# SENATE—*Thursday, February 27, 1986*

*(Legislative day of Monday, February 24, 1986)*

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

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

Let us pray.

Omnipotent God of justice, truth and love, we have been made acutely aware of the peril in power and its propensity to corrupt and destroy. The brief, biblical biography of Uzziah, king of Judah, vividly reminds us of the disease and its prognosis.

"* * * as his power increased * * * his heart grew proud * * * and this was his ruin."—2 Chronicles 26:16.

Give us grace, Kind Father, in this place of power, to have ears to hear, eyes to see, and wills to heed. In His name in Whom, was all power, Who served and sacrificed in love for all. Amen.

## RECOGNITION OF THE MAJORITY LEADER

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

Mr. DOLE. Thank you, Mr. President.

## SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by special orders in favor of Senators SIMON, GORE, and PROXMIRE for not to exceed 15 minutes each, and routine morning business not to extend beyond 12:30 p.m. with Senators permitted to speak therein for not more than 5 minutes each. Following routine morning business, the Senate will resume consideration of Senate Resolution 28, TV in the Senate. It would be my hope that sometime shortly after that there could be a joint leadership substitute proposed, and we might have a debate and conclude action on that matter today.

Following that, or sometime maybe in the interim we need to act on the CCC supplemental appropriations bill. Also, I hope that Senators will let us act on basic requirements of the farm bill. I understand amendments are starting to come out of the woodwork. If we really want to help many farmers, we should do it this week. Some of the other amendments that are being raised can be taken care of later. But as far as a number of provisions with reference to dairy, with reference to yields and underplanting, they should be taken care of this week.

We have been working with Senators and House Members on both sides of the aisle in an effort to work out a compromise. But again let me urge my colleagues, if we are going to do anything today, we should not try to load up the bill with every conceivable amendment that somebody has called to our attention. We will make an effort in midafternoon to get unanimous consent to take up the Kasten-Leahy dairy bill which is at the desk and amend that with an amendment and send it to the House.

If we can complete action on CCC today, it is my hope we could lay down the regional airport proposal or, if not, move to something else that we can dispose of. It is my intention to be in session tomorrow, but whether or not there will be votes I will try to advise Members by midafternoon.

I reserve the remainder of my time.

## RECOGNITION OF THE MINORITY LEADER

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

Mr. BYRD. Mr. President, I believe Mr. SIMON had a 15-minute order, did he not?

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator is correct.

Mr. BYRD. I thank the Chair. It is my understanding that Mr. SIMON would like to have the time which was allotted to him controlled by Mr. PROXMIRE, so I make that request.

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

## INACCURACIES IN THE PRESIDENT'S DEFENSE SPEECH

Mr. BYRD. Mr. President, I will have a little more to say later about the President's speech on national defense last night. There are a few statements in that speech that are not accurate. One was the statement, in reference to the SALT II treaty, that the leaders of then-President Carter's party in the Senate were opposed to SALT II.

Mr. President, that is not correct. It is absolutely 180 degrees from the truth. I was quite long in making my decision on the SALT II treaty at that time, but I did, after carefully weighing all of the information that I could secure, after carefully weighing the pros and the cons, announce publicly my support for the treaty, stating at the time that I was not wholly satisfied with everything in it; I had a lot of problems with it, but I thought that it had more good in it than bad so far as our own country's national security interests were concerned, and I publicly supported it.

It was when the Soviet Union invaded Afghanistan in December of 1979 that I talked to President Carter and told him it would be impossible in the atmosphere that then prevailed; namely, the holding of the hostages by the Iranians and the invasion of Afghanistan by the Soviet Union, to get the necessary two-thirds vote in this Senate to approve the ratification of the SALT II treaty.

The administration is continuing to abide by the SALT II treaty even though the Senate has never taken the treaty up and debated it.

Second, the President spoke of Gramm-Rudman, and he tried to blame someone else for the reductions in defense spending dictated by Gramm-Rudman. That was an amendment which his own party offered here on the floor. It had some Democratic cosponsorship. But not too long ago I was at the White House with others in the leadership when the President made a strong pitch for Gramm-Rudman and also a strong pitch for increased defense expenditures. I stated there to the President—and the others who were around the table will recall—"Mr. President, if you think that Gramm-Rudman will not result in some cuts in the defense funding, you are in for a big surprise."

So it was the President who strongly endorsed Gramm-Rudman, strongly supported it even in the face of those of us who said that it would result in instant cuts in defense spending. It was he who supported it.

I think it is a little bit of a misrepresentation of the facts now for the President to criticize Congress and try to blame someone else for the reductions that are dictated by Gramm-Rudman. The President, against the advice of those of us here who support a strong defense, went ahead and supported and signed Gramm-Rudman. The arbitrary cuts he is concerned about are dictated by the Gramm-Rudman Act. It is not possible for the President to have it both ways, much as he would like to have it so.

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

The truth of the matter is that Congress appropriated more money for this year's defense than it did in fiscal year 1985. The reason why defense spending came in lower than that figure—to be exact, $286 billion; in fiscal year 1985, $295 billion; in fiscal year 1986, $299 billion—was certainly in part because of Gramm-Rudman, which, as I say, was enthusiastically supported by the President.

Among others, another misrepresentation that I heard the President make in his speech last night was with reference to the creation of the post of inspector general in the Pentagon. Senate Democrats proposed, on the Senate floor by amendment to the fiscal year 1983 DOD authorization bill, an independent inspector general in the Pentagon. In 1982 there was a key floor amendment offered by Senator BENTSEN, and others, which the administration strongly opposed, which provided for the creation of the independent IG in the Defense Department. Testimony by administration witnesses before the Senate Governmental Affairs Committee by then Deputy Secretary of Defense Frank Carlucci, DOD General Counsel William Taft, among others, in 1981 and 1982 opposed an independent inspector general for the Defense Department. The administration opposed the creation of that post; and it was Congress, most particularly, Senate Democrats, that went ahead, in the face of administration opposition to an inspector general in the Pentagon, and finally prevailed in establishing that office.

Last night, the President spoke of how the inspector general had brought about savings in the Defense Department, had exposed waste in the Defense Department. He, of course, took full credit for the inspector general, which he said was brought in during his administration; that it was a new post that came in during his administration, and that as a result of the inspector general's work, many of these wasteful expenditures had come to light. But he did not say that his administration opposed an inspector general in the Pentagon, which is the historical fact, and he did not say that Congress, over the opposition of the administration, went ahead and provided for an independent inspector general. The administration wanted an IG completely subservient to the Secretary of Defense, and not at all independent. Such a creature would never have had the authority and the muscle which was needed to shake up the powerful Pentagon bureaucracy.

Well, there are other misrepresentations that I could talk about. For now, I will leave it at that.

Mr. President, I ask unanimous consent that I may revise and extend my remarks and that an analysis of the historical record of the creation of the independent IG in the Pentagon, done by the staff of the Democratic Policy Committee, be printed in the RECORD at the conclusion of my remarks.

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

("We appointed the first Inspector General in the history of the Defense Department—and virtually every case of fraud or abuse has been uncovered by our defense Department, our Inspector General. Secretary Weinberger should be praised, not pilloried, for cleaning the skeletons out of the closet."—President Reagan, Televised Address on National Defense, February 26, 1986)

THE PENTAGON INSPECTOR GENERAL—CONGRESSIONAL DEMOCRATS PROPOSED IT, THE ADMINISTRATION OPPOSED IT

This Special Report was originally issued on June 17, 1985. Because President Reagan, last night, again attempted to claim credit for both the creation and successes of the Pentagon Inspector General Office, the report is being reissued with updated revisions.

The report reveals that the independent Inspector General Office in the Department of Defense was created largely through the efforts of congressional Democrats, and—contrary to the President's assertions last night—the Administration opposed it.

RECALLING THE FACTS

When the Reagan Administration took office in 1981, the President claimed that he wanted inspectors general "meaner than junkyard dogs" watching over each government agency. No such creature was to be found, however, at the Pentagon. The Department of Defense was exempted from the requirements of the Inspector General act of 1978, which mandated an inspector general in virtually every other executive branch department.

Concerned with the massive increases in appropriations that the Administration was requesting for the Department of Defense, as well as the appearance of stories about the Pentagon paying outrageous prices for common household items, in early 1981 congressional Democrats decided that it was time to address what former OMB Director David Stockman was calling the "swamp of waste and inefficiency" in Pentagon procurement.

CONGRESSIONAL DEMOCRATS PROPOSED AN INDEPENDENT INSPECTOR GENERAL OFFICE

On May 19, 1981, the House of Representatives approved H.R. 2098 which had been introduced by Representative Jack Brooks. The measure would have amended Public Law 95-452 (the Inspector General Act of 1978) by including a provision to establish a statutory Office of Inspector General in the Defense Department.

On December 10, 1981, Senator Lloyd Bentsen introduced S. 1932 as "companion legislation" to the House-passed measure. To ensure that a Pentagon inspector general could and would be "meaner than a junkyard dog," this proposal, as well as the House-passed measure, granted the Pentagon inspector general the independent authority to conduct audits and investigations relating to programs and operations within the Defense Department.

Under both the House and Senate proposals, neither the Secretary nor the Deputy Secretary could prevent the inspector general from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation. Both measures were soundly endorsed by the General Accounting Office (GAO). On February 5, 1982, GAO reported:

"We believe the inspector general's degree of independence, congressional report responsibility, unrestrained scope of work, and combined auditing and investigating capabilities as contemplated under H.R. 2098 and S. 1932 would result in improved internal controls and better congressional oversight of Defense activities."

The Pentagon itself provided a striking illustration of just why the office needed such autonomy. In April, 1982, it was reported that the Department of Defense was withholding vital information from GAO investigators regarding the costs of the B-1 bomber. The person who President Reagan said should be "praised . . . for cleaning the skeletons out of the closet," Defense Secretary Caspar Weinberger, rejected Comptroller General Bowsher's request for this information on the grounds that it "would seriously interfere with the decision-making process."

THE REAGAN ADMINISTRATION OPPOSED AND FOUGHT THE CREATION OF THE OFFICE

The Administration, as well as the Defense Department opposed and fought the measures proposed by Senate Democrats to create an independent inspector general office in the Pentagon. One after another Administration official expressed the Administration's objection to the Senate Committee on Governmental Affairs.

Department of Defense General Counsel William Howard Taft IV testified on June 18, 1981:

"(Those provisions which would establish the independence of the Inspector General in the Department of Defense) are completely inconsistent with the hierarchical commander subordinate relationship that is at the heart of any military organization, and is embodied in the chain of command. . . . In our view, the Secretary of Defense must have the ability to terminate any review process or investigation that the Inspector General may initiate which would jeopardize national security."

Deputy Secretary of Defense Frank Carlucci testified on March 25, 1982:

"We believe the Inspector General ought to be under the authority, direction and control of the Secretary of Defense. . . . It is just not tolerable in those circumstances to have someone who is not under the authority, direction and control of the Secretary of Defense."

Deputy Director of the Office of Management and Budget Edwin L. Harper testified on June 18, 1981:

"The principal recommendation concerning an Inspector General for the Department of Defense involves the relationship between the Secretary of Defense and the Inspector General. Our approach would permit the Secretary of Defense, using his judgment about matters relating to the interests of national security, to require the Inspector General not to undertake a given audit or investigation."

Senate Democrats countered by pointing out that a Pentagon inspector general without a large degree of independence would not ensure an efficient Pentagon procurement system. A truly independent inspector general would need autonomous authority and sufficient power to monitor, audit, evaluate, and review spending to be effective. Senator David Pryor charged that

having the inspector general responsible to and under the control of the Secretary of Defense would give the Defense Department "a puppy instead of a watchdog."

Congressional Democrats encountered continuing obstacles in their drive to create an independent inspector general office. Their measures were stalled in committee. Weaker bills were introduced. And the Administration procrastinated in submitting its proposal for creating an inspector general office to the involved Senate committees: "Last June (1981), when this Committee first began its hearings on the House-passed proposal creating additional inspectors general," Senator Pryor pointed out, "the Administration indicated their proposal on this initiative was forthcoming. It appears now—nine months later—that their proposal was 'delay, delay, delay.' Now we are 174 days past the October 1, 1981, effective date in the bill passed by the House last May."

THE ESTABLISHMENT OF AN INDEPENDENT OFFICE OF INSPECTOR GENERAL

In May 1982, Senate Democrats renewed their effort to create a more efficient Department of Defense and to ensure that taxpayers' money is well spent. Senators Pryor and Bentsen introduced measures to establish an inspector general office in the Pentagon, free from the control of the Secretary of Defense with the exception of matters involving national security.

During the floor debate on these measures, Senator Pryor pointed out:

"We need an IG who is not 'part of the management team' at the (Defense) department. We do not need more of the 'buddy system'—we need hard-nosed investigations led by a person not obligated to the Secretary of Defense for his or her job but whose only obligation is the President, the Congress, and the American people. . . . The watchdog should not be kept on a tight statutory leash or forced to wear blinders. He or she should be able to look anywhere and everywhere for waste, fraud, and abuse, cost overruns or excessive profits of contractors."

Senator Bentsen declared:

"The idea that the Secretary (of Defense) can negate the initiation or conduct of any audit or investigation, is totally opposite to what Congress intended in authorizing the Inspector Generals' program. . . . (The Defense Department) is on record as opposing any legislation to create an independent Inspector General within the Pentagon. . . . If we are to have anything other than a cosmetic Office of Inspector General, we must have independent authority to conduct audits and investigations without interference. Anything less will be a sham, and the public will recognize it as such."

On May 12, 1982, Senate Democrats successfully resisted an attempt to table the Bentsen proposal to create an independent inspector general office by a vote overwhelming along party lines (44 Republicans voted to table the measure while 42 Democrats voted against tabling it). But on the same day the Senate defeated the Bentsen proposal again by a vote overwhelming along party lines (41 Democrats voted for the proposal while 50 Republicans followed the Administration and voted against the measure). The measure that the Senate finally approved established an Inspector General office with less autonomy than provided by the House of Representatives and less independence than proposed by Senate Democrats.

In conference, however, the needed independence was restored—the final legislation closely resembled the measure which had been proposed by Senator Bentsen. It established an Inspector General office in the Defense Department with the autonomy to investigate and expose waste, fraud, and abuse in the Pentagon. It was given the same independence as all other statutory Inspectors General with the exception of certain specific areas, such as sensitive operational and intelligence matters where the Secretary of Defense has the authority to control an investigation. In such cases, both the Secretary of Defense and the Inspector General are required to submit a report to the Congress whenever this authority is exercised.

FROM ONE SUCCESS, MANY

Since the enactment of the legislation, the Inspector General's office has uncovered contracting fraud, abuse of the Defense Department's procurement system, and revealed that the Pentagon was paying $44 for a lightbulb, $640 for a toilet seat, $436 for a hammer, $427 for a tape measure, and $1,118 for a 22¢ plastic stool cap.

Commenting on the fact that taxpayers are getting more military return on their hard earned tax dollar investment, and the improved effectiveness in the Pentagon's procurement system resulting from the establishment of the independent Inspector General office, Senate Democratic Leader Robert C. Byrd, in November 1983, remarked:

"To achieve more efficiency and economy in the Department of Defense, Congress . . . created an independent Inspector General. It was unfortunate that the Administration fought the creation of this post. But the wisdom of this move . . . has now become obvious."

Mr. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. BYRD. I ask unanimous consent that I may reserve the remainder of my time throughout this calendar day.

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

Mr. BYRD. I yield the floor.

## RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 30 minutes.

Mr. PROXMIRE. Fifteen minutes—is that right?

Mr. BYRD. I had 15 minutes which were provided for Mr. SIMON transferred to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the distinguished minority leader.

The PRESIDING OFFICER. By unanimous consent, the time of Senator SIMON was transferred to the Senator from Wisconsin.

## PRESIDENT REAGAN IS WRONG—WE HAVE THE STRENGTH TO NEGOTIATE NOW

Mr. PROXMIRE. Mr. President, last night President Reagan told the Nation that the millions of Americans who believe we are now superior to the Soviet Union in military strength are wrong. I think the President is wrong and I want to say exactly why.

The President called out a series of areas where the Soviet Union does indeed exceed the United States in military equipment. He listed combat aircraft, submarines, tanks, and artillery pieces. The President left the clear implication that the Soviet Union today enjoys a military strength that exceeds that of the United States. He then contended that this country must remedy this military disadvantage in order to negotiate arms control agreements with the Soviet Union from strength.

This Senator welcomes the President's decision to bring this issue to the attention of the American people. This is a critical issue. No responsibility of the Federal Government carries more importance than providing for our national security. No policy our Government can pursue can more surely bring the peace that is so essential in this nuclear world than arms control negotiations. This Senator also agrees wholeheartedly that we should negotiate from a position of strength.

All of us in Congress are painfully aware of the heavy burden military spending imposes on our country at a time when we face our most serious fiscal crisis in memory. But Congress is certainly ready to spend whatever is necessary to provide the United States with the military strength to negotiate with the Soviet Union from a position of at least parity, and we should.

Is the President right? Is the United States in fact too weak militarily to negotiate with the other superpower from a posture of solid military strength? The answer is clear and overwhelming. The President is wrong. And I mean very wrong.

Consider what he overlooks. What lies right at the heart of military strength in this modern world? Answer: Technology and economic strength.

How do the two superpowers compare in these respects? Last year, in the most recent report from the Defense Department comparing the United States and the Soviet Union in the 20 most important areas of military technology, the United States led in 15. That is right: This country led in three-quarters of the most important military technology areas. The two superpowers were tied in 5. That meant the Soviet Union led in exactly none—zero.

Mr. President, this is most important, because technology advantage lies right at the heart of whether the two nations should negotiate a mutual verifiable test ban treaty—to stop all nuclear weapons explosions.

Just last night, such negotiations were overwhelmingly supported in the

House of Representatives on a recorded rollcall vote. That was a few minutes before the President spoke. The President opposes those negotiations. From the standpoint of strength, does it not make sense for this country to negotiate a cessation of nuclear weapons testing at a time when this country has such a smashing technological advantage? Talk about negotiating from strength! In this category we obviously have it. A treaty would, in effect, freeze our advantage in place for the life of the treaty.

