwin Lowe
McClure, Bruce Patrick
McCuddin, Michael Ennis
McFee, Michael George
McGill, John Burke
McGillvray, John William, Jr
McGrath, Thomas Ross
McHale, Robert Vincent
McMacken, John Christian
McNamara, Robert James
McQuaig, Michael Gray
Meister, John Thomas
Meldrum, Mary Stift
Meurer, Robert Howe, Jr
Miller, David Benjamin
Miller, Donald Peter
Miller, Steven Michael
Milsted, Charles Eugene, Jr.
Miskill, Donald Keepers, Jr.
Montemarano, Anthony S.
Montesano, Frank William
Montgomery, Glenn Harold
Mori, Donald Paul
Morris, Ernest Lewis, Jr.
Morris, John Therrell
Motolenich, Stephen E., Jr.
Mowrey, Gary Steve
Muetzel, Michael Paul
Mullins, Patrick Charles
Mulvany, Gregg Patrick
Murchison, Grover Richardson
Murray, Craig Harland
Nacht, John Joseph
Neel, Frederick Heard
Nelms, Larry Wayne
Nelson, James Monroe
Nevins, Linda Gail
Newman, Don Russell
Newman, Micajah Wilson
Nichols, Raymond John, Jr.
Nicolin, Kevin Cashel
Nielsen, Eugene Keith
Niemczyk, Robert Richard
Noonan, Thomas Francis
Olde, Frederick George, III
Oliver, Diane Estelle
Organek, William Edward
Ormsbee, Richard Berryman
Oslund, Dwayne Arthur
Osullivan, George Daniel
Padgett, Gerald Allen
Palsgrove, Russell Tillman
Parish, Richard Joseph
Parks, Edward James
Parks, Philip Douglas
Patton, John Anthony
Paulson, John James
Payne, Robert Lee, Jr.
Peairs, Gregory Ross
Pelstring, Stephen
Persson, Michael Edward
Peterman, Ronald Ray
Peters, Wayne Albert
Petrie, John Noel
Pilnick, Steven Earle
Plutt, Richard Stephen
Polatty, David Pierce, III
Porritt, Richard Harley, Jr.
Powell, John Ramon
Prather, David Wayne
Price, Michael Leon
Radack, James Paul
Radich, Thomas Francis
Ragnetti, Michael John, Jr.
Rannells, David Alan
Rauch, Dale Arthur
Reasoner, James Douglas, Jr.
Reece, Stephen Michael
Reed, William Clark
Reese, Gary Arthur
Reese, Michael James
Richards, Philip Earl
Richardson, Isaac Eugene, III
Richardson, Kenneth Alan
Ringer, Charles Edward, Jr.
Riordan, Michael Eguene
Rivenes, Iver John, III
Robbins, Brain Arthur
Roberts, Dana Alan
Roberts, Ralph Dale Jr.
Robertson, Ronald Leigh
Roble, Woodrow John
Rocklein, Timothy Arthur
Rockwell, Donald Edward, III
Rodgers, Richard Lee
Rohlfs, H. Warren, Jr.
Romann, John E.
Roper, John Nathaniel, III
Ross, Stephen Carl
Route, Ronald Arthur
Rowe, Daniel John