How about the economic strength of the two superpowers? Economic strength is quintessential to military power. So, compare: The Soviet gross national product is an anemic 55 percent of the U.S. gross national product. If there is anything more important in military power than technology and economic strength, it is the quality of military personnel on both sides. How about the quality of military personnel in the Soviet Union and the United States? How do American soldiers today compare with Russian soldiers?

For months, we have had documented evidence of the personnel weakness of the Soviet military. Soviet military morale is bad. The desertion rate is high. Alcoholism is a serious problem. The skill and education level is weak. Surprisingly, the health of Soviet soldiers has been reported as poor. Malnutrition is a serious Soviet military problem. Malnutrition: That is something we do not have in our military at all. In order to get in the Army, Navy, Air Force or Marine Corps, you have to be in good, solid physical health.

That is not the situation in the Soviet military. What a contrast this is overall with American troops.

Just this past week, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Army, as well as the Chief of Staff of each of the four services, including the Marine Corps, testified before the Appropriations Subcommittee on Defense.

I happen to be a member of that subcommittee, and I was there during all of the hearings.

They told us that the quality of American military personnel has never—I repeat—never been so high. The educational level is the best ever. That includes World War II. The number of high school graduates has broken all records. The number of low category personnel is the smallest it has ever been. The drug problem has diminished to a small fraction of what it was, a spectacular drop in the last few years. AWOL, absent without leave, has dropped spectacularly. Crimes against property and persons has fallen almost out of sight.

Every single one of these top military officials testified that American military personnel at every level and in every service has immensely improved. They are elated about it. I could hardly believe them. In fact, the data was so good, I think it was hard to believe. Statistics can be juggled. So I challenged these top officials. But they responded convincingly that our military personnel had indeed achieved these advances.

Now, Mr. President, I challenge any Senator to show that this basic element of military strength, that is the quality of our military personnel, their intelligence, their training, their skills, their morale, is not to the advantage of the United States over the Soviet Union.

Is that all? No, that is not all. From our standpoint it gets better. Land, sea, and air maneuvers and training time for American personnel greatly exceeds that of the Soviet Union. Much of the Soviet fleet sits bottled up in the Baltic ports. We have far more naval tonnage than the Soviet Union.

The President talks about more Soviet submarines. These Russian submarines are small submarines. They do not carry anything like the nuclear power our submarines carry. There is no comparison. Our ships, by and large, are greater overall in fire power. Our ships are at sea three times as much as the Soviets. Our planes are in the air three or four times as much. Our pilots and seamen have far more experience.

The President says that the Soviets have more submarines. How about those Soviet submarines? Some are small. Some are old. The Soviets have nothing like our nuclear-armed Tridents. Each of those U.S. Tridents, each one of those submarines represents a nuclear power which, standing all alone, would be the third nuclear power on Earth—on Earth. Over time, each of these submarines could obliterate every single city in the Soviet Union—each submarine. That is the kind of power we have.

That, Mr. President, brings us to another point. This is the nuclear age. We and the Soviet Union are each nuclear powers. That is why we are superpowers. Who has the advantage in this essential nuclear power? The Soviet Union has most, about 70 percent, of its nuclear power locked into stationary land-based missiles. Those Soviet missiles have enormous megatonnage. They have excellent accuracy. They have emphatically superior throw-weight to anything we have. But they also have a serious vulnerability. They are sitting ducks. They do not move. We know where they are at all times.

What strategic nuclear strength does the United States have? We have about the same number of nuclear warheads as the Soviets. If anything we have an advantage. But both sides have about 10,000. Ah, but there is a critical difference. Our weapons are far less vulnerable. The United States has more than twice as much of its nuclear deterrence deployed in invisible mobile submarines as the Soviet Union. The Secretary of the Navy has testified before the Appropriations Committee that U.S. submarines are virtually invulnerable now and will be progressively more invulnerable as the years go on.

The United States has literally 10 times—get that—we have 10 times as many of our strategic nuclear warheads based on bombers, many of which are constantly in the air and even more on alert and ready to take off in a very few minutes. Contrast that with the fact that the Soviets deterrent by and large is in stationary and land-based missiles that does not move and is in the same place now as they will be next year.

So, the two superpowers have roughly equal numbers of strategic weapons. But there is an absolutely critical difference. Ours are largely invulnerable. Ours can survive an attack. Theirs, cannot.

So, Mr. President, what is the heart of the negotiations going on at Geneva that require American strength? Are they negotiations that the President talked about, tanks and artillery pieces, or negotiations over nuclear weapons and forging nuclear agreements? Obviously, they are nuclear weapons negotiations. And who has the military advantage? Is it not obvious? Mr. President, this is not a recent advantage acquired in the Reagan years. Even in 1980, before President Reagan took office, Gen. David Jones, then Chairman of the Joint Chiefs of Staff, then said, and I quote him. Here is what he said in his language:

> I would not swap our present military capability with that of the Soviet Union.

In 1982, Gen. John Vessey, who succeeded Jones as Chairman of the Joint Chiefs, testified, and I quote again:

> Overall, would I trade with Marshall Ogarkof? Not on your life.

Mr. President, I have said nothing about the enormous military advantage this country enjoys over the Soviet Union because of our NATO allies. But we do. Our NATO allies in aggregate have an economy that is even larger than our own. The United Kingdom and France each are now building strategic nuclear capabilities that will surpass 1,000 warheads each. Each one of them could mount an attack that would devastate the Soviet Union. NATO countries have significantly improved their military strength in the past 10 years.

How does that compare with the Warsaw Pact and the Soviet allies? The comparison is pitiful. In Poland, East Germany, Romania, you name it, the Soviets would have to worry in any attack on Western Europe about rebellion from their presumptive but

deeply disgruntled allies from the rear. None of those allies have any nuclear strength. Their morale, training, and even the health of their military personnel is even worse than the Russians.

Last, but by no means least, Mr. President, we have the current performance of the Soviet Union military operation in Afghanistan. For 6 years the Russian military machine has been stumbling around that fifth-rate primitive little country right on the Russian border. In Afghanistan, the Soviets have short supply lines. They attack with their land-based strength, which is their best military asset. They have attacked with chemical weapons. They have tortured. They have committed atrocities. But they have made no significant military progress. They have failed spectacularly in Afghanistan.

No. President Reagan is wrong. We can deal with the Soviet Union right now at the bargaining table from strength, solid military strength. Probably we can deal from sharply superior strength, but, certainly, Mr. President, from at least military parity.

The time to negotiate is now. We do not need to spend more for military strength and indeed nothing in the President's program would even try to remedy the advantage he talks about for the Soviets in tanks and other military equipment. He does not propose that we increase the number of our tanks to anything like they have. He does not propose that we increase our aircraft as they have. And he should not, because we have an advantage without that. But that is the argument that he makes in saying that we should not negotiate on nuclear weapons with the Soviet Union when, as I have pointed out, in the nuclear weapon area, if there is any superiority, it is certainly with the United States and the NATO Alliance.

Mr. President, I ask unanimous consent that an article in the Washington Post of today, headlined "Some Reagan Defense Points Mismarked" be printed in the RECORD.

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

[From the Washington Post, Feb. 27, 1986]

SOME REAGAN DEFENSE POINTS MISS MARK

(By Fred Hiatt and George C. Wilson)

President Reagan drew on a number of familiar anecdotes and arguments last night to bolster his plea for increased spending on arms. The record shows some of them to be in dispute or incorrect.

Reagan stated, for example, that his administration's backing of the MX missile, Trident submarine and other nuclear programs "represents the first significant improvement in America's strategic deterrent in 20 years."

However, the construction of five of the seven Trident submarines was started before Reagan was first inaugurated in 1981. Intercontinental ballistic missiles were outfitted with multiple warheads throughout the 1970s. During the Ford and Carter administrations, the Air Force developed highly accurate, air-launched nuclear cruise missiles and modernized its Minuteman III missile force with new, more accurate and more powerful Mark 12A warheads.

During the "supposed decade of neglect in the 1970s," as Sen. Carl M. Levin (D-Mich.) has said, the United States added more strategic nuclear warheads to its arsenal than the Soviets.

Reagan also said the nation he inherited was suffering from "years of declining defense spending." But Defense Department documents show that total spending, after dropping during the early 1970s in the wake of the ending of the U.S. role in the Vietnam war, rose steadily beginning in fiscal 1976.

Even adjusted for inflation, according to the Pentagon, department outlays rose from $171.8 billion in fiscal 1976 to $197.7 billion in fiscal 1981, calculated in constant 1986 dollars.

Many of Reagan's statements last night are beyond dispute. Even his most dogged critics acknowledged that the past five years have witnessed improvements in military readiness and troop quality and morale, and that Congress has erected many of the "obstacles to good management" in the Defense Department.

But other statements appear more open to question.

While citing the Soviet advantage in the numbers of combat aircraft, submarines, tanks and artillery pieces, Reagan omitted the U.S. numerical lead in Marine Corps divisions, aircraft carriers, cruise missiles, long-range strategic bombers and some other weapons.

Reagan also did not mention that, when NATO and Warsaw Pact forces are included in the equation, many of the imbalances narrow. Even in 1980, Gen. David C. Jones, then-chairman of the Joint Chiefs of Staff, said, "I would not swap our present military capability with that of the Soviet Union."

"I would take some of the things that the Soviets have for their forces in terms of numbers and give them to our forces," Jones' successor, Gen. John W. Vessey Jr., said in 1982, "but overall would I trade with Marshal Ogarkov? Not on your life."

William W. Kaufmann, a defense expert at the Massachusetts Institute of Technology who has advised Democratic and Republican defense secretaries, said that even if Reagan's defense program were adopted in full, most of the gaps the president cites would remain.

"The difference will be just as large in 1991, because we're not going to buy another 35,000 tanks," he said. "Either his program is wrong or his measures are wrong, I happen to think it's, as usual, a mix of the two."

Reagan said in his speech last night that cost growth in the Pentagon has declined from 14 percent per year in 1981 to less than 1 percent after "we began our reforms." Much of that decrease is attributable to a decline in the overall inflation rate.

House Majority Leader James C. Wright Jr. (D-Tex.), in his response to the president last night, similarly appeared to ignore the effects of inflation when he said that Reagan's budget proposal would call for spending "almost four times as much on the military by the end of this decade as the nation spent during the height of the Vietnam war."

Reagan pointed to cost decreases in F18 fighter jets and added that the price of one air-to-air missile has dropped almost by half since 1981, perhaps a reference to the Sidewinder missile, which is being purchased in far greater quantities.

But other weapons, such as the Phoenix air-to-air missile, have nearly doubled in cost, according to Defense Department documents.

The Congressional Budget Office calculated last year that Reagan increased spending on tactical missiles by 91.2 percent during his first term but purchased only 6.4 percent more missiles than President Carter, in part because of cost growth and in part because more complex types of missiles were bought.

In an apparent reference to overpricing of spare parts, Reagan said that "a horror story will sometimes turn up despite our best efforts." But Defense Department Inspector General Joseph H. Sherick found in 1984 that more than half of the spare parts purchased by the Pentagon were "unreasonably priced" (36 percent) or "potentially unreasonably priced" (17 percent).

Reagan also took credit for appointing Sherick, "the first inspector general in the history of the Defense Department," but did not point out that Congress made his position independent despite administration objections.

## MYTH OF THE DAY: CAPITAL PUNISHMENT DETERS CRIME

Mr. PROXMIRE. Mr. President, the myth of the day is that capital punishment is a proven deterrent to the commission of crimes.

Recent statistics from the People's Republic of China suggest that the reality of the situation is far different. Here is what these facts reveal.

About 3 years ago, as Senators know, the People's Republic of China initiated its program of rapid economic growth. What happened as a result? It meant, among other things, that a greater volume and variety of goods were available, thereby opening up more and more possibilities for thieves operating in the People's Republic of China.

What did the Government do in the face of an increasing robbery rate? It took drastic steps. Any theft amounting to more than $315 was declared to be a major crime, with the perpetrator subject to the death penalty. Many other offenses were also added to the list of those adjudged to be major crimes and, therefore, carrying a penalty of death to the offender.

Mr. President, if there were ever to be a test of the deterrent effect of capital punishment, this is it. In the People's Republic of China, the country with the world's largest population, a long list of crimes—many relatively minor in nature—would result in the guilty criminal being put to death. I should point out, too, that a single bullet fired into the head of the guilty party is the form of execution most used in the People's Republic of China.

What happened in the wake of this incredibly draconian approach to pun-

71-059 O-87-4 (Pt. 3)

ishing criminals in the People's Republic of China? Were would-be criminals deterred? Did the crime rate fall?

The answer to these questions is "No." In the first 9 months of 1985, serious criminal cases in the People's Republic of China rose almost 27 percent, according to Xinhua, the official news agency.

Mr. President, this experience in the People's Republic of China strongly suggests that it is a myth to claim that capital punishment can be shown to deter crime. In the People's Republic of China, with the toughest death penalty rules this Senator has ever heard of, the reality was an increase in the crime rate.

I yield the floor.

## RECOGNITION OF SENATOR GORE

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. GORE], is recognized for not to exceed 15 minutes.

## THE MIDGETMAN MISSILE PROGRAM

Mr. GORE. Mr. President, all of us have the experience of seeing good basic legislation serve as the vehicle for bad amendments; sometimes to the point where what might have been useful and good is overwhelmed and has to be given up. That is the situation we now may face as regard the Midgetman Missile Program. I do not think we will face it, but we need to consider what lies ahead. If those who wish to transmogrify this idea into something else—to convert Midgetman into mini-MX by doubling its size and MIRV'ing it—succeed in grafting their ideas onto this concept, it will surely be lost.

Of course, it is our nature to look for compromise on issues of public policy. And some will be tempted to think that this question of the dimensions and warheads loadings on the Midgetman can be dealt with in that way. But it would be a mistake.

We can authorize relatively subtle adjustments to the Midgetman—and perhaps we should—and still not denature the idea. Proposals for such adjustments will probably be generated by the upcoming Deutch Panel report. But let there be no mistake: once we start thinking of a mini-MX, we are talking something which is alien—not kindred—to what the Scowcroft Commission recommended and the President agreed to pursue. We are talking about something which cannot inherit the support enjoyed by the Midgetman. We are talking about rehearsing the MX debate all over again, and not even for the MX but for a poor cousin to the MX.

I intend to pursue this theme from time to time in subsequent speeches. But today, I am in the happy position of letting some others speak, and speak eloquently. Let me draw your attention and that of my colleagues to two editorials: one by Edwin Yoder, Jr., in the Washington Post of February 23; the other by the editors of the Atlanta Constitution in their edition of February 23. Both of these pieces take on the mini-MX issue bluntly, and with dead-on accuracy.

I ask unanimous consent that these editorials be printed in the RECORD. They form an interesting followup to a similar piece from the Washington Times which I entered into the RECORD earlier.

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

[From the Washington Post, Feb. 23, 1986]

MIDGETMAN AND THE PENTAGON

(By Edwin M. Yoder, Jr.)

The curious tale of the Midgetman missile offers another lesson in how strategic sanity yields to secondary pressures.

Midgetman was originally conceived to be a light, mobile single-warhead missile, an important step back from the menacing world of "first-strike" threats posed by heavy multi-warhead nuclear weapons.

But Midgetman is jeopardized by the Pentagon's obtuse bigger-bang-for-a-buck philosophy. At a recent House hearing, Undersecretary of Defense Donald Hicks explained that the United States could buy 170 new three-warhead missiles for the price of 500 Midgetmen—and save $20 billion doing it.

Perhaps obscure rivalries among defense contractors explain this bizarre proposal. It is hard to explain otherwise. The abandonment of Midgetman (or its transformation into a much heavier multi-warhead missile) would make nonsense of the recent—and eminently sane—proposals of the Scowcroft Commission.

That body was created some three years ago to get President Reagan and the Pentagon out of a self-imposed jam. This administration wanted to push ahead with the MX super-missile (10 warheads). Yet for essentially political reasons, it had scrapped the original "basing mode" in underground silos in the Southwest. It was in the weird position of wanting to build a missile it didn't know how to deploy. Secretary Weinberger was reduced, absurdly, to talk of basing it on planes.

Enter the Scowcroft Commission. It hatched a plausible compromise. Proceed with the MX, it advised, but only as an interim "modernization." Meanwhile, look ahead to an eventual dependence on a mobile single-warhead missile: Midgetman.

The logic of the idea was far from esoteric, as nuclear strategies go. Huge multi-warhead missiles (both MX and its Soviet counterparts) encourage "first-strike" scenarios. As many-eggs-in-one-basket weapons, they invite preemption. They also threaten preemption against the missiles on the other side. They are pushing both the United States and the U.S.S.R. toward perilous hair-trigger "launch on warning" war plans.

How closely first-strike theory approximates any conceivable military probability is debatable. But much of nuclear strategy is built on speculative war-gaming—and must be, since, fortunately, we have so far avoided experiments with the real thing.

The key point, given the need to deal rationally with such dire matters, is that the world would be far safer if both sides moved from first-strike missiles back to the stable deterrence offered by mobile, single-warhead missiles. (Their mobility would assure invulnerability; their single warheads would not threaten preemption.)

Everyone, not only the luminaries on the Scowcroft Commission but many outside it (Henry Kissinger, for instance) thought the idea was splendid. The Midgetman strategy was gratefully accepted and endorsed by the president.

What has happened to it? If the Scowcroft report was read at the Pentagon—and it surely was—its message has been lost in the usual contracting rivalries and engineering contests. Even if the change proposed by Undersecretary Hicks saved money, it would be a madly false economy.

It is true that the beautiful logic of a return to single-warhead missiles has eluded not only the Pentagon but, so far, the Kremlin also. The Soviets, mystifyingly, have denounced Midgetman as a first-strike weapon—which is exactly what it is not supposed to be.

But obtuseness afar is less dangerous to the survival of the Midgetman idea than obtuseness at home. It seems the usual pattern for major transitions in nuclear-weapons strategy to begin here and eventually find their way to Moscow. This was true of the fatally misconceived "MIRVing" of missiles (equipping them with more than one warhead). If the logic of Midgetman is as plausible as it looks, it will eventually commend itself to the Soviet strategic planners as well.

But not if the idea is stifled at the Pentagon. Not if Congress lets itself be talked, even on grounds of economy, into building just another heavy missile. If Midgetman is abandoned, the best idea anyone has had in years for arresting the dangerous slide toward hair-trigger first-strike strategies will vanish with it.

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[From the Atlanta Constitution, Feb. 23, 1986]

WHY, MIDGETMAN, HOW YOU'VE GROWN!

Has the undersecretary of defense for research and engineering got a deal for us? With just a few alterations here and there, Donald A. Hicks says, he can save us $20 billion on the Midgetman missile.

Alterations, schmalterations. What Hicks has in mind is to turn the Midgetman into a Muscleman, to increase its size from 30,000 pounds to 75,000 pounds and to enlarge its payload from one warhead to three. The savings would come, he says, by reducing the projected fleet of 500 Midgetmen to 170.

Ver-ee neat, right?

Wrong. The Hicks proposition would be the ruination of the Midgetman concept as an elusive, purely retaliatory nuclear weapon. Its credibility as a deterent was intended to rest squarely on three principles: a) safety in numbers; b) the relative unattractiveness of a single-warheaded target, and c) the relative ease of moving a 30,000-pound weapon on a hard-to-track mobile launcher.

Go to the Hicks mode, and suddenly the problems of Soviet offensive planners are reduced theoretically by a third—but in real terms perhaps more than that, considering that, during a sneak attack, each Muscleman kill would eliminate not one but three of our warheads and also considering that

the larger our missile, the harder it gets to hide.

Not only has Hicks' notion rendered Midgetman into an unrecognizable form, it has Congress pretty bent out of shape as well. Says Alabama's Rep. William Dickinson, the senior Republican on the House Armed Services Committee: "He shot the program right in the head." Remember that Midgetman continues to be a key element in an exquisitely delicate compromise fashioned by liberals and conservatives that enabled the Reagan administration to embark on its modernization of American's nuclear arsenal.

In tinkering with Midgetman, Hicks is putting that carefully crafted effort, basically the recommendations of the Scowcroft commission, in a kind of double jeopardy—reducing the survivability of the missile and the program as a whole. He should take his idea back to the drawing board.

Mr. GORE. Mr. President, the Midgetman has captured the alpha and omega of opinion in this country, from liberals deeply concerned about arms control, to conservatives whose main concern is the ability to retaliate. It is a sound idea, of which there are all too few. But just as is the case with legislation, unless we brush aside the interventions of those with other agendas, we will lose what we should be determined to protect.

So, once again, I ask for the support of my colleagues on both sides of the center aisle for the Midgetman concept as outlined by the Scowcroft Commission, as endorsed by the President and his National Security Council advisers, and as endorsed by expert panels within the Pentagon which have recently reviewed it.

I yield the floor, Mr. President.

## ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12:30 p.m., with statements therein limited to 5 minutes each.

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

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

## EXPLANATION OF VOTE AGAINST SENATE RESOLUTION 351

Mr. DENTON. Mr. President, yesterday this Senator alone voted against Senate Resolution 351 expressing United States policy toward the Philippines and support for the new Philippine Government. I had no time to express reasons yesterday, so I would like to take this occasion to do so.

I will never vote to urge the President of the United States to do a set of things four pages long with no more than 100 seconds to read the four pages. That was my plight as I arrived at that desk yesterday. I was not informed or aware of any debate whatsoever which preceded that vote.

Specifically, I received no advance copy nor any foreknowledge of this vote until a staffer broke into my office and informed me that "There will be a vote on the Philippines at 5 minutes to 1 p.m." That notice was given to me at 13 minutes to 1 p.m., and the rollcall vote had already begun at 12:45 p.m. Thus, I rushed to the Senate floor with no knowledge of the contents of the resolution and could not digest the resolution's contents before the time to cast my vote.

Before leaving the floor, I asked the proper authorities if a whip check—advance copy and check on opinion—had been circulated, and the response was in the negative.

I believe that my experience outlined above was typical of what occurred with many Senators yesterday and in too many other cases on other days.

I have on occasion cast votes, I confess, feeling as if I was without sufficient knowledge of what was there. I consider advice and consent on foreign policy to be a matter of profound importance. Advice and consent require deliberation, time for which was totally absent in this case yesterday.

Personally, with my particular set of experiences and studies on and in foreign affairs events, I intensely desire to be deliberative in foreign policy matters because, in my respectful opinion, the main defects in the conduct of foreign affairs under Presidents Nixon, Ford, Carter, and Reagan have not derived from the quality of the initiatives of the Presidents in general but from the tendency of Congress, led by a powerful liberal media, to seize the initiative in an untimely manner or to "devise and dissent" rather than advise and consent.

I offer these few notable examples:

First, Nixon's and Ford's correct initiatives toward preserving the military victory in Vietnam—shot down by the media/Congress bloc.

Second, Carter's direct approach in trying to deter the Soviet Union from invading Angola with Cuban troops—shot down by the media/Congress bloc.

Third, when the successful policy of many Presidents to lean on the Shah of Iran to liberalize reached the point where the Shah encountered difficulty from his own right wing, the media/Congress bloc prematurely condemned the Shah, extolled the ayatollah, preempting Presidential progress to resolve the issue, and even closed the President's options to give the Shah a place to die.

Fourth, Reagan's correct approach to the Nicaraguan situation is so far being stymied by the media/Congress bloc.

The above and other examples of media/Congress bloc "leadership" all resulted in such debacles as replacing imperfect regimes with unspeakably worse ones inimical to the United States and oppressive to their own peoples, and/or they caused the United States to lose influence and trade advantage, at great harm to the American economy, not to mention the harm to U.S. security interests.

More than any other harm, perhaps the worst effect has been that of convincing our friends that we will desert them in the clutch and convincing our enemies that we will fold when they raise the ante.

I think Reagan succeeded in Grenada and took good, quick action in Haiti with Duvalier, obviously without the need for the media/Congress bloc.

Mr. President, I dream of more respect for the separation of powers, more respect for constitutionally mandated authority, and bipartisanship in foreign affairs and other matters of vital interest. I have almost given up hope for the kind of responsible national journalism, all too rare today, which backed President Kennedy in this century's greatest act of successful brinksmanship: The Cuban missile crisis.

The general result of what I consider to be an example of media/Congress influence in the case of the Philippines may prove to be an exception to the bad results previously obtained and exemplified. Indeed, I pray that that becomes the fact.

I would make another caveat. There are a number of cases in history when the media and/or Congress were correct in attacking and/or changing Presidentially initiated policy. Indeed, there are times in which I wish those influences had been asserted when they were not.

One example, in my view, is the well-intended but extremely detrimental manner in which President Johnson intruded into military matters in the early months of Vietnam, intruded to the point of not only choosing targets but also letting the White House dictate the designation of numbers and types of aircraft to be used and the specific weapons to be delivered by each aircraft. More important, in my view, the executive branch, in the escalation of United States involvement in Vietnam, should have involved more, not less, congressional participation into the whats, hows, and whys of a strategy that I consider to have been flawed initially, principally because of executive department mistakes.

Those days marked the birth, exacerbated by Watergate, of the present general attitudes on the part of Con-

gress and the media, which I consider to be overobtrusive and gravely harmful to the unity of action of the United States, a unity which can never be perfect, but needs to be improved if our Nation is to survive. I can understand why those days were born. I simply regret that they were.

Having had sometime to examine yesterday's resolution, I offer this observation.

I agree with much that is contained in the resolution. I believe that American interests are best served in the Philippines by a government that has a popular mandate. I also believe that the reinvigoration of democratic institutions in the Philippines offers the best means for restoring public confidence in the Government and can become a major contributing factor in defeating the Communist insurgents.

I do not believe, however, that we have seen enough yet to conclude that what has and will take place in the Philippines has or will necessarily justify the faith of the Filipino people in democracy, as the resolution stated.

The process by which their legal President was forced to resign and flee the country, the process by which the new President came to power, bore no resemblance to any democratic process that I am familiar with. I cannot imagine such a process taking place in any genuinely democratic nation, including the United States, and God forbid that it shall.

I do not condone the fraud that was evident in the February 7 election. It clearly reflected on the moral and legal legitimacy of the Marcos government.

At the same time, the procedure that was used to redress the electoral fraud did not make legally clear, as the resolution states, that Corazon Aquino "clearly enjoyed the support of the majority of the Philippine people in the February 7, 1986, election." If I had to bet, I would bet, from what I have read, that it is likely that the increment of cheating on the Marcos side probably did reverse the actual vote, but I am not sure. I wish that that had been established through a special investigation or new elections, because I believe that as Corazon Aquino is asked to make tough decisions on the many difficult problems facing her country, she will need the strength of such a clear legal and electoral mandate.

I tend to believe that hasty actions by Congress and the influence of shallow media persuasiveness are not healthy elements for the formation of good foreign policy. Those factors, in this case, helped to determine as well as polarize the internal political situation in the Philippines and precluded the achievement of that clear legal and electoral mandate.

On these grounds, Mr. President, I do not regret my vote yesterday, but nevertheless join my colleagues in extending to Mrs. Aquino my heartfelt hope that she will be able to meet the challenges ahead of her successfully and assure her of my support in that effort.

The PRESIDING OFFICER (Mr. GORTON). The Presiding Officer, in his capacity as a Senator from the State of Washington, suggests the absence of a quorum.

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. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are in the process of drafting what could become a leadership package on TV in the Senate. We are advised that may take 20 or 30 minutes. So, in a moment, I will ask that we recess until 1:20.

But, before doing that, I want to also indicate that there is another matter we need to dispose of today, in fact, two different pieces of legislation. One is a Kasten-Leahy dairy provision which corrects what was a misunderstanding in the farm bill. The other is a package of corrections and changes, primarily minor changes, in the farm bill we passed in December.

Let me again indicate that there were literally hundreds and hundreds of provisions in that farm bill and these are three or four, along with two or three we changed a couple weeks ago, that need to be corrected and need to be corrected this week. I am advised by staff that the only provision where there is still controversy—there may be two provisions with reference to yields and the underplanting section.

I urge my colleagues who have different views in these areas to try to work it out, because if someone objects, we cannot take the bill up today. If we do not take it up today, I doubt that we could take it up tomorrow, but we might see if that could be done.

The House will not act on it this week. But I have talked with the distinguished Member of Congress from Washington, Congressman FOLEY, and I believe I understood him correctly that it would be helpful if we passed the bills on the Senate side and, perhaps, if we passed the package between now and 2 o'clock, the House might act today before they adjourn for the weekend.

So, if Members or staff or others are listening that have a direct interest and who have been participating in the meetings, if they could help us clear not only the dairy resolution, the Kasten-Leahy resolution, and others, as well as the other little package that has about five items in it, we would certainly be prepared to take that up after this recess.

## RECESS UNTIL 1:20 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:20 p.m.

There being no objection, the Senate, at 12:43 p.m., recessed until 1:20 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABDNOR).

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## AMENDMENT OF THE "UNDERPLANTING PROVISIONS" OF THE 1985 FARM BILL

Mr. SYMMS. Mr. President, I wish to proceed for just a moment to talk about the pending farm legislation.

The distinguished occupant of the chair is one Member of this Senate who has been very active, very interested in sound farm policy for the country, as has this Senator. There have been some things which came up in the farm bill that were quite unintended, and I do not think that anyone who is knowledgeable of how legislation works in this country can feel too bad. A former Member of the House, with whom the distinguished occupant of the chair and I served, used to say, "If one loves sausage or law, he should not watch either being made." I think that might be true of the pressure of trying to pass farm legislation which was going to help the farmers.

I wish to discuss for a moment or two why it is important that we consider and pass legislation today with regard to the underplanting provision in the farm bill. This provision makes deficiency payments to farmers who plant nonprogram or conserving crops on as much as 42 percent of their wheat, feed grain, cotton, or rice acres.

In 1985, the United States had approximately 380 million acres of planted farmland; 250 million acres were planted in wheat, feed grains, cotton, or rice. The remaining 130 million acres were planted with crops receiving no Government price or income support. If every farmer took advantage of the underplanting provision of the farm bill, the nonprogram acreage

would increase by 95 million acres, or 72 percent.

I do not anticipate that it will be quite that dramatic, but in some of these crops where there is a smaller market and a smaller amount grown than in some of the bigger commodities, a 25- or 30-percent increase in planting can be devastating in terms of the price that is received by the farmers.

Many of the nonprogram crops are already at near break-even prices. Adding 95 million acres of production to existing stocks is absolutely devastating. That is not the entire problem, however. Those 95 million acres are subsidized by the highest deficiency payment in the history of the Nation. This means that the people who have been participating and are getting the deficiency payments are now in an advantageous position compared to their competition.

For example, an Idaho bean or potato farmer's daily meal must come from the profit he makes on his crops. He gets no Government check. Can we ask that farmer to compete against production which is subsidized at as much as $200 per acre? With a Government check like that, a farmer can sell his potatoes for a third of the current market price and still be doing better than his competition who, without a Government subsidy, runs the most efficient potato farm in Idaho.

In mere anticipation of subsidized overproduction resulting from this provision, dry edible bean prices have dropped over $4 per hundredweight, Mr. President. I wish to repeat that. Beans have dropped $4 per hundredweight in price since the passage of the farm bill just on the psychology of what might happen in spring planting this year. I have been contacted by potato growers from my State, pea and lentil growers, and seed producers—all petrified, mortally afraid of the same thing happening to them.

The underplanting provision of the 1985 farm bill is a perversion of a good idea. One of the most promising alternatives of last year's farm bill was the Boren-Boschwitz proposal. This proposal attempted to untie the link between production and Government payments, getting us out of the constant cycle of overproduction that has plagued farmers for years. Unfortunately, that proposal was defeated by a margin of four votes.

The underplanting provision which was included in the farm bill is significantly different. First, it permits the underplanting of only nonprogram crops instead of allowing the market to dictate what crops should be planted. Second, it subsidizes the underplanted acres at twice the level of the Boschwitz-Boren "transition" payment. And, third, that subsidy will not be phased out over a 6-year period.

Although I supported the approach of the distinguished Senators from Oklahoma and Minnesota, I cannot support the provision which ended up in the farm bill because it does not solve the problem of overproduction. It merely shifts the problem from one sector of agriculture to another.

So, Mr. President, it is my hope that we will move this bill today.

I thank the majority leader for his efforts to move forward with this farm legislation. There are other sections in the bill that are also vitally important to different parts of the country, and it is only appropriate that we, having discovered some unexpected problems in the farm bill should take immediate action to correct them so that we do not do violence and damage to all parts of agriculture, and particularly that we do not have one section of agriculture gaining benefit at the expense of another section.

I thank the Chair and I yield the floor.

## EFFECTS OF GRAMM-RUDMAN ON AGRICULTURE

Mr. MOYNIHAN. Mr. President, I was interested in the remarks of my distinguished friend from Idaho to the effect that he hopes that we will this afternoon take up and enact what is in effect a new farm bill.

Mr. President, that is not the hope of the Senator from New York, although I am not surprised to hear the proposal presented. It is a simple matter, Mr. President, that on March 1, for the first time, Gramm-Rudman budget cuts take effect; and they take effect on agriculture as well. Not surprisingly, today we are proposing to change the law to prevent that in some respects at least.

I recall, Mr. President, the debate on the floor of the Senate last October 4 when we were first presented with the Gramm-Rudman legislation, or adumbrations of the Gramm-Rudman legislation, such bit of xeroxed pages that would be shared here in the Chamber and sometimes passed across the aisle. And on that occasion I made the point it appeared that everything would be subject to the reductions called for, the automatic sequestering and such like except farm programs. But my distinguished friend from Texas said no, that was not so.

If I might read a passage from the New York Times of the next day reporting the debate, an article by Jonathan Furbinger, he says:

> Senator Daniel Patrick Moynihan (D-NY) argued that farm price support programs would not be subject to the President's across-the-board cut because of the way the proposal was designed. Senator Gramm disagreed but several other Senators suggested that Mr. Moynihan might be right.

Well, whether or not I was right about the specifics of the draft at the time, it begins to appear that I was right about the substance of the proposition; that the very same folk who gave us Gramm-Rudman 1 week gave us the largest farm bill ever the next week, and now that the first legislation is affecting the second they are going to repeal a part of the first.

No, Mr. President, that must not be allowed to happen. If three-quarters of this body wanted Gramm-Rudman, three-quarters of this body should get Gramm-Rudman, and they should get it with respect to price supports as well as other matters.

The Presiding Officer, my distinguished friend from South Dakota, perhaps will recall that in the course of the debate on the farm bill Senator HAWKINS, my distinguished friend, the junior Senator from Florida, and the junior Senator from Rhode Island [Mr. CHAFEE], and I joined in an amendment that would have set the dairy price supports at $11.10 per hundredweight.

We argued somewhat forcefully, we thought, on that behalf. We pointed out the absurdity, the grotesquerie, of the Department of Agriculture's program under this administration which had ended up paying milk farmers an average of $227,000 a year in some of our Southwestern States—$227,000 per farmer. That from an administration which is very much concerned about the extortions of welfare mothers.

We did present that measure, and we failed on a tabling motion, by a vote of 50 to 47. But I think that would have to indicate to the Senate that there was strong feeling that the dairy price supports were being used to the advantage of very wealthy corporate enterprises as against any impact on the dairy farm of American memory.

Now, at the prospect that the price support will drop to $11.05—as I think will be the case March 1, which is not far from our $11.10—we are suddenly to bring the Senate into action, with no hearings, no debate, no anything, and pass a bill held at the desk, and zip it to the House. Incidentally, Mr. President, the House will not be there. They are going.

I would grant that over the years I have had a credibility problem in trying to suggest that I am the only dairy farmer in this body, and of course I am not a dairy farmer. But we live on a dairy farm and have for a quarter of a century. My family has lived for over 30 years at Oneonta, Delaware Country, in New York State. Our neighbors are dairy farmers, our friends are dairy farmers, and have barns for hay and fields for cows.

You do not have to know a lot about dairy farming to know what has been the impact of this administration's legislation.

As I said on that date last year, there are two particular neighbors

who use some of our place. One is a larger farmer, with a large and very well-maintained and profitable enterprise.

When that incredible proposition came along, in which the Federal Government commenced paying farmers not to milk cows and charging those who did, my neighbor with the large herd simply culled his herd, took a large number of cows out of production, sold them in town, and proceeded to collect his check, as was his right. He would not be the farmer he is if he did not exercise something for which he did not ask.