Rubel, Robert Charles
Ryan, Paul John
Sakre, Larry Louis
Samar, Jack Joseph, Jr.
Sampson, John Alan
Sandknop, John Benjamin
Santangelo, James Angelo
Schall, George Edwin, Jr.
Scherr, Michael Robert
Schoonover, Robert Arthur
Schopp, Dean Wesley
Schuknecht, Richard Edward
Schuler, John Joseph
Scott, John Everett
Sebastian, Stacy E.
Seffers, William John
Selde, Peter Jay
Serhan, Marvin Thomas
Sharpe, Bruce Edward
Shatzer, Lewis Allen, Jr.
Shaughnessy, Ruth Catherine
Shaw, Daniel Nelson
Sheffield, Harold Leo
Shepherd, William McMichael
Shipman, Mary Catherine
Silvers, Richard Allan
Simpkins, Earl Lewis, Jr.
Siple, Roy Crane
Sitler, Stephen Douglas
Skirm, George Louis, III
Slater, Arthur Francis
Slaton, Steven Gregory
Smartt, Douglas Arthur
Smith, Audrey Lorraine
Smith, Charles Hughes
Smith, Gary James Ernest
Smith, Harris Latimer
Smith, Jeffrey Townsend
Smith, Leslie Eugene
Smith, Richard Markley
Smoogen, James Leon
Snigg, Steven William
Sowa, Phillip Lee
Sowers, Gary Gilbert
Sowers, James Richard
Speer, John Paul
Speer, Robert George
Stark, Richard Robert
Stark, Thomas Alon
Steelman, William Jeffrey
Steussy, William Howard
Stevens, Paul Harold
Stevenson, Charles Albert
Stewart, Frank Wood
Stewart, Richard Maxwell
Stewart, William David
Stone, James Benjamin, Jr.
Stone, Timothy Gene
Strohofer, Clifford John, Jr.
Struble, James Franklin
Stuermann, Walter Peter
Stuhlman, Robert Harold
Tackett, Kevin James
Talipsky, Richard William
Talton, George Marshal, III
Taplett, Kenneth John
Taylor, Samuel Walter
Tennant, John William
Thalman, David Marvin
Thomas, Harry Fannin
Thomas, Jerome W.
Thompson, Charles Edward
Timmester, Terry Wayne
Tobia, John A.
Tody, Stephen Lee
Toennies, Peter Ewald
Towcimak, William Robert, Jr.
Townes, John Willie, III
Treeman, Michael Wade
Trudell, Michael Albert
Turnbull, Steven Scott
Ulrich, Henry George, III
Uplinger, Joseph Charles
Vandeman, Frank Leslie, IV
Viglienzone, Dennis Edward
Villarosa, John Poteat
Wagemaker, Wallace James
Wagner, Cort Davis
Wagner, Randall Douglas
Walker, David Lee
Walker, Donald Beach
Walker, Frank Thomas, Jr.
Walker, John Bruce
Wall, Allan David
Wallace, David Kitts
Wargo, Joseph William
Weaver, Charles Shepard
Weaver, Christopher Edward
Weiss, Christopher Lee
Welling, David Craig
Wellman, William Earl
Welsh, Edward Joseph, III
Welsh, Harold Kenneth, Jr.
Wengierski, Irwin T.
Wessman, Mark Donald
West, Michael Christopher
Westmoreland, William Donald
White, Joseph Michael
Whittle, Alfred James, III
Wiechert, Annette Marie
Wiggins, Bryan Douglas, Jr.
Wiggins, Ronald Luther, Jr.
Wile, Ted Shannon
Wilkins, Bruce Alan
Williams, Arrena Sue
Williams, Gary Eugene
Williams, Marcus Samuel
Williams, William Robert
Winsted, Bradley Yancy
Winter, John Herman
Wise, John Roy
Wnek, Francis Mitchell
Woodford, Joseph Philip
Woolard, Reginald Wallace, II
Wooldridge, Gregory Carroll
Wunsch, Charles Steven
Wylie, James Meredith, Jr.
Youngblood, David Ray, Jr.
Zell, William Beigler, Jr.
Zitzelman, Philip Wayne

ENGINEERING DUTY OFFICER (14XX)

Barron, James Devens, Jr.
Beelby, Michael Howard
Benson, Eric James
Bowen, John Dennis, III
Brown, Alan Jeffrey
Carmody, Michael James
Carnevale, Joseph Anthony, Jr.
Combs, Osie V., Jr.
Davidson, William Eben
Eden, Michael Spencer
Gallemore, James Bruce
Gehl, Michael Thomas
Groenig, Stanley Ray
Hickey, Daniel George
Hoffman, James Harvey
Ibert, Peter John
Junge, Dennis Michael
Kavanagh, Gary Lee
Lengerich, Anthony William
Louden, Peter Eric
Montgomery, Henry Edward, Jr.
Mulkern, Trent Coleman
Musso, Thomas Francis
Nold, William Frederick
Ortmann, Robert Allen
Paige, Kathleen Koehler
Panzigrau, Jerome Eugene
Patch, Gregory Richard
Perin, Jeffery Mark
Reilly, David James
Reitz, Stephen Leslie
Rutherford, Allan
Schneider, Leo J., Jr.
Schnellenberger, James Edward
Sigmon, Kennis Lee
Staples, Ralph Eugene, Jr.
Therrien, Alfred E.
Ulaszewski, Terence Jerome
Welch, Daniel Roy
Williams, Bruce Arnold
Wilson, Bryan Paul

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINEERING) (151X)

Ball, John Charles
Bateman, Clifford Banks
Bauman, James Lawrence
Carlson, James Allen
Carro, Stephen Joseph
Chandler, Michael Edward
Daniel, James Mikell
Dubois, William Louis
Eargle, Terry Paul
Feierabend, Richard Carl
Gates, Ronald Austin
Gavito, Valentin Francisco J.
Hutchins, Alfred Gordon, Jr.
Levinge, Charles Alford
Loiselle, James William
MacDonald, Thomas Leo
McDermott, James Kevin
O'Connell, Patrick Michael
Offerdahl, David Carlyle
Redshaw, Michael Dennis
Walters, John Justin