My other neighbor is not as fortunate, does not have as large an operation. While he was free to reduce his production, if he had done so, he would have ended up with a level of milk production that would not be economical to pick up. Farmers do not take their milk to market anymore. Tank trucks come to them, and they expect a certain volume; and if the farmers do not have it, they do not stop. So my other neighbor had no effective choice. He had to start paying the assessments imposed by the bill. My less-well-off neighbor paid my better-off neighbor. That is a pattern that has been repeated in more than one respect about this Nation in the last 5 years.

In any event, it certainly has happened to the farmers of New York State, which is the third largest milk-producing State in the Union, a place where milk farming is a way of life and very much defines our countryside, defines a great deal of the State itself.

I care about that, as other Senators care about their States. I care very much that the inanity of the Farm Program of this administration would be paying a quarter of a million dollars a year to some corporate farmer in Arizona or New Mexico and taking it out of the overall of men and their wives trying to make a living, milking 50 cows in the Susquehanna Valley in New York State.

I think other Members of this body might well consider what is happening to their legitimate, small farmer, capable of making a living. The Federal Government takes money away from them to give to others who by definition are millionaires. Since when is a farm program designed to benefit millionaires, to transfer cash? If that program had stayed in place longer, in 4 years a person could have collected $1 million from the Federal Government, for not doing anything. That is it. Talk about welfare cadillacs. That would have been a welfare cadillac. One year at $227,000 would do the same.

Mr. President, I do not see how we can reasonably expect to deal with a major farm bill that has never gone to the Committee on Agriculture, Nutrition, and Forestry, on which there have never been any hearings, and which has not been printed, to my knowledge.

Is there anybody in the Chamber, in the reach of my voice, who has seen this farm bill? I hear nothing.

I do not know what it is we are going to be considering, but I think we will have to consider it a long time.

There are those of us who feel concerned—I think with reason—at the way the milk programs have been conducted in the last 5 years. I suspect that our capacity for outrage with respect to those payments of $227,000 a year, average—I would like to know what the highest was—is dulled, because we cannot imagine a farmer being given a check for $227,000 a year for something he did not do that year. Obviously, those farms have been created for the sole purpose of producing milk to be sold to the Federal Government or not producing milk for which the Federal Government will pay.

An honorable and long-established way of life of many of our States is made to pay for this and to some extent to be diminished by this. I do not think that is the business of this body. If this body understood this program better, I do not think it would conduct itself as it has in this regard.

I fully understand the requirements of the commodity programs. I am not sure they are what they ought to be, but for some reason they have been kept in place for half a century. Milk marketing orders are a form of stability in a market in which the individual producer is otherwise overwhelmed and has no control of events.

I mean this body has been dealing with these matters for more than a century. We confronted the situation of the individual farmer at the mercy of a market he had no control of, usually at a distance from, with access only by railroads and certain kind of territorial and regional monopolies. This country, that was so intensely agrarian in its beginnings and seriously agrarian in its aspiration should be thinking about the things that we have done.

But it is one thing to have agrarian aspirations and agrarian concerns and another thing to give corporate farms subsidies of a quarter of a million dollars and take that money directly out of the jeans of family farmers who really are family farmers.

If you would like to hear more on that subject, of course my friend and desk mate, the Senator from Wisconsin, will no doubt be here to speak on the subject, but I wish to speak here while I am here and no one else is evidently seeking recognition on the floor. I do not want to keep anyone away from the floor.

I will put it this way: In the last farm bill, following the disastrous experience of the previous assessment and withdrawal pattern which we also protested at the time—before the disaster we said it would be a disaster—I offered an amendment with Senators HAWKINS and CHAFEE in an attempt to begin to reform our dairy program.

The essential proposition of the farm bill was that we are not continuing the Dairy Program quite as much as we were doing previously.

Even so, we took a vote on our amendment, and by a margin of only 3 votes, we failed. The Senator from Florida, the Senator from Rhode Island, and I, fought for this amendment, and we proposed a price level which was a price support level of $11.10; and now, under the operations of the Gramm-Rudman legislation, it appears we are going to get a reduction to about $11.05.

This is about what we advocated, and there were 47 Members of this body who voted that way, and I do not know why we just do not leave it be.

In any event, I do not see how this body can lend itself to the bill we are to discuss this afternoon at the very time we are talking about changing the rules and improving the performance of the Senate and making procedures more orderly and more available to the public. Why should we once again get ourselves in a situation of trying to bring up in one day and enact a bill we have not seen, a bill that has not been printed, a bill that has never had any hearings? I mean, that is almost a caricature of the kinds of events we are trying to avoid by improving or changing our rules.

I hope we will improve them. I know that the leaders, the majority and minority leaders, have been hard at work in this regard. I think the rules should be changed, because very clearly there is something dysfunctional about the way that we have organized ourselves, the way we conduct ourselves in this body, even in the 9 years plus that I have been here. I am into my 10th year now in the Senate. I have seen this institution change, and I have seen it change from the time when the committee system worked well enough. Appropriations bills got passed. Individual bills came to the floor. You knew what you were talking about on one bill and you debated it for a reasonable time and voted on it. You knew what had happened that day.

I have seen us progress to the point where sometimes it seems we only pass 2 or 3 bills a year and they are 900 pages long, and no one knows exactly what is in them. We are always looking up to find that we have done things we did not know we had done.

This is not a matter confined to the Senate.

About 4 years ago, or was it 5, our colleagues in the other body solemnly enacted a 700-page bill, one provision

of which, if I recall—I cannot quote the name exactly—but one provision of the bill said "Sandra Goodman, please call the Budget Office." It was caught in conference. Otherwise that poor lady would perhaps still be on the phone, permanently calling. They gave an extension number.

We pass bills so vast that we do not really know what is in them and we come along 1 year later with technical corrections. I think the technical corrections to the recent tax bill were almost as long as the tax code was 20 years ago. That is just technical corrections that were for mistakes we made. I mean, it seems to me that there is a problem with the way we are legislating. That is an awful lot of mistakes to have made.

We are continuously finding, as I say, that we did things we did not know we were doing. No one seriously knows how to debate a bill which in fact it is an amalgam of 70 bills. It just does not make for any sort of orderly consideration.

Certainly the business of bypassing committees is something that has to be looked at in this Chamber. This began, I think, in fact, under the Budget Act of 1974 when the possibility of reconciliation legislation came along. I do not know what was the original expectation when it was written by the Rules Committee in 1974, but certainly one of the results has been a bill which changes 40 bills and in committees spread across the organization of the Senate, such that we do not usually fully comprehend what it is we have done.

I think this is a case of individual Senators. I mean, I speak for myself, I cannot speak for enyone else, but I could never claim to know everything that was in those bills. I knew some things. I managed some mastery of some details. But all of them, no. I mean it just was beyond the capacity of anyone but those very, very bright young staff members we have who have usually only one thing to do, and they do it very well; but they leave the Senate somehow, the Senate deliberations, the Senate decisions somehow incomplete.

We make decisions on matters and we make decisions of which we were not aware. Some persons would be aware about many of them, and it would be unlikely that any bill passes in which the whole of this body would be unaware of some significant provision. But the majority of the body typically would not be aware of all of the provisions.

That is an incomplete process and an inadequate one. If it were not inadequate we would not be passing technical corrections at such length and concern as we have found ourselves doing.

I have seen all this change and in particular I have seen the process which I just cannot imagine we would want to encourage, and that is of legislation introduced, held at the desk, and brought up without committee consideration.

I mean, what distinguishes the American Congress is its committee system. We differ from other bodies in that regard. Only very slowly have some other legislatures around the world begun to emulate our practice. The British House of Commons has established a number of standing committees during this decade and they are experimenting with them. They seem to like them. They seem to find uses for them.

My very good friend, the Hon. John Gilbert, is the ranking minority member of the defense committee, for instance, and has found that committee very useful indeed in inquiring into the questions of the helicopter manufacturer of Britain which led to the resignation of the Secretary of Defense and the Chief himself.

Others are learning from us that there is something valuable about an institution that we have had from the beginning, even as we seem intent on eroding that institution.

I do not want to make a large assertion here, Mr. President. Committees obviously do function and they will continue to do so. But, still, if we begin this business of taking unprinted legislation, not on our desks—we have been told we are going to take up a farm bill this afternoon. Where is the farm bill? I mean, I have several times asked, if there is anybody within the hearing of my voice who has seen the farm bill, would they so indicate? No one has. If they have not, then how can we seriously deliberate?

We like to describe ourselves, not with great seriousness, as a deliberative body. To find deliberation, I think we have to look at the committees. I do not know how much deliberation takes place on the floor, but as a group, we think about what we are doing. We try to think. And it does not have to be the formal process of addressing the Chamber. The informal processes are just as important, if perhaps not more. And they ought to be respected and valued. They are not so respected when unprinted legislation, unknown to all but its authors, is sent to the desk, held at the desk, and a proposal is made to bring it up and enact it without hearings, without any of the processes of consideration, which are so characteristic of the Senate.

I mean, if you were to ask of the worst fears of the Federalists in the years of the Constitution making—the group that became the faction, as they would say, they became the Federalists in the 1780's and 1790's—if you were to describe their worst fears of democracy, it would be, let us say, the House of Representatives is where they would say:

Can you not just see the very thing happening? A bill comes in. No one has seen it. It is returned to the desk. It is held at the desk. And an unthinking majority, not concerned with the rights of the minority, votes yea-nay. Yea is the answer and, bang the bill goes into law.

No, that is not so because it must come here first. And, as Jefferson used that sort of homely image, he said, "When I drink tea, I always pour my tea into the saucer where it cools before I drink it."

And he described the Senate as that saucer where you can think things over, where you can deliberate, where, by the nature of the Members being in the first instance indirectly chosen, the length of the term, the term "Senator," and its alternate use of senior or junior, as you like, would be more steady paced, would be more grave in their consideration of matters, would not be rushed—would not be rushed—would not look out at the countryside and see some wave of opinion sweeping through and feel it necessary to respond immediately to the view of the moment, even if that view might reasonably be thought likely to change in a few moments hence.

That is why we have staggered terms. That is why we have longer terms. That is why, in the first instance, we were elected indirectly and not by the direct election of the people at all. And that has changed by the 16th amendment. I think most of us probably thinks it is a good thing. Governors might have got here on their own, but I doubt the rest of us would have if we left it to our State legislatures to choose us.

Even so, there is a constitutional history of the role of this body. It is to be deliberate. It is to be careful. It is to be thoughtful and to think in longer terms than is normally the case around here; I mean, that need normally be the case in a body directly elected with very close contact, with short intervals of service and directly proportionate to the population.

I represent the second-most populous State in our Nation. My distinguished colleague, Mr. D'AMATO, and I have two votes here. There are any number of States which have two Senators in this body which have only one Member of the House. New York has 34. Even so, this system works. This system was not meant to be perfectly representative, perfectly responsive, immediately concerned with whatever is the concerns abroad in the land. We were meant to be a Senate, meant to think about things, meant to have second thoughts after the House.

Mr. President, if the House this morning had passed a farm bill, unprinted and undebated and uncontemplated, and rushed it across to the Senate Chamber and then immediately went off for the weekend, I can see

that there would be many persons in this body who would stand up and say:

Wait. That is exactly the way the House was supposed to act, or that is exactly the way some of those who were uncertain about this experiment of democracy two centuries ago said it would act. Wouldn't you know? There they are. Representatives, man for man, woman for woman, representing their constituencies, up for election every 2 years, driven by the passions of the moment and alarmed by the prospect that something they had voted for last fall might take effect this spring, are changing their minds and rushed over a piece of legislation for us to deal with immediately. Hold it at the desk. Stop everything.

There are people who would say:

No. No. We are not in that such a hurry. We can think about this. We can send it to committee and get it printed.

"Get it printed." We have got into the habit of enacting privately printed legislation. I really do not think that is good. We have had a public printer for a very long while around this Chamber and he does his duties very well indeed.

We would say: "Let it go to the committee." See what it is. Find out what is in the bill. Ask our constituents; ask our Governors.

I, for example, with respect to this proposed farm bill, spoke with my Governor this morning, the Honorable Mario M. Cuomo, who said, "Well, I will have to think about that, won't I?" And I said, "Yes, sir, Governor. I think you have to think about it fast, however, because there are people around here who think they will pass this thing by 2 o'clock." It is not far from 2 o'clock now, I notice.

Well, the Governor did get right to work, as is his wont, and indeed we did come back in a very short order with the judgment that, no, indeed, we do not want anything of the kind to do with what I understand would be the effect of that legislation. It was not a difficult assessment to make, inasmuch as the evident proposal would have the effect of bringing the legislation, the milk price supports, into line with the proposal we made last year. We made our proposal for reasons that were good and sufficient to us and were shy three, or two, votes, you might say, in this body to make it the will of a majority here.

I cannot say for sure what transpired in Albany, but when the numbers were compared, it became fairly quickly evident that the same situation which we concerned ourselves with last year would be before the body this year, and if that was to be the case our response ought to be the same. And I am sure that there are other Members of this body who would want to talk with their Governors and leaders of their legislatures. The members of the Agriculture Committee will feel freer to make judgments on some of these matters on their own, and ought to and will do very well. But those of us who are not would reasonably want to turn to other sources of information with closer access to the data, and whose job it is to know.

As I say, I did that this morning just possibly because I was alerted to this earlier than some other Senators possibly because I was in a position this morning when there were no committee meetings that would involve me. So I was working through prospective matters, and this came along.

I come to the floor to discuss it with a sense of concern that there seems to be so little reflection on what we have been doing in this particular field.

I now change my subject to the procedural question of how we conduct ourselves to the more specific question of what it is we do. Here is the question of the diversion program which the Secretary of Agriculture persuaded this body to adopt, and the distinguished majority leader when I spoke against it, and I tried to persuade the Chamber some years ago not to do it, said, "Well, a very careful compromise has been worked out in the committee." And, as some Members will know, he later used the term "compromise" to characterize what had happened. But remember. We saw what was happening. And we really did genuinely try to warn the Senate that it was getting itself into a matter which we would not be satisfied with if we ever saw the results.

Here are the results. I have them in my hand, Mr. President. The source is the U.S. Department of Agriculture. The question is: Who got the big diversion payment bucks in 1984? The table states rank by average payment per dairyman. I do not want to shock this Chamber. Evidently in this regard, it is difficult to shock. But in Arizona under that diversion program, the average payment per dairyman in 1984 was $226,978. In Florida, it was $216,590. In Nevada, it was $215,262, per farmer.

Mr. President, I know people in Preston Hollow who have been farming for 30 years and have never seen their cumulative income reach $226,978, which farmers in Arizona—"farmers"—got for not farming. No, no.

New Mexico, $110,919. You know, that is cash for not doing anything. You cannot do things like that.

Remember, all of that cash which is going to rich farmers came from farmers who were certainly, if not poor, less well to do by the time those transfers were made. The inversion and process to take money out of the family budget of someone in Delaware County milking 40 cows and give it to some corporation in Arizona milking 5,000—I heard there were herds of 5,000, but I cannot say that for sure—certainly strikes me as odd, and as inequitable.

Mr. President, at this point, may I ask unanimous consent that this table be reproduced in the RECORD?

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

WHO GOT THE BIG DIVERSION PAYMENT BUCKS IN 1984

[State rank by average payment per dairyman]

| | | Average payment per dairyman [1] | Total 1984 payments (millions) | State rank in amount received |
|---|---|---|---|---|
| 1. | Arizona | $226,978 | $10.9 | 28 |
| 2. | Florida | 216,590 | 40.3 | 5 |
| 3. | Nevada | 215,262 | 1.7 | 44 |
| 4. | California | 125,044 | 87.9 | 2 |
| 5. | New Mexico | 110,919 | 4.4 | 36 |
| 6. | Washington | 64,971 | 16.3 | 21 |
| 7. | Texas | 49,723 | 46.6 | 4 |
| 8. | Georgia | 49,660 | 19.3 | 18 |
| 9. | South Carolina | 45,968 | 4.2 | 37 |
| 10. | Colorado | 45,045 | 10.6 | 30 |
| 31. | New York | 24,749 | 38.5 | 8 |
| 35. | Pennsylvania | 20,936 | 26.2 | 12 |
| 43. | Wisconsin | 15,435 | 112.5 | 1 |
| 47. | Minnesota | 13,665 | 81.3 | 3 |
| | United States | 22,814 | 955.3 | |

[1] Amount each state received divided by the number of participating dairymen.

Source: USDA.

Mr. MOYNIHAN. I thank the distinguished Presiding Officer.

The family farm has been an object of concern in this body for a very long while; through mechanization, industrialization began to break up the rural America we have known. And, as a matter of fact, it is not a nostalgic proposition. American agriculture is very effective with that family unit, that family size, a lot more today than it was 50 years ago.

A national economic development has not led us to have 10 family farmers in America, but we have a great many fewer than we did 50 years ago. But the farms that stay on and are productive are the most productive in the world, and are in the main family farms.

The Federal Government has come in, as in the Central Valley of California, and irrigated vast areas of previously quite unproductive soil, and the Federal Government has produced great innovations such as seed techniques, and fertilizer techniques through research programs and produced great guarantees through the crop support programs. Then corporations come into the valley and take over large tracts—I mean develop large tracts, and you have corporate farms. And I do not have anything against them in principle. But I have something against their being subsidized by the Federal Government. USDA has never chosen to tell us anything about that. That is what I find interesting.

Who is this average dairyman in Arizona who gets $226,978 cash from the Federal Government for not milking cows? I do not think it is your average family farmer. I frankly—and I am here to be corrected—do not associate

Arizona with dairy farming of the medium-sized grazing and milking operations that we, say, associate with the higher rainfall areas such as my own. In my mind's eye, I see a concrete slab, I see a Federal irrigation system, I see a Federal payment system, and I see a corporation. And I see a milking machine in the middle as cows move back and forth, not twice but sometimes now three times a day from feed on one side to feed on the other side and sort of developed Pavlovian techniques for managing milk cows.

But in any event, we do have a very curious question of how we ever got such legislation. Sitting right here on the floor it was said it would not happen, and that it will not work. We were told do not worry, it will, and it will all be straightened out eventually.

Mr. President, I have been speaking longer than I had intended to do. I see someone else is on the floor. So I yield the floor, Mr. President, thanking my friend for his distinguished courtesy and attention.

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

The PRESIDING OFFICER (Mr. DENTON). The clerk will call the roll.

The bill clerk proceeded to call the roll

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

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

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I see the distinguished chairman of the Senate Agriculture Committee on the floor, and other Members who have an interest in this matter, including Senator KASTEN, who also has a bill. It would be my hope if we can work it out that we can pass those two measures without a rollcall vote and without objection. I know the distinguished Senator from Texas, Senator GRAMM, wants to discuss both measures to indicate that they comply with the Gramm-Rudman provisions. These are critically important, both pieces of legislation, to the American farmer.

In this past week we have had special segments on CBS and CNN on the plight of the American farmer. If we do not act on these two pieces of legislation we are going to add to that problem.

It is critically important to dairy farmers that we act this week.

It is also important to others that we act this week because sign-ups start in the wheat growing areas next week.

If we can do this quickly, we can do it ahead of what would be the vote or votes on TV in the Senate. If not, we can do it later this afternoon. If that is not possible, we would try to do it tomorrow. The House will be going out, I understand, at 3 o'clock. They may not be able to act in any event this week, but, in my view, it would indicate that the legislative bodies are moving if at least one body would act this week. We can provide in the dairy provision that notwithstanding the date of enactment it would be retroactive to March 1. That may already be in the proposal.

I would urge my colleagues, if they have any objection, to please indicate such objection to either the Democratic cloakroom or the Republican cloakroom.

As I understand it, the chairman is ready to proceed.

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

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

## FARM BILL AMENDMENTS

Mr. MELCHER. Mr. President, I was quite surprised reading the RECORD of yesterday's proceedings here in the Senate to learn that some 20 to 25 Senators have been meeting to discuss amendments to the recently passed farm bill. I have since inquired as to exactly what is being discussed and what are the proposed amendments.

As to the Kasten bill which deals only with dairy, or perhaps I should call it the Kasten-Leahy proposal that deals only with the dairy program, I have knowledge of it, an understanding of it, and as far as I am concerned I would be in favor of passing it.

But as to other amendments to the farm bill, I was quite amazed that a number of amendments were being discussed. I have asked for a copy of any proposal that we might be asked to consider today, and I learned that that proposal is not yet available.

How far-reaching these amendments are is a mystery to me. But if we are truly going to amend some of the basic farm programs, other than what has been proposed by Senator KASTEN and Senator LEAHY for a modification of the dairy program to fit in with the Gramm-Rudman cuts that are necessary, due March 1, as to any other points of the farm bill, I would certainly like to be able to be advised by the majority leader or by the chairman of the committee or any other interested Senator just what those proposals are.

Until I am able to do that, I feel constrained to ask that the Senate delay considering those particular amendments. I do not think that we can quickly enter into modifications of the farm program, other than the dairy one I earlier mentioned, without some consideration and without some knowledge as to how far-reaching they are.

Mr. KASTEN. Mr. President, I just want to say, partly in response to the Senator from Montana and to the Senate, that it is important that we pass the dairy legislation this afternoon. The House of Representatives may be in session for only a short time, and if we do not pass this legislation this afternoon, we will be forced, then, to go to a backup legislative strategy, which would be that the dairy legislation that we would pass next week would have to be made retroactive. I am hopeful that that would not be the case, that we would not send a series of mixed signals, through USDA, out to the dairy farmers across the country and then have to undo what we have done and put out a whole new set of regulations. I believe that there is now wide bipartisan, bicameral support for the overall legislation as represented in the dairy bill, which has been held at the desk by unanimous consent.

I would also say to the Senator that I have been in parts of the overall agriculture meetings. I have not been at most of them, but I know that at this point at least the dairy legislation, with the exception of one or two individuals, seems to be agreed to and widely understood. I also might say, because it has been held at the desk by unanimous consent for Monday, Tuesday, Wednesday, and Thursday—it was actually introduced on last Friday—that there has been adequate opportunity for all Senators to review that legislation. And I am hopeful that we can pass it this afternoon.

Mr. HARKIN. Will the Senator yield for a question?

Mr. KASTEN. Certainly.

Mr. HARKIN. I thank the distinguished Senator from Wisconsin for yielding.

I know it has been at the desk since last Friday or something like that on this dairy thing. Again, I guess I join my friend and colleague from the State of Montana in that I do not have any real qualms or problems with the dairy provision that has been at the desk, but I guess I just raise a procedural question.

We have been here since we came back January 21, after the Christmas break, and we have known what the provision was in the farm bill dealing with dairy. We all voted for it with our eyes open. I did not vote for it. I had my eyes open, and I did not vote for it. But, nonetheless, I am just wondering why this was not brought back to the appropriate place, the Agriculture Committee, and why we did not have some hearings on it in January, and why now, at the midnight hour, we are being asked to make a substantial change in one provision of the farm

bill dealing with the dairy assessment program and the cutting of the price support for dairy.

Again, here it is the midnight hour. I sympathize with my colleague from Wisconsin that this is going to go into effect here in a couple of days and if we do not do something, we might have to come back and make it retroactive. But, again, I ask why is it that we get this at the midnight hour when we could have had this in January before the Agriculture Committee, had gone through the procedure, had our hearings, and probably reported something out that would be much like what the Senator from Wisconsin had proposed here. I guess I am raising more of a question on the procedure of what we are doing rather than on the substance of the dairy bill itself.

I might also add that this is one Senator that would be opposed to opening the dairy provision to any other provisions that might come along. Again, I have heard talk about doing things on the underplanting, yields and bases, haying and grazing. These are not technical corrections. These are substantive changes in a farm bill that we debated at length last year in subcommittee and full committee. There was a long, agonizing process. People made their choices. These are not technical corrections. These are substantive changes and they ought to come back to the Agriculture Committee for further consideration.

As I said, I understand the problem in dairy, and I would not have any problem with that as a clean and pure bill to come out here and vote on it, because I think the merits are on the side of the distinguished Senator from Wisconsin on the dairy provision. But I would be absolutely opposed——

Mr. BOSCHWITZ. Will the Senator yield on that point?

Mr. HARKIN. I do not have the floor. I was just asking why, if the Senator from Wisconsin had any thoughts, why we did not get into the Agriculture Committee in January.

(Mr. QUAYLE assumed the chair.)

Mr. KASTEN. I will be happy to respond to the Senator from Iowa first, and then I will be happy to yield to the Senator from Minnesota or yield the floor.

I agree with the Senator that the farm bill was not worthy of the Senate's support and I, too, voted against it.

But, second, there was a controversy here, or I should say a conflict, between the farm bill, the agriculture bill, the 1985 farm bill conference and the Gramm-Rudman conference. I was not part of either. I am not on the Agriculture Committee.

But it was the understanding of the 1985 farm bill conference that if Gramm-Rudman sequestering would take effect for the 1986 budget, in fact, it would take effect on dairy by increasing the assessment by about a dime across the board and not by reducing the price support level by about 50 cents for a certain group of farmers. That understanding was represented in the conference on the farm bill.

The Senator may or may not have been in the room at that time. I was told it was late at night and that was discussed as part of the conference on the 1985 farm bill.

It was anticipated that if a sequester did take place under Gramm-Rudman, it would be done the way the Kasten bill on the floor does it. Unfortunately, the same group of people that were in the 1985 farm bill conference were not all the same people that were in the Gramm-Rudman conference and it was not clear in that conference which way to go in order to implement the Gramm-Rudman sequestering cuts for the 1986 budget. As a result, you had two different groups of people.

The reason that my bill was not written up until about 2 weeks ago and was not introduced until about a week ago was because, up until that moment, it was not clear whether the USDA would go for the informal advice they were getting form the 1985 farm bill conference or they would go for the informal advice they were receiving from the Gramm-Rudman conference.

As that issue started going back and forth, some of us said we had better write a bill. We in fact wrote the bill, received cosponsorship including the distinguished Senator from Minnesota, the distinguished Senator from Vermont, Mr. LEAHY, and others, and that bill came to the desk a week ago.

At that point it was clear which way they were going to go and USDA was about to put into effect a Gramm-Rudman process which was against the understanding of the 1983 farm bill conference.

That is how we find ourselves where we are. The bill at the desk, as the Senator said, the Senator would be pleased to support—a clean dairy bill only. That is what we have before us right at this moment or that is what I will seek to have before us at this moment. I appreciate the Senator's support.

Mr. HARKIN. I thank the Senator for his explanation.

Mr. KASTEN. I yield the floor.

Mr. BOSCHWITZ. Mr. President, the Senator from Wisconsin said just what I was trying to say to my friend from Iowa; that is, we thought we had an understanding of how the USDA would implement the Gramm-Rudman requirements. And they would be implemented by an additional assessment. When that did not come to pass—and to a large degree because of what the Senator from Wisconsin said, there were different signals sent by one conference, and different signals sent by the other conference—his bill became necessary.

I yield the floor.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. BOSCHWITZ. I do.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## DEATH OF HERMON E. PHILLIPS

Mr. QUAYLE. Mr. President, I am saddened by the passing of one of Indiana's most outstanding athletes, Hermon E. Phillips, on Sunday, February 16, 1986.

Hermon Phillips' athletic career began in high school, and continued while he attended Butler University, where he won national and international recognition, and was a 3-year all-American. A member of the Butler University Lettermen's Club once said that "since Phillips was from moderate means, he used to run the 50 miles between his Rushville, IN home and Butler. That's the kind of legend he was." The legend continued when Phillips went to the 1928 Olympics in Amsterdam, Holland and won both gold and silver medals.

Phillips' passion for running was further illustrated when he became the track and cross country coach at Butler, from 1927-37, and the track coach at Purdue University beginning in 1937. He was elected to the Helm's Hall of Fame in Los Angeles, and, with two other former Butler track stars, established the U.S. Track and Field Hall of Fame at Angola, IN.

In addition to being an exceptional athlete, Hermon Phillips was also devoted to community service. He established Pokagon Boys' Camp and Pokagon Girls' Camp near Angola, and operated them both. He also originated Camp Manitou for Boys in Ontario, Canada. He was a member of the board of trustees of the Cameron Memorial Hospital and a member of the board of directors of Tri-State University, both in Angola.

Hermon Phillips will be greatly missed by those who knew him, and it is with much pride that I pay tribute to him today. He will be remembered as a man with a great love for running, as well as one who had a great interest in the future of his fellow man.

I ask uanimous consent that an article about Hermon Phillips from the Indianapolis Star be printed in the RECORD.

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

HERMON, PHILLIPS RITES SET; WAS OLYMPIC MEDALIST COLLEGE TRACK COACH

ANGOLA, IN.—Services for Hoosier track legend Hermon E. Phillips, 82, Angola, who won Olympic gold and silver medals and then coached at Bulter and Purdue universities, will be at 1 p.m. Thursday in the Weicht Funeral Home in Angola. Calling will be from 2 p.m. to 4 p.m., and from 7 p.m. to 9 p.m. Wednesday in the funeral home.

He died Sunday in Lutheran Hospital, Fort Wayne.

Mr. Phillips, a world-class track and field performer in his undergraduate days at Bulter University, won national recognition in his freshman year by defeating then-world's champion. Joey Ray, in the half-mile run in 1923. He subsequently won the International Collegiate Championship in the 440-yard run for three years in a row. During his college career, he competed in 148 races and was defeated only once. He was a unanimous selection for All-America three years.

Born at Rushville, he took an early interest in running, and won acclaim as a high school standout. He was Indiana State and National Intercollegiate six-mile cross country champion for three years.

"The story was," according to Bill Davis, of Butler's "B" Men's Club, "that he was from moderate means. and used to run the 50 or so miles between Rushville and Butler. That's the kind of legend he was."

Following his career at Butler, he performed for the Illinois Athletic Club before qualifying for the 1928 United States Olympic Team. He won gold and silver medals in the '28 Olympics at Amsterdam, Holland.

He then assumed duties as track and cross county coach at Butler for 10 years, from 1927-37, a period in which he initiated the once-famous Bulter Relays.

"It was a black tie occasion," Davis recalls, "and the greatest track stars of the era competed. Even the officials wore tuxedos. It continued until the early years of World War II," David said.

Phillips became track coach at Purdue in 1937, later establishing the Purdue Relays which attracted top athletes from across the country.

Always interested in young people, he originated a Pokagon Boys' Camp at Pokagon State Park in 1934, and following his retirement from coaching in 1945, built and operated Pokagon Girls' Camp on Lake James near Angola. He operated the popular Boys' Camp until 1966, and the Girl's Camp until 1978. He also established Camp Manitou for Boys in Ontario, Canada.

Despite his lifetime of diversified interests, his interest in track never waived. He was elected to the Helm's Hall of Fame in Los Angeles. Then, in 1970, in conjunction with Davis and Elmer Marchino, both of Indianapolis and both former Butler track stars, he established The United States Track and Field Hall of Fame at Angola. In recent years, Mr. Phillips devoted much of his time to operating the Hall.

Mr. Phillips was a Past Potentate of the Mizpah Shrine in Fort Wayne. He was a Past District Governor of Rotary Club. He had been a member of the Board of Trustees of the Cameron Memorial Hospital and a past member of the Board of Directors of Tri-State University, both at Angola.

He was a member of Delta Tau Delta fraternity; a 50-year member of the Masonic Blue Lodge, member of the Scottish Rite in Indianapolis, and of the Knights Templars in Lafayette.

He organized the Lake James Cottage Owners' Association where he was a land developer, and he was a member of the Steuben County Planning Committee.

Survivors: wife, Louise Phillips; daughter, Lou Ann Lanagan; three granddaughters and a great-granddaughter.

## THE AESCULAPIUS INTERNATIONAL MEDICINE FOUNDATION

Mr. INOUYE. Mr. President, the success of U.S. foreign assistance programs often turns on the efforts of American citizens who work at the grassroots level. Most often these efforts represent the work of U.S.-based private and voluntary organizations, the PVO's which receive financial support from our Government through the Agency for International Development. Sometimes, however, these efforts are carried out by concerned Americans who receive no support from our Government.

Over the past 2 years, I have become aware of the activities of one such organization working in El Salvador. The Aesculapius International Medicine Foundation is a small organization whose dedication and commitment to the people of El Salvador is much admired by all who have had the opportunity to study its work. To better acquaint my colleagues with this provider of basic health services, I wish to insert into the RECORD a brief summary of its programs and organizations.

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

EL SALVADOR MEDICAL PROJECT

The civil war in El Salvador has produced over half a million displaced persons and led to the collapse of the national health infrastructure, resulting in a profound public health crisis. Aesculapius International Medicine has responded by providing a health team from the United States now engaged in primary health care, preventative medicine, and health education to a Salvadoran population whose needs fall outside the scope of existing programs.

The project was established in August, 1984 in a rural village 50 kilometers north of San Salvador. Working directly and through health promoters, the project provides for the health needs of more than 60,000 people. In conjunction with the CAPS program of the Archdiocese of San Salvador, the Aesculapius team has participated in the training of over one hundred rural health promoters from all parts of the country. Fifty-three are from Chalatenango—the department in which our clinic is situated—and work under the medical supervision of the Aesculapius team. A second site, serving a population of over 60,000 will be established in the department of Usulatan in early 1986.

The Aesculapius team in 1985 consisted of one physician, two nurses and a health educator/administrator. Both nurses are public health specialists, and have worked for Aesculapius in El Salvador since August 1984. All four are unpaid volunteers, speak fluent Spanish, and have made a minimum twelve months commitment to the project. A nurse practitioner, a third public health nurse and a nutritionist will join the team in early 1986.

As a joint project with the Archdiocese of San Salvador in Chalatenango and the Diocese of Santiago de Maria in Usulatan, the project has been recognized in El Salvador as being strictly nonpolitical and humanitarian. This has permitted the project to continue, despite increasing political and military tensions in the area. The health work is nonsectarian in nature and available to all in need.

## TRIBUTE TO JUDGE CHARLES FORD

Mr. HEFLIN. Mr. President, Judge Charles Ford, the probate judge of Choctaw County, AL, is one of a vanishing breed. He is an old-style probate judge, who is considered by the people of his county to be all things to them. They call upon him in almost every capacity. He is a friend, a helper, a county official, a caring politician, and generally all-around good fellow.

Judge Ford has served as probate judge of Choctaw County for 10 years. The people have become accustomed to relying upon him for advice on all sorts of problems. In addition to his probate judge duties, he is also the chairman of the Choctaw County Commission, which has charge of the highways and roads in that county, as well as all of the county services and departments. He puts in long hours and is never really away from the job, for at home he is constantly being visited by his constituents either in person or on the telephone. Judge Ford is genuinely loved by the people of Choctaw County for his kindly down-to-earth manner, as well as for his energetic efforts in helping each and every citizen who seeks his advice, counsel or assistance.

Recently, there appeared an article in the Mobile Press entitled "Judge Ford: 'I'm two people all the time.' " This article is highly complimentary of the fine work that he does, and I ask unanimous consent that a copy of this article appear in the CONGRESSIONAL RECORD.

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

[From the Mobile (AL) Press, Jan. 27, 1986]

JUDGE FORD: "I'M TWO PEOPLE ALL THE TIME"

(By Darla Graves)

BUTLER, AL.—Living in a Choctaw County and serving the county's residents is a pleasure, according to Probate Judge Charles Ford.

Originally from the town of Pushmataha, Ala., Ford and his wife now reside in the city of Butler, Ala., the county seat.

Ford has served as probate judge in Choctaw County for 10 years. He said that when he first ran for the office in 1976, he had to defeat six worthy opponents, which was not

as easy task. However, he did win and he said that he plans to run for re-election in 1988. An office term is six years.

When asked how he felt about being a judge, Ford replied, "I really love it because I can get involved in helping the needy of the county. My office is the highest elected office in the county, and it's a powerful office. But, I use it to help people; I never play politics."

Ford's duties as probate judge include probating wills, handling adoptions, issuing different types of licenses, performing marriages and things of that nature. He is also the chairman of the Choctaw County Commission.

"I have two jobs, actually. I serve in the capacity of probate judge and also as chairman of the county commission."

"There are, I believe, 34 counties in the state of Alabama in which the probate judge serves as the chairman. I'm two people all the time. I have to answer all the complaints of all four of the county commissioners," he said. "But we all, basically, get along very well."

Ford said the hardest type of cases for him are those in which he has to determine whether or not a person is mentally stable.