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL MAINTENANCE) (152X)

Anderson, Wayne H.
Bellflower, James Alvin
Braman, Frederick Allen
Coffman, Bert Uwe
Conroy, Thomas, Jr.
Cutter, David Michael
Englehart, William Patrick
Farley, David Lee
Fischer, Joseph Christoph, Jr.
Fritsch, David G.
Hawk, Bruce Leon
Jacobs, Thomas Edward
Jauernig, Robert Russell
Lantta, Kenneth David
Lindquist, Robert George
Lovett, Joel Dyane
Macon, Richard Thomas
McDowell, Joel Gordon
Mills, Jack B.
Rhodes, Thomas Walker, Jr.
Tipps, Richard Douglas
Wilson, Eric Thomson
Yee, Thomas Hop

SPECIAL DUTY OFFICER (CRYPTOLOGY) (161X)

Allsopp, Ralph Stanley, Jr.
Bauer, Michael Joseph
Bialobrzewski, Peter Paul
Bishop, David Allan
Booth, Bryant Fred, III
Brinkmann, William Russell
Henry, William David
Houle, Normand Arthur
Hughes, Joseph Alexander
Leo, Barry Lawrence
Miller, Alexander Ayward
Oneill, John Patrick, Jr.
Pollack, Michael Anthony
Popikas, Charles Frederick
Ross, Jessie Clarence, Jr.
Schu, George Marks
Stansfield, James Daniel, III
Verbrugge, Kenneth Ervin
Walton, Jerry Eugene
Williams, Robert Jay

SPECIAL DUTY OFFICER (INTELLIGENCE) (163X)

Betzler, David Paul
Eakin, Philip Joseph
Gawlik, Joseph Anthony
Glanzmann, Christopher F.
Gray, Gary Keith
Holland, Frank Leonard, Jr.
Kelly, Frank Boulware

Kraus, George Frank, Jr.
Legrow, Allan Wesley
Lewis, Jeffrey Evans
Marlow, Francis Joseph
Martiny, Leon Eugene
Mauro, Charles Thomas
Midland, Phil Lawrence
Perras, Wayne Irvin
Pierce, Steven Doane
Porterfield, Richard Bruce
Prevar, John Edward
Ratliff, Perry Michael
Schneberger, Scott Laurin
Sisa, Steven Andrew
Utterback, Robert Alan
Williams, Donald Grant, Jr.
Wilson, Walter Edward
Winter, Dennis Allan

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS) (165X)

Alexander, John Whitlock
Britt, James Frederick
Jerkowsky, Thomas Joseph
Zakem, Jeffrey Steven

SPECIAL DUTY OFFICER (OCEANOGRAPHY) (180X)

Jensen, John Alexander
Klein, Fred Corwin
Leath, Dudley Wade
Leroy, Richard Duane
Little, William Henry
Wakeman, Mark

LIMITED DUTY OFFICER (61XX/64XX)

Allen, Charles Edward
Baker, Raleigh D., Jr.
Beck, Wayne Arthur
Bellflower, Robert J.
Brown, John W.
Brown, Leroy Allen
Calhoun, Jimmy Royce
Cameron, Robert Ellis
Chambers, Harold Dean
Clark, William Phil, Jr.
Cranmer, John Michael
Curry, Ronald Kenneth
Dahlman, Carl Eskil
Dougherty, Patrick Joseph
Driscoll, Michael Brian
Elben, Norman George
Ferrara, Bernard Joseph
Field, Philip Howard
Flores, Pablo Jimenez
Gann, Virgil E.
Garnett, Claude, Jr.
Genin, Louis Paul
Goden, Larry Frederick
Hale, John Frederick
Hale, Nathaniel
Hall, Allen Eugene
Harvey, Fred Seldon, Jr.
Haynes, Arthur Dean
Hennessy, Raymond Michael
Kirkland, Ronald Eugene
Leach, John Walter
Locke, Edward Stephen
McCoy, Ernest V.
McKinney, George Richard
Nance, Roger Allan
Neil, Robert Howard
Oakes, Delbert, Jr.
Parsons, Robert Eugene
Pfuhl, John F.
Pichardo, Fortunato
Pittman, Norward Thomas
Potter, David Lawrence
Prior, Melville E., Jr.
Remer, James Wesley
Rhodes, John Albert
Rodeffer, Ronnie Lee
Sides, John Elvin
Stomboli, James Ralph
Timms, Terry Wayne
Turner, James Sunday, Jr.
Webber, Thomas Charles
Weller, Wayne Leroy
Wilson, John E.

CONFIRMATION

Executive nomination confirmed by the Senate December 6, 1985:

DEPARTMENT OF STATE

Gregory J. Newell, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.