"When I study petitions, all the allegations are filled out in the petitions. Luckily, I know all the people in the county. I know the families, and I know their backgrounds. After all, I'm part of the people. So, I usually have to rely on my knowledge of the people in order to make a judgment on whether or not someone is mentally unstable. These cases are very hard to deal with," he said.

Ford said that he has one daughter who works for the Washington County Courthouse and two granddaughters. His wife is a secretary for a bank president in Butler and assists him in campaign efforts when she can. However, he said that he never stops campaigning.

Since his job is a "constant 24-hour job," he seldom has time for hobbies. But when he does he said he enjoys hunting and fishing. According to Ford, Choctaw County is an excellent area for hunting.

Ford said although he did not attend law school, which was not a prerequisite for the position of probate judge, he nonetheless feels that he is doing a good job for the people.

"I have always wanted to serve the people. If I am not working in the office, I will go out and visit in the county. I stay in contact with the people, and I know what they want. Therefore, I know what kind of job I'm doing, and the people will tell you, especially on election day."

One particular way that he serves the people to the best of his ability is through his marriage ceremonies. He said that a lot of people will come in from Mississippi to be married by him because there is a 3-day waiting period in Mississippi and a no waiting period in Alabama. Therefore, he said he performs a lot of marriages after hours and on Sundays.

He recalled one incident where a couple wanted to be married in the courthouse square and both the bride and groom wore overalls to the ceremony.

"They also wanted me to wear overalls, and, of course, I didn't mind because it was fun. Instead of throwing rice they threw corn. No invitations were sent out, but people saw what was going on and came to the square. We ended up having a huge crowd there," he said jokingly.

When asked if there was anything about his job that he would change if he could, Ford replied, "I don't have anything in particular that I would change. I am very pleased with the job, I simply enjoy serving the people and hope to continue to do so in the future."

## THE FEDERAL EMPLOYEES BENEFITS IMPROVEMENT ACT OF 1986

Mr. STEVENS. Mr. President, section 101 of H.R. 4061 will enable retired Federal employees in the Federal Employees Health Benefits Program [FEHBP] to receive rebates which have been offered by 11 plans in the program.

Those rebates result from excessive reserves that accumulated in the program. In order to reduce these reserves, the Office of Personnel Management [OPM] authorized carriers in 1985 to pay rebates to currently enrolled subscribers. Rebates were authorized as a method for reducing the 1985 contributions of subscribers. Eleven carriers announced plans to make rebates to their 1985 subscribers and set aside reserves from which the rebates would be made.

OPM determined, however, that annuitants cannot receive the rebates because the present law does not authorize OPM to reduce the contributions of annuitants. Rebates to employees and annuitants were delayed pending consideration of this corrective legislation.

Employees, annuitants and the Government contribute to the health benefits plans and should share proportionately in any rebates. This act amends 5 U.S.C. 8909(b) to give OPM specific authority to use excess contingency reserve balances to reduce the contributions of annuitants as well as the contributions of employees and the Government.

Section 101 of H.R. 4061 will be effective upon enactment, but rebates to annuitants will be authorized even if made to annuitants enrolled in a plan as of a specific date in 1985 in order to permit annuitants to share with employees in the 1985 reductions.

## PENSION WELFARE

Mr. QUAYLE. Mr. President, on February 3, 1986, the Wall Street Journal published an editorial titled "Pension Welfare," which clearly demonstrated the need for true reform of our Nation's pension system. Given the importance of private pensions in our Nation, and the current crisis of the Pension Benefit Guaranty Corporation [PBGC], I urge my colleagues to read this editorial and take to heart its warning.

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

PENSION WELFARE

Back in 1974, the Watergate affair in Washington was what amounted to a political urban riot. The city was manic from a daily feeding of rumors, leaks and published bombshells. As sometimes happens during a riot, Washington's political authorities weren't able to keep track of what everyone in Congress was doing. Amidst all the tumult, Title IV slipped into the 1974 pension-reform act known as ERISA. Title IV is ERISA's federal pension-insurance system. Dress up Refrigerator Perry as Little Lord Fauntleroy, and you have a pretty good idea of how closely the current system resembles real insurance.

"We are in effect running a corporate welfare program that subsidizes declining industries," says Kathleen Utgoff, administrator of the Pension Benefit Guaranty Corporation (PBGC), which administers the insurance program. Rep. John Erlenborn, a principal architect of ERISA, says the system's premium (slated to rise from $2.60 per worker to $8.50) isn't a real premium; he calls it "a head tax." Others call the federal pension insurance a "transfer program" and "backdoor industrial policy." What is more, say some congressional pension specialists, the political players for Team Smokestack knew they were creating a corporate bailout program years before "Japan Inc." became a household word.

Last year, Wheeling Pittsburgh Steel, on the brink of being pulled under by its creditors, unloaded an estimated $475 million in unfunded pension obligations on the federal pension corporation. Months earlier, Allis Chalmers shipped $165 million of unfunded obligations. Continental Steel, in Chapter 11 proceedings, has filed to reject two pension plans, with the prospect likely of sending the PBGC a $27.5 million air-ball. Consequently, the PBGC suddenly has an on-paper deficit of $1.3 billion (it plans to litigate the Wheeling-Pitt action).

Successfully off-loading its $425 million pension liability was part of the bankruptcy workout demanded by Wheeling-Pitt banks. The strategy allows these companies to get back in the race, their cost structure significantly lightened by ERISA. That means that healthier companies, such as U.S. Steel, and Cyclops, end up running well-funded pension plans, competing with the Koreans and Europeans, and paying premiums that are used to prop up their reeling competitors. Besides the many steel-industry claims on the program, about 20% of recent plan dumpings have been from companies that aren't in bankruptcy.

Two changes have been proposed to fix this.

Currently, the PBGC has little choice but to pay out the guaranteed level of benefits of a terminated plan. The budget-reconciliation bill Congress failed to pass in the last session contains amendments tightening the procedures under which companies may terminate their unfunded plans. The new rules would give the system powers to significantly challenge terminations. The other proposed change—only an idea now—would induce or require pension plans to use the private insurance system and pay risk-related premiums. This would make the agency something more than a passive mail drop for a sick company's cost burdens. (An attempt to subject Wheeling-Pitt to the new rules failed.)

Another potentially significant change discussed in those congressional amendments is a requirement that the pension corporation study the feasibility of risk-related premiums and private insurance. The Reagan administration has just announced its intention to seek that change.

Private insurers have little experience with which to set such rates and would resist covering pension plans whose unfunded liabilities make them virtually uninsurable. But the current system deserves reorganization. "Insurance" traditionally denotes coverage for unforseen events. However, the process by which some companies are dumping their problems on the PBGC is not an insurable event. Putting well-funded pension plans (as are most plans) under private insurance would allow us to face honestly the question of protecting workers in declining industries.

Those workers often have employers in industries that have little prospect of meeting their unfunded pension liabilities for reasons that include a fundamental loss of competitive position, relatively high wage structures and poor management. These are factors in the natural process of corporate extinction, and securing a realistic level of workers' benefits in these circumstances is a legitimate concern. But it is a misuse of public policy to force well-run companies and their workers to support a federal "insurance" system that penalizes them for the purpose of propping up their less successful and often less efficient competitors.

## CANADIAN LUMBER IMPORTS

Mr. EAST. Mr. President, the Canadian softwood lumber trade problem affects virtually the entire United States. We recognize that, so does the administration. That's why the administration has entered into trade talks with Canada centering on the lumber problem. Two meetings have been held to date between the two teams of negotiations, and I understand a third meeting will occur soon.

The administration and the Canadian Government should be congratulated for recognizing that the importation of Canadian softwood lumber is a major trade problem. I commend our country and Canada for seeking a reasonable, responsible, negotiated solution to the problem. It is my firm hope that negotiations between the two governments will succeed at the earliest possible date. In my view, a negotiated solution is far preferable to any legislative solution.

I am convinced that the current slump in the United States timber industry is a direct result of a sharp increase in the Canadian softwood lumber share of the United States market. Canada's share of the market has grown dramatically from less than 20 percent in 1975 to 33.5 percent in 1985, resulting in tens of thousands of lost United States jobs.

There is only one reason for this situation to exist: Canadian Provincial governments are virtually giving away their stumpage at rock-bottom prices. To promote Canadian lumber activity, the Canadian Government sells lumber stumpage rights to producers at prices well below market levels. Certainly, these Canadian Provinces are free to pursue any domestic subsidy they like. But the Congress of the United States ought not sit idly by and watch subsidized Canadian lumber cross the border into the United States, robbing independent small business of their markets, closing mills, and displacing American workers.

Since 1975, Canadian softwood lumber production has increased 103 percent while United States production grew by only 20 percent. Canada has now captured over one-third of the United States market and in my State of North Carolina, Canada has captured 40 percent of the market. Simply stated, Mr. President, our American lumber industry is being overwhelmed by a Canadian industry subsidized, aided, and encouraged by its Government. The result of that situation is an injury to the American worker that ought not be overlooked by this Senate.

Given the clear reason behind the Canadians success in our market, in good conscience, we ought not allow this trend to continue. Either Canada agrees to a meaningful resolution to the problem or we ask the United States Government for an aggressive hard-line correction to assure that our domestic industry can compete with Canadian mills on a level playing field.

## APPOINTMENT OF SENATOR MATTINGLY TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The PRESIDING OFFICER (Mr. EVANS). The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the Senator from Georgia [Mr. MATTINGLY] as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the second session of the 99th Congress to be held in Tucson, AZ, from February 27 to March 3, 1986.

## CALL TO CONSCIENCE, 1986

Mr. GORTON. Mr. President, I rise today to participate in the 1986 Congressional Call to Conscience on Soviet Jewry, an effort which has been in existence since 1976 and which serves to chronicle and bring badly needed attention to the rights of Jews in the Soviet Union. Senator GEORGE MITCHELL is to be thanked for his effort in coordinating this year's Call to Conscience, as is the Union of Councils for Soviet Jews. Our plea in this Chamber is for those who seek only the opportunity to worship as they choose and to emigrate to their homeland, Israel.

We are, of course, gratified that the Soviets have released Anatoly Shcharansky after many years of imprisonment and torture. It is our fervent hope that other Soviet Jews held against their will in that country be allowed their religious and political freedom. I draw your attention to the case of mathematician Vladimir Lifshitz, arrested in the Soviet Union last month. Dr. Lifshitz had applied for visas for himself and his family 5 years ago. They were denied on the grounds of "insufficient kinship." Since being refused visas the family has suffered terribly. Vladimir was forced to leave his position as the head of the division of economic forecasting at the All-Union Scientific Research Institute for the jewelry industry. After resubmitting his emigration application in December 1982, he was forced to resign from his second job. Although thier son Boris passed entrance exams to the Leningrad Institute of Fine Mechanics and Optics, his application was not accepted; now he faces military conscription. In addition, the Lifshitz family has been repeatedly harassed by the KGB and threatened with arrest. Now that Dr. Lifshitz has been arrested, his family's situation can only decline as they await permission to reunite with their relatives in Israel.

As a signatory to the Helsinki Final Act, the Soviet Union has pledged that its citizens may emigrate freely. The Soviets have not abided by this agreement, as attested to by this and too many other cases. Soviet Jews and other minorities continue to suffer persecution at the hands of Government Officials.

It is my hope that statements such as this will remind the Soviets that the United States Congress knows and cares about the treatment being received by Soviet Jews. The Congressional Call to Conscience brings all of us together on an issue of vital humanitarian concern. A goodwill gesture on behalf of Soviet Jews and a significant improvement over recent policy can only facilitate any negotiations which take place between our two countries. We urge Secretary Gorbachev to take the earliest opportunity to begin a new era of East-West cooperation.

## A TRIBUTE TO JOHN KERRY

Mr. KENNEDY. I am pleased to take this opportunity to commend my colleague from Massachusetts, JOHN KERRY, for his significant accomplishments in his first year in the Senate. Throughout his career, JOHN KERRY has demonstrated genuine leadership, an exceptional capacity for hard work, and a strong commitment to the citizens of Massachusetts.

I was particularly gratified to see Senator KERRY's fine achievements recognized in a recent article by the Boston Globe. The people of Massachusetts are proud to have JOHN KERRY as their Senator. I know that Massachusetts and the Nation will continue to benefit from his impressive service in the years to come, and I

ask unanimous consent that the article from the Boston Globe may be printed in the RECORD.

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

[From the Boston (MA) Globe, Feb. 16, 1986]

KERRY IS BUILDING AN IMAGE AS WORKER

(By John Robinson and Robert L. Turner)

WASHINGTON.—Among the seven men who joined the Senate in 1985, John Forbes Kerry was the second-youngest, the least experienced and the most liberal, a combination of attributes that can be liabilities in the august deliberative chamber.

But Kerry has spent much of his first year in office trying to turn his liabilities into assets, a process that has yielded mixed results.

At first, skeptics here and in Massachusetts thought Kerry might be a classic show horse—a lightweight and an outsider, an ambitious, microphone-grabbing self-promoter eager to push his initials as far as those of his hero, John F. Kennedy.

Preliminary returns tended to encourage that view. Subsequent events show Kerry establishing credentials as a more substantive legislator—a Senate workhorse.

In February, the Washington Post "Style" section spread him across its front page in glamourpuss fashion, proclaiming him a "presence" on the capitol's social circuit, "gushed over at various stops."

Shortly thereafter, another interviewer asked him how he was fitting into the exclusive small circle of 100 senators and came away with a sample of Kerry stiffness. "I came here to do a job, not join a club," he said.

His early emphasis on foreign affairs, reinforced with back-to-back trips to the Philippines and Nicaragua barely three months after being sworn into office, contributed to the view that his interests were weighted toward the sensational.

In addition, his trip to Nicaragua turned sour when President Daniel Ortega, with whom he had met, flew off to Moscow to cozy up to Soviet leaders, undermining Kerry's attempts to wean the Reagan Administration from the rightist rebels, called contras, who are making war on the Sandinista government.

"The man wasn't in office four months before he was talking to our enemies," said a Massachusetts Republican strategist, Michael Hannahan. "On foreign policy he always thinks America is wrong."

But through it all, and particularly since the Nicaragua trip, Kerry has labored to prove himself a hard-working, substantive legislator whose ability inside Capitol cloakrooms matches his ability in front of the cameras, who has particular skills on local issues and who is not easily pigeonholed.

In the view of many people here and in Massachusetts who have had reason to pay attention, Kerry has been largely successful.

He is credited with being an articulate, well-informed, passionate adversary of the "star wars" space defense scheme, the controversial MX missile system, antisatellite weapons and nuclear testing.

Joe Malone, campaign manager for Raymond Shamie, the conservative Republican who ran a strong race against Kerry, said the senator's first year has been "substantive . . . from a liberal viewpoint."

"John has had a reputation for looking for issues that are going to attract TV cameras, and I don't think that has changed," Malone said. But where Kerry was once seen as "all over the lot" politically, "I think he has been more mature in his first year."

He is no garrulous, cheery extrovert, and even those closest to him say he is difficult to know. He can seem cold and remote, even disdainful, according to a lobbyist with extensive Capitol Hill credentials, who admits he was predisposed to dislike Kerry before he met him.

"But he did nothing to dispel my predisposition," he said after a visit to Kerry's office. "He talked in slogans, which sounds good if you don't know what the facts are."

Another seasoned Capitol Hill insider and a Kerry financial supporter described him as being "fairly humorless" and "a nice guy who's a little full of himself and a little self-important."

"It makes it hard for the guys to warm up to him," the observer said. Nonetheless, the observer noted, Kerry has cultivated a good working relationship with a number of senators: in particular, Sen. Edward M. Kennedy, who has responded by extending himself to help Kerry retire what was a half-million dollar campaign debt.

Despite his support of the Gramm-Rudman deficit reduction bill, which is opposed by many municipal officials in Massachusetts, Kerry appears to have retained strong support at home, which may be attributable in part to his two-year stint as lieutenant governor to Gov. Durakis.

ATTUNED TO STATE ISSUES

As lieutenant governor, Kerry supervised federal-state relations. His top staffer in that office, Tim Barnicle, is still director of the state's Office of Federal Relations. Many of the people still working in that office, both in Washington and in Boston, "were hired by John," according to Barnicle, and as a result, "the relationship is smooth and easy and fluid and just real nice."

Because of his experience as lieutenant governor, Barnicle said last week, "John is very aware of what the basic state programs are and their relative importance."

According to Barnicle, Kerry has taken the lead in the Senate in securing a grant to retain Quincy shipyard workers and another for a photovoltaic research center in Lowell. He has also pushed for money for the cleanup of Boston Harbor and for reconstruction of the Central Artery and has sought to block the closing of the regional Labor Department office.

James Segel, executive director of the Massachusetts Municipal Association, said: "He is the senator we go to on issues that affect cities and towns.

"He's visited a lot of the mayors. He's accessible in his office, I think his staff has been responsive," Segel said. "I don't have a complaint about Kerry."

HAS FOUGHT FOR LOCALITIES

In paticular, Kerry has fought for retention of revenue sharing and other grant programs for municipalities, he helped pass legislation to circumvent a court ruling on the payment of overtime to municipal employees that would have been very expensive in Massachusetts, and he was also instrumental in blocking a move to pull all state and local employees into the Social Security and Medicaid programs, a move that would have hurt Massachusetts more than any other state.

Kerry has not hidden his talents as an "outsider," an articulate spokesman who can move public opinion. But he has also worked on the inside of Senate politics, and not just on parochial grants and the like. For instance, he helped shield Social Security from potential Gramm-Rudman cuts.

In Boston, Mayor Flynn's director of administrative services, Raymond Dooley, said Kerry has helped with everything from an Urban Development Action Grant for Jamaica Plain High School to immigration from Nothern Ireland. Despite, the Gramm-Rudman flap, Dooley said, "the mayor and the senator are good friends and political allies."

Jerome Grossman of the Council for a Livable World said Kerry's freshman performance was "first-rate" on the arms control issues he cares about most.

FAULTED ON GRAMM-RUDMAN

James Shannon, the former congressman who lost to Kerry in the 1984 Democratic primary, said of Kerry, "I think he's done fine," though Shannon opposes Gramm-Rudman and says that is the one major point of disagreement. Shannon said he is "glad" Kerry took a prominent role in opposition to US policy in Central America, adding it took some courage because "he obviously understands that there's a political downside to that."

Of Kerry's various interests, Shannon said the range of issues is so wide in both the House and the Senate that "you play a role where you think you can make a difference."

Sulffolk County Sheriff Dennis Kerney lauded his local staff work and praised him for "staying in touch with his working-class base."

One of the hallmarks of Kerry's first year has been his effort to balance his activity on national and foreign issues with his domestic concerns.

He boldly listed only one committee choice, Foreign Relations, and got it. Many people voted for him on the basis of war-and-peace issues and he has not broken faith with them.

But he has been eager recently to stress more local concerns, some of which come up in his other committee assignment, the Labor and Human Resources Committee.

"Nicaragua," he said in an interview last week after his return from the Philippines, "pushed me more to the forefront on the international scene than in fact I have been. . . . I would like to be known as a domestic-oriented Massachusetts senator."

Only two of his staff members specialize in foreign affairs, Kerry said, and two or three concentrate on budget and related matters, while most of the others in the 42-person staff look to constituent problems and other Massachusetts issues. About half the staff is in the Boston office, a high proportion for most senators.

Aside from balancing his local foreign interests, Kerry has been engaged in another kind of balancing act, a redefinition of himself beyond the liberal stereotype.

He said he has consciously sought to be evaluated on the basis of specific actions and specific issues, not labels, which he believes are misleading. He defines himself as "an independent thinker."

In the process, the ultraliberal image of the antiwar Vietnam veteran has fogged up.

"I'm not trying to project an image of liberal or conservative," he said. "Politics is complicated enough without getting pigeonholed.

"The ability to communicate where you are on a particular position gets 20 times

harder when people have an image of what their expectation is as a result of a label beforehand. I'm trying to project the image of an independent thinker who deals with the issues as they come along."

Nevertheless, his voting record last year placed him among the most liberal members of Congress, earning an 85 of a possible 100 rating from the Americans for Democratic Action, and he was one of the top congressional opponents of Reagan administration initiatives, voting against the President 73 percent of the time, according to Congressional Quarterly.

Kerry was 40 when he was elected to office, the second he has attained in a public career that had its beginning in the antiwar movement of the last decade. Among the seven freshman who were sworn in with him, only Albert Gore, 37, was younger.

All of his classmates had prior service in the House—Gore was there for 8 years, for example—or had been elected chief executives back home.

But legislative or executive experience can be a minor obstacle. "At the most," estimated Rep. Barney Frank (D-Mass.), who praised Kerry's first-year performance, "it gives you a six-month head start. Kerry's had a real impact in the Senate."

Kerry was raised a Roman Catholic with Anglo-Irish ancestry and Boston credentials. His residential addresses were toney, his education at St. Paul's School and Yale University. His marriage to Julia Thorne, from whom he is now separated, offended no tribal customs.

At Yale, he was a prize-winning orator and a precocious politico.

His military service was as a naval officer, although rank and branch seem of little consequence to him now; it is his status as a Vietnam veteran that he keeps in the forefront of his public image.

There has always been about him an aspect of glamour because he favors European holidays, speaks good French, vacations on the exclusive Massachusetts island of Naushon, and has show-business friends like Peter Yarow, of the singing group Peter, Paul and Mary.

But since his Post profile, he has recoiled from Washington's social scene, conscious of the potential for appearing frivolous and wary of being used by the capital city's gossipy, competitive nobs.

With his campaign debt cut nearly in half (to $248,852 as of Dec. 31), a highly regarded staff and an activist legislative agenda, Kerry seems poised to deliver on the potential his admirers sense in him.

## CLARIFICATION OF THE APPLICATION OF THE TREBLE DAMAGE REMEDY TO STATE INSURANCE REGULATION

Mr. SIMPSON. Mr. President, I am pleased to cosponsor the Antitrust Damages Clarification Act of 1986. This legislation limits the use of the treble damage remedy when an insurance company has complied with State regulation of its business.

In the McCarran-Ferguson Act of 1945, Congress declared that regulation of the insurance industry was in the national interest and conferred regulatory authority on the individual States. A specific exemption to the Federal antitrust laws was created by the McCarran Act for activities which were regulated by State law and constituted the business of insurance.

Despite the mandate of the McCarran Act, the Federal Trade Commission [FTC] is now attempting to use its enforcement authority to deregulate the insurance industry. Instead of submitting legislative recommendations to the Congress, however, the FTC started its campaign to narrow the McCarran Act by initiating enforcement proceedings against companies in the title insurance industry. In an administrative complaint filed in January, 1985, the FTC alleged that the participation by title companies in State-authorized rating bureaus violated the Federal antitrust laws.

Beginning 1 day after the FTC complaint was issued, numerous private antitrust actions for treble damages were filed against these same insurance companies making virtually identical allegations to those contained in the FTC's administrative complaint.

In my opinion, the treble damage remedy should not be used in antitrust litigation against insurance companies which in good faith are complying with State law. Triple damages were designed to deter illegal corporate conduct and not legitimate regulatory activities sanctioned by the States.

The Antitrust Damages Clarification Act is intended as a carefully limited solution to the antitrust problems presented when an insurance company is subject to State regulation of its rates. The bill would clarify existing case law by removing the risk of treble damage liability for insurance ratemaking activities that are authorized by State law.

An antitrust plaintiff has suffered no injury if he has paid for an insurance policy at the only legal rate authorized under State regulation. Antitrust damages should not be imposed in connection with rates approved by a regulatory body pursuant to State policies with nonantitrust-related goals—such as to preserve the financial soundness of insurance companies or see that insurance charges are fairly allocated among different classes of consumers.

The act does not modify substantive antitrust law principles and does not limit the ability of Government agencies or private parties to obtain injunctive relief against inappropriate conduct.

By enacting this legislation, the Congress will be striking an appropriate balance, recognizing the validity of rates approved under State regulatory programs but permitting Government enforcement agencies to continue to seek injunctive relief where they deem it to be in the public interest.

In addition, this legislation prevents the improper use of the treble damage remedy by private plaintiffs seeking windfall recoveries and attorney's fees, a result which is contrary to the regulatory goals of the State. It also would give the insurance industry a chance to respond to changing regulatory climates without the enormous expense of defending against treble damage litigation for actions which are sanctioned by State law.

## WILL TV MAKE THE SENATE A "VAUDEVILLE ACT?"

Mr. PROXMIRE. Mr. President, it appears that the Senate is hell-bent to install television. The Rules Committee has written the script: TV will probably soon start to cover our proceedings. We will cover our operations with very limited pilot television. In fact that television broadcast will at first be confined to Senate offices.

So what's wrong with this? Is this the age of television? Do the American people today get far more of their news from TV and radio than they get from the print media? Has the House in the few years they have televised their proceeding showed the way? Have they stolen the spotlight in doing so? Have they proven that there is a real public appetite for parliamentary proceedings? Are some of the more flamboyant personalities in the House stealing a march on the invisible Senators? Does this give an edge to House Members interested in challenging incumbent Senators?

Mr. President, the answer to all these questions is yes. In fact emphatically yes. But none of this makes television in the Senate the right course. It probably does make television in this body, the inevitable course. Before we take this step that will far more drastically change the Senate than any action we have taken since the Founding Fathers adopted the Constitution almost 200 years ago, I hope Senators will read a new book entitled "Amusing Ourselves To Death and subtitled: Public Discourse in the Age of Show Business" by Neil Postman. If this little volume poses too difficult a reading assignment, I hope Members will at least read a review of the Postman book by Jonathan Yardley entitled, "The Vacuum at the End of the Tube." The Yardley review appeared in the Washington Post book section on Sunday, November 3. The Yardley review takes less than 5 minutes to read. It will be 5 minutes that any Senator will find rewarding.

The theme of the Postman book is that the civilized world and especially the United States is now undergoing a drastic shift from reading to watching television. Postman calls this shift and I quote "the most significant American cultural fact of the second half of the 20th century: the decline of the Age of Typography and the ascendancy of the Age of Television." As the influence of print wanes, the content of

politics, religion, education, and anything else that comprises public business must change and be recast in terms that are most suitable to television. Which is to say that it must be recast in terms of entertainment, of show business. Television is a technologically brilliant medium, a genuine miracle, a beautiful spectacle, a visual delight, pouring forth thousands of images on any given day.

For the very reason that it is image centered though, television is inherently hostile to thought, logic and contemplation—processes central to a word centered culture. It is in the nature of the medium, television, that it must suppress the content of ideas in order to accommodate the requirements of visual interest, that is to say, to accommodate the values of show business. As Postman writes, "The problem is not that television presents us with entertaining subject matter, but that all subject matter is presented as entertaining, which is another issue altogether . . . It is not the gloomy Orwellian future that awaits us, but the one depicted by Aldous Huxley in "Brave New World," where in a "populations becomes distracted by trivia, when cultural life is redefined as a perpetual round of entertainments, when serious public conversation becomes a form of baby talk, when, in short, a people become an audience and their public business a vaudeville act."

Mr. President, no one in the House or Senate has put it that way. But to this Senator this is precisely the danger into which this body may fall: The Senate is about to become a vaudeville act. Do I hear someone saying—Oh come on, PROXMIRE, television is here to stay. No one can hold back the momentum of technology, in fact the domination of television. And, of course, that is right. We cannot. But that doesn't mean we have to move television into the Senate. The heart of Postman's protest is that "as television moves to the center of our culture, the seriousness, clarity and above all the value of public discourse dangerously declines."

But does television educate? It does, but not the way the printed word educates. As Postman puts it the "education" with which television is most comfortable is that which follows three commandments.

Thou shalt have no prerequisites. Thou shalt induce no perplexity. Thou shalt avoid exposition like the ten plagues visited upon Egypt. Towards all the discipline, thought and self-restraint demanded by an education in the printed word, television is implacably hostile: television can accommodate only that which is easy, which is devoid of history, which demands mere passivity.

Postman and Yardley were not thinking of writing about the Senate or TV in the Senate. But oh, how clearly this analysis strikes at precisely what the Senate is about to do.

Mr. President, I ask unanimous consent that the book review to which I have referred by Jonathan Yardley be printed in the RECORD.

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

THE VACUUM AT THE END OF THE TUBE

It is Neil Postman's contention, in this powerful, troubling and important book, that we are now "undergoing a vast and trembling shift from the magic of writing to the magic of electronics," with the singularly unhappy result that "the content of much of our public discourse has become dangerous nonsense." His language is blunt and his claims are large:

"To say it, then, as plainly as I can, this book is an inquiry into and lamentation about the most significant American cultural fact of the second half of the twentieth century: the decline of the Age of Typography and the ascendancy of the Age of Television. This change-over has dramatically and irreversibly shifted the content and meaning of public discourse, since two media so vastly different cannot accommodate the same ideas. As the influence of print wanes, the content of politics, religion, education, and anything else that comprises public business must change and be recast in terms that are most suitable to television.

Which is to say that it must be recast in terms of entertainment, of show business. Television is a technologically brilliant medium, a genuine miracle, "a beautiful spectacle, a visual delight, pouring forth thousands of images on any given day." For the very reason that it is "image-centered," though, television is inherently hostile to thought, logic and contemplation—processes central to a "word-centered" culture. "It is in the nature of the medium," Postman writes, "that it must suppress the content of ideas in order to accommodate the requirements of visual interest; that is to say, to accommodate the values of show business."

This it does in every aspect of its operation; television is saturated with the needs and values of show business, and because it has become the principal medium of national conversation it has imposed those same needs and values on the country itself. Postman writes; "The problem is not that television presents us with entertaining subject matter but that all subject matter is presented as entertaining, which is another issue altogether . . . A news show, to put it plainly, is a format for entertainment, not for education, reflection or catharsis." He fears, and he is right to do so, that it is not the gloomy Orwellian vision of the future that awaits us, but the one depicted by Aldous Huxley in *Brave New World*, wherein "a population becomes distracted by trivia, when cultural life is redefined as a perpetual round of entertainments, when serious public conversation becomes a form of baby-talk, when, in short, a people become an audience and their public business a vaudeville act."

There may be an apocalyptic ring to this, but Postman is at pains to emphasize that he is no Luddite, that television is here to stay and that there will be no turning back the technological clock. What is necessary, though, is that we look more clearly at what we in our bottomless joy at being entertained by television, are permitting it to do to us. In essence, it has changed us from "perhaps the most print-oriented culture ever to have existed" into "a culture whose information, ideas and epistemology are given form by television, not the printed word." Quite correctly, Postman views this transformation with dismay:

Obviously, my point of view is that the four-hundred-year imperial dominance of typography was of far greater benefit than deficit. Most of our modern ideas above the uses of the intellect were formed by the printed word, as were our ideas about education, knowledge, truth and information. I will dry to demonstrate that as typography moves to the periphery of our culture and television takes it place at the center, the seriousness, clarity and, above all, value of public discourse dangerously declines. Of what benefits may come from other directions, one must keep an open mind."

It is difficult to do so, though, in the face of the evidence. It is in the nature of television to trivialize everything it touches, to make Americans "the best entertained and quiet likely the least well-informed people in the Western world." Television, which requires noting of us except that we watch—which a six-year-old and an eighty-year-old can do equally well—thereby frees us of the obligation to think. Everything becomes image, nothing has substance. To call news what passes on television for "news" is to make a mockery of the word—television "news," with its ear-catching theme songs, with its 45-second "reports" on complex and momentous events, with the insistently upbeat commercials that set its pace and tone, with its blow-dried anchorpeople and telegenic "reporters." This has nothing to do with what we knew as "news" in the Age of Typography—which Postman also calls "the Age of Exposition"—and everything to do with show business; yet this is what sets the national agenda.

As is nowhere made more appallingly evident than in politics. It is no longer an original thought to say that the influence upon politics of television has been both pervasive and dire, but Postman makes a most perceptive connection between the television commercial and contemporary political discourse. Not merely does the commercial demand "an unprecedented brevity of expression," it also "asks us to believe that all problems are solvable, and that they are solvable fast, through the interventions of technology, techniques and chemistry." It teaches "that short and simple messages are preferable to long and complex ones; that drama is to be preferred over exposition; that being sold solutions is better than being confronted with questions about problems."

These are the terms in which the television commercial has taught us to think, and the terms in which our politics is now conducted. Image is now everything, substance nothing: "Like television commercials, image politics is a form of therapy, which is why so much of it is charm, good looks, celebrity and personal disclosure. It is a sobering thought to recall that there are no photographs of Abraham Lincoln smiling, that his wife was in all likelihood a psychopath, and that he was subject to lengthy fits of depression. He would hardly have been well suited for image politics. We do not want our mirrors to be so dark and so far from amusing. What I am saying is that just as the television commercial empties itself of authentic product information so that it can do its psychological work, image politics empties itself of authentic political substance for the same reason."

So too do religion and education. On television, "Everything that makes religion an historic, profound and sacred human activi-

ty is stripped away; there is no ritual, no dogma, no theology, and above all, no sense of spiritual transcendence. On these shows, the preacher is tops. God comes out as second banana." Quite apart from the theatrics to which televised religion is given, "there is no way to consecrate the space in which a television show is experienced" and "the screen is so saturated with our memories of profane events, so deeply associated with the commercial and entertainment worlds that it is difficult for it to be recreated as a frame for sacred events." On television, the Super Bowl and the sermon are the same: entertainment.

Ditto for education, which is in the early phase of a revolution, "the rapid dissolution of the assumptions of an education organized around the slow-moving printed word, and the equally rapid emergence of a new education based on the speed-of-light electronic image." So far our response has been to accommodate education to television, rather than vice versa. Thus, for example, we have "Sesame Street": "As a television show, and a good one, 'Sesame Street' does not encourage children to love school or anything about school. It encourages them to love television." The "education" with which television is most comfortable is that which follows three commandments identified by Postman: "Thou shalt have no prerequisites," "Thou shalt induce no perplexity," and "Thou shalt avoid exposition like the ten plagues visited upon Egypt." Toward all the discipline, thought and self-restraint demanded by an education in the printed word, television is implacably hostile; television can accommodate only that which is easy, which is devoid of history, which demands mere passivity.

This is a brutal indictment Postman has laid down, and so far as I can see an irrefutable one. To be sure, his book is not without flaws, and these should be mentioned. Postman is right to ridicule television for the offensive transitional phrase "Now . . . this," but he is wrong about its purpose; it is not "a conjunction that does not connect anything to anything," but a euphemistic announcement that the viewer is about to be subjected to a commercial. His attempt to give metaphoric weight to the crossword puzzle as a vessel for the detritus of information glut is silly; the crossword puzzle is a word game, nothing more or less. And his analysis of televised religion ignores the history of American evangelism, which stressed entertainment—remember Billy Sunday? Aimee Semple McPherson?—long before the television set came along to mesmerize us all.

But mesmerize us is exactly what it has done, with effects on our national life that we have scarcely begun to identify, much less analyze or debate. Television may be "the unintended consequence of a dramatic change in our modes of public conversation," but "it is an ideology nonetheless, for it imposes a way of life, a set of relations among people and ideas, about which there has been no consensus, no discussion and no opposition." But in this brilliant book—one every bit as provocative as Postman's previous book, *The Disappearance of Childhood*—that debate has at last begun. If we permit Postman to be its only participant, we will do ourselves an incalculable disservice.

## ACADEMY AWARD NOMINATION TO RHODE ISLAND COMMITTEE FOR THE HUMANITIES

Mr. PELL. Mr. President, it is a very special pleasure to bring to the attention of my colleagues the fact that the Rhode Island Committee for the Humanities and two Rhode Island filmmakers have received the second highest honor accorded by the American film industry: an Academy Award nomination.

Earlier this month the Academy of Motion Picture Arts and Sciences announced that "Keats and his Nightingale: A Blind Date" is one of five films in contention for the award of best documentary short subject for 1985. Sponsored by the Rhode Island Committee for the Humanities, the film is an unconventional look at traditional literary art forms. Using a man-in-the-street approach, filmmakers James Wolpaw and Michael Crowley talked with literature scholar Helen Vendler and rock star John Sebastian as well as hospital employees, hockey fans, and others all over the State of Rhode Island to get to the heart of Keats' "Ode to a Nightingale." The result is an intriguing and oftentimes amusing appraisal of modern society's aversion to poetry.

This announcement marks the very first time that a State humanities council has been nominated for an Academy Award. Several films funded by State humanities councils have been nominated in past years, but never before has a film produced by a humanities council received this accolade.

This distinction clearly attests to the high quality of work being carried out by State humanities councils throughout the country. The Federal dollars allocated for local disbursement by these organizations support some of the best humanities programming available to the American people.

## FAREWELL TO MR. SID BROWN

Mr. HATCH. Mr. President, the end of February brings sadly the departure of one of the most brilliant budget analysts to ever serve the Senate Budget Committee. His departure will leave many of us, Senators and staff alike, disappointed at the loss of an institutional memory like Sid Brown's. His clear, concise, and accurate explanation of a multitude of numbers representing numerous programs will be a loss shared by all of us who from time to time have tapped the expertise of budget guru Sid Brown. His honest analysis always received a warn welcome in the political climate of Capital Hill where, all too often, issues are muddled. The privilege has been mine to work during the past 7 years with a man who has a phenomenal understanding of the budget process.

As an adept budget cruncher, Sid has provided not only a nonpartisan analysis of the numbers, but also he was characterized by his amiable personality in a world frequently marked by high tensions and short-tempered actors. Despite many tedious hours of number crunching, often into the middle of the night, Sid remained approachable and willing to answer even the most obscure questions that only a man with a infinite memory for detail could answer.

I wish him the best of luck and join my colleagues in commending him for his many years of faithful service.

## LT. GEN. JONATHAN O. SEAMAN

Mr. HOLLINGS. Mr. President. I would like to take a moment to observe the passing of a brave and patriotic man, Lt. Gen. Jonathan O. Seaman.

General Seaman's military career was long and distinguished—a career his wife and daughters should be fiercely proud of. During his 37 years in the military he garnered many decorations, including the Distinguished Service Medals, the Legion of Merit, the Distinguished Flying Cross, and the Bronze Star.

General Seaman was commander of the 1st Army at Fort Meade when he retired in 1971 to Beaufort, in my home State of South Carolina. Before that, he had served his country in several other capacities. His military career started at the U.S. Military Academy at West Point, and during World War II he served in Europe and the Pacific. In 1966 he was named commander of U.S. Field Force II. As such he planned and directed two major military operations, Junction City and Cedar Falls. He also served as commander of the 1st Infantry Division at Fort Riley, KA, when his division was ordered to Vietnam in 1965. It became the first Army division to enter combat in the Vietnam war.

General Seaman was a fine soldier and a fine citizen. We know he will be missed.

Mr. President, I ask unanimous consent that an obituary appearing in the Washington Post on Wednesday, February 26, 1986, be included in the RECORD.

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

LT. GEN. JONATHAN SEAMAN, 74, DIES; COMMANDED ARMY TROOPS IN VIETNAM

Lt. Gen. Jonathan O. Seaman, 74, who commanded the 100,000-man U.S. Field Force II in Vietnam in the mid-1960s and who later commanded the First Army at Fort Meade, Md., died of cardiac arrest Feb. 18 at the Veterans Administration Hospital in Charleston, S.C.

Gen. Seaman, who retired in 1971 after a 37-year military career, was commander of the 1st Infantry Division ("The Big Red

One") at Fort Riley, Kan., when it was ordered to Vietnam in 1965. It became the first Army division to enter combat in the Vietnam War.

In 1966 Gen. Seaman was named commander of U.S. Field Force II, which was made up of three divisions and several independent brigades. In that capacity he planned and directed two major military operations, Junction City and Cedar Falls.

He was commander of the First Army at Fort Meade when he retired and moved to Beaufort, S.C.

Gen. Seaman was born in Manila, the son of an Army officer. He graduated from the U.S. Military Academy at West Point, N.Y. During World War II he served in Europe and the Pacific.

His military decorations included three Distinguished Service Medals, the Legion of Merit, the Distinguished Flying Cross and the Bronze Star.

Survivors include his wife, Mary Grunert Seaman, of Beaufort; two daughters, Wendy Wilson of Alexandria and Penny Linke of Fort Stewart, Ga., and one grandson.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A resolution (S. Res. 28) to improve Senate proceedings.

The Senate resumed consideration of the resolution.

Mr. DOLE. Mr. President, pending business is Senate Resolution 28; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1636

(Purpose: To improve Senate procedures)

Mr. DOLE. Mr. President, I am about to send to the desk a substitute amendment sponsored by the leadership, and others. There will be a number of other Members who I assume may want to cosponsor, and some may not want to, which is the result of hours and hours and hours of discussion by Members on each side, some who were for, some who were against, and some who had no strong feelings on TV in the Senate. I believe we have reached a point where we ought to determine whether this more or less consensus will be adopted by the Senate.

In my view, it strikes a good balance. I would be happy to discuss it in detail after it is before the Senate.

I therefore send it 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 Kansas (Mr. DOLE), for himself, and Senators MATHIAS, BYRD, ARMSTRONG, GORE, and WILSON, proposes an amendment numbered 1636.

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

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

The substitute amendment follows:

In lieu of the language proposed to be inserted, insert the following:

"That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously, except for any time when the Senate is conducting a quorum call, or when a meeting with closed doors is ordered; and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking clerks and the Chaplain except during rollcall votes when the television cameras shall show the entire Chamber.

SEC. 4.(a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

*Provided*, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings, and copies thereof as requested by the Secretary under clause (4) of this subsection, of Senate proceedings, (3) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Secretary of the Senate copies of such recordings: Provided, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and (4) if authorized by the Senate at a later date the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings and make such copies available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) receive from the Sergeant at Arms such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive—quality copies of such recordings.

SEC. 5. (a) Radio Coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than May 1, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Television coverage of Senate proceedings shall go live June 1, 1986. The test period aforementioned shall end on July 15, 1986.

(c) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmitted between May 1st and June 1st, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be retained by the Secretary of the Senate.

SEC. 6. The use of tape duplcations of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes. The use of tape duplications of T.V. coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. That Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise directs, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 10. That paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of Rule II or Rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quroum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendents which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours."

SEC. 11. That Rule XVII, par. 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SEC. 12. Rule IV, paragraph 1.(a) is amended by adding after the words "the Journal of the preceding day shall be read" the following words "unless by non-debatable motion the reading shall be waived, the question being, "Shall the Journal stand approved to date?".

SEC. 13. Rule XXVIII, dealing with conference reports, is amended by adding the words "when available on each Senator's desk" after the words in paragraph 1 "shall always be in order".

SEC. 14. Provided, that if the Senate authorizes the permanent televising of the Senate pursuant to section 15, that radio and television coverage of the Senate shall be made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 15. Television coverage of the Senate and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on July 15, 1986, "Shall radio and television coverage continue after this date, and shall the rules changes contained herein continue?" There shall be six hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?". On this question there shall be one hour of debate, equally divided and controlled in the usual form. If this question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and shall the rules changes contained herein continue?".

SEC. 16. Provided, That official noting of the Senator's absence from committees while the Senate is on television is prohibited.

Mr. DOLE. Mr. President, let me state very quickly, and then I will turn it over to Senator MATHIAS, Chairman of the Rules Committee, Senator BYRD, Senator LONG, Senator ARMSTRONG, and others who may want to discuss this. Let me just summarize what the substitute does.

The first section of the resolution provides for a test period for coverage of the Senate by television to begin no later than May 1, 1986—hopefully it will start earlier than that, but no later than May 1, 1986—and to go live on June 1, 1986. Coverage will be gavel to gavel except for those times that the Senate is conducting quorum calls.

I might add as an aside that I would assume from time to time when there is no business that we would probably be standing in recess, and of course those periods would not be covered.

Only Senators speaking, and the Presiding Officer as well as the Chaplain and the clerks, will be shown on television. The entire Chamber will be shown during rollcall votes to give the viewer an opportunity to see what happens during a rollcall vote. And we have provided that obviously the clerk should be covered when they are reading the amendments, the Chaplain obviously should be covered, the Presiding Officer covered when there is actually some action which involves the Presiding Officer, or when you are showing the entire Chamber you also would show the Presiding Officer.

Then I think, of course, Senators would be shown while they are speaking. This has been a matter of some concern very honestly because in this case the Republicans do all the presiding. I think there was a concern that maybe there would be a lot of coverage of presiding Republican Senators—perhaps maybe even the class of 1986—and that might not be a totally objective view. I thought it was a very good view. [Laughter.]

But as I have indicated to the distinguished minority leader, we also have to make certain if we are going to try

to prevent any hint of not abuse, but of any irregularity of impropriety as far as the Presiding Officer we want to make certain that Senators themselves do not take advantage of television where you have either side trying to dominate coverage.

So I think we have come to some agreement. We have also agreed that the institution is much more important than politics, and if there is any indication of that during this test period, whether Republicans or Democrats, I believe there are enough of us on each side who feel strongly about protecting the institution.

The rules changes include a 30-hour limit on postcloture consideration, reduction of the 3-day rule on reports to 2 days, waiving the reading of the Journal by a vote, elimination of the Committee of the Whole on treaties, and a provision requiring the conference reports be available on each Senator's desk before they are in order to be called up are proposed.

I say with reference to the motion to proceed which I felt very strongly about, we now have a substitute which does help the leadership at least bring matters before the Senate by waiving the reading of the Journal.

It would be a nondebatable motion. The question would be as it appears on page 10, Shall the Journal stand approved to date? That, in itself, would give the leader some more control over the agenda. That is really all we seek, trying to be more efficient. It is not to try to deny anyone their rights, but to try to move to matters which should be before the Senate. I think that is a good compromise and certainly thank all Members who were helpful in that area.

The rules changes and radio and television coverage would become permanent only after the test period if the Senate agrees when the question is put 1 hour after the Senate convenes after the test period or in the alternative continues the test period for 30 days. In addition, there is language to prevent official noting of a Senator's absence from committees while the Senator is on television on the Senate floor.

The real purpose of that is let us assume that the Senator has a very important amendment on the floor and he has to exit from the committee meeting. Somebody rushes in and brings their TV camera and says, "Senator So-and-So is absent." We believe that a Senator is entitled to that protection while he is on the Senate floor appearing on television, maybe working on an amendment.

Mr. President, I know there are others who may wish to speak who are far more expert. I would just indicate that in my view we are going to have a valid test period. We have also, I would not say agreed in writing, but we have an understanding that if there should be some obvious change that should be made we would sort of band together and help make that change before we just continue television. If there is some change that should be made that may have been noted during the test period by any Senator, by any outsider, by some viewer, we would not want to be so addicted to live television at that time that we could not make responsible changes.

I have indicated to the distinguished minority leader, and he shares that view, that, again, it is a question of the integrity of the institution and how we perform. It is important that we help one another in those efforts.

I believe we have reached a good compromise. I would hope that after debate we can dispose of this matter yet today and still hopefully dispose of the little farm package today, though I understand when we were away from the Senate floor that may have become more of a problem.

Mr. President, I want to thank the distinguished minority leader for his initiative in this area. I thank all Senators. I thank the distinguished Senator from Maryland. We indicated we would not, probably, finalize this until he returned. We are pleased that he is here today as manager of the bill.

I yield the floor.

Mr. MATHIAS. Mr. President, does the minority leader seek recognition?

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I yield to the minority leader.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the Senate Committee on Rules and Administration [Mr. MATHIAS].

Mr. DOLE has explained very well, I think, the proposal that we have joined in submitting. I wish to state that there were a few problem areas which we think we have resolved now. One of those was with respect to the invoking of cloture.

Originally, it was thought that the present requirement for cloture of 60 votes, three-fifths of the Senators actually chosen and sworn, should be increased to two-thirds of the Senators who are present and voting.

There was considerable opposition to that proposal. There was also some concern that 20 hours, which would be the ceiling on debate on a measure following the invoking of cloture, were perhaps not enough. Consequently, we have retained the present number, 60 Senators, as a supermajority to invoke cloture. We have also lowered the ceiling from the present 100 hours to 30 hours.

Those are the only changes that were made in Senate Rule XXII.

There was also concern that Senators might not have an opportunity to amend the Journal. The distinguished majority leader wanted to be able to waive the reading of Journal by a nondebatable motion. He originally had wanted a motion to proceed to take up matters on the calendar by motion with 2 hours of debate. The distinguished majority leader gave up the proposal, but in lieu thereof we are providing a debatable motion to waive the reading of the Journal.

I should say that at the present time, and this will also be the case after this amendment is adopted, if it is adopted, the Journal can still be amended.

At the present time, the Journal can be amended at any time. For example, the Journal of this legislative day, let us say, can be amended 5 years from now, 10 years from now, or 1 year from now. So the mere fact that the majority leader may be able to move that the reading of the Journal be waived and can successfully carry that motion does not mean that Senators cannot later correct a bona fide incorrect portion of the Journal.

Mr. President, I think that the most important amendment change that we had in the original resolution was given up on yesterday. I feel that the Senate should have adopted the amendment that was then proposed, but the Senate has spoken on that matter. I do think that the next most important rules change that would be made if this amendment is adopted, is the cloture change that I have just stated.

I hope that the Senate will adopt this substitute amendment. As the distinguished majority leader has said, many hours have been spent in putting together the amendment. We have listened to the comments, criticisms, and concerns that have been expressed by Senators on both sides of the aisle. We have given those concerns adequate and careful consideration, I think. The result has been, in many instances, that there have been modifications made.

The distinguished Senator from Louisiana [Mr. JOHNSTON] was concerned that the test period was really not a test period because it was not going to be live TV. Mr. DOLE and I asked Mr. ARMSTRONG and Mr. GORE, respectively, to take a look at it and see if they could come up with a modification that would be a reasonable one and that would address the concern that was expressed by Mr. JOHNSTON and others. So they have, and I feel—and Mr. JOHNSTON may speak to this himself and certainly will—that the proposal that has now been included goes a long way toward addressing his concern.

I thank Senator GORE for the excellent work that he has done in this instance to which I have just addressed my remarks. Also, from the very beginning, his experience as a former Member of the House of Representa-

tives, has been useful to us as we have attempted to come to the right conclusions in regard to the question here.

There are other Senators who have worked hard. Senator FORD, who is the ranking member on Rules, I think made a fine contribution all the way along during the committee hearings and the committee markup. Mr. FORD has worked diligently and has contributed much.

There are others—Mr. SIMON, Mr. PELL, others on the committee on the Democratic side as well as Senators on the other side of the aisle.

Senator MATHIAS, the chairman of the committee, has been fair. He arranged a hearing when I asked for a hearing; he arranged a second hearing when I asked for a second hearing. At all times, he has been most courteous, cooperative, dedicated, very thorough and skillful, and sagacious, as he always is.

I thank Senators on the other side of the aisle, especially Senator EVANS. And there is Senator ARMSTRONG, who has likewise spent a lot of time in the committee during the hearings, during the markup, and here, on the floor. He has, I think, every reason to be proud of his work.

Senator STEVENS has been a pioneer in this effort. And we could not have succeeded without Senator DOLE.

I thank all Senators.

Mr. JOHNSTON and Mr. MATHIAS addressed the Chair.

Mr. BYRD. Mr. President, I do not have the floor. The Senator from Maryland had yielded to me.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. I shall not delay the Senate very long, Mr. President. I ask unanimous consent that the Senator from Alaska [Mr. STEVENS] be added as a cosponsor of the substitute.

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

Mr. MATHIAS. Mr. President, I ask unanimous consent that the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Ohio [Mr. METZENBAUM] be added as cosponsors of the substitute.

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

Mr. MATHIAS. Mr. President, I stand in the particular debt of the majority leader, the minority leader, the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Tennessee [Mr. GORE] for the work they have done in really bringing into focus the issues that are involved in this somewhat complex issue of televising the proceedings of the Senate and providing for radio coverage of Senate debates. The compromise which has resulted from their deliberations will not satisfy everyone. I do not know that it is possible to make any arrangement that would be totally satisfactory to every Member of the Senate—indeed, fully satisfying to any Member of the Senate. But it seems to me this has resulted in some modest changes in the rules which would improve the efficiency of the work of the Senate and has provided more specifically for the procedures under which television and radio coverage would actually take place.

We live in a very complex world. It is difficult to understand the issues that dictate the course of our lives even under the best of circumstances. If we deny ourselves this important educational tool, I think we will be depriving the American people of a very important method of understanding the elements of Government that affect their lives.

There is, of course, a strong historical factor here which is provided for in the substitute, the storing of the tapes of these proceedings. Some of them, I am sure, will be extremely dull. Some of them will be so dull that no one will ever put them on their television screens. But some of them will be of great and fascinating interest and of real importance in understanding the history of this era.

So, Mr. President, I am again grateful to Mr. DOLE, Mr. BYRD, Mr. ARMSTRONG, and Mr. GORE. I hope that at the end of this long period of consideration—which really is longer than just the current debate; it goes back for several years. If we could bring this long period of debate to an end this afternoon, it would be a historic moment. It would be an end of a debate but a beginning of a new and vital period for the U.S. Senate.

Mr. JOHNSTON. Mr. President, last week I introduced and discussed an amendment that, in effect, would prevent TV in the Senate except when there is in effect a time agreement. We discussed that amendment at some length. I later withdrew it and indicated that I would put it in at another time. I think that time is now approaching when it should come in.

Really, what I want to do is ask the minority leader whether he would like me to put that amendment in at this point—I know he probably would rather it not be put in at all as an amendment to the committee substitute, or would he rather have me put it in as a second-degree amendment to the pending majority leader substitute? Does he have any desire on that?

Mr. BYRD. Mr. President, I would suggest that the distinguished Senator offer it to the pending majority leadership amendment.

Mr. JOHNSTON. I thank the Senator.

AMENDMENT NO. 1637

(Purpose: To restrict television coverage of the Senate to periods when coverage is agreed to by unanimous consent)

Mr. JOHNSTON. 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 Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1637.

On page 14, strike out lines 8 and 9.

On page 17, between lines 2 and 3, insert the following:

(2) Television broadcast coverage shall be provided only—

(A) when there is in effect a unanimous consent agreement providing for the allocation of time between specified Senators or their designees; or

(B) during consideration of any other matter for which unanimous censent for such television broadcast coverage is obtained.

Mr. JOHNSTON. Mr. President, I might say for the benefit of my colleagues, I intend to discuss this——

Mr. STENNIS. Mr. President, may we have the aid of the Chair in restoring order so we may hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JOHNSTON. Mr. President, I might say for the benefit of my colleagues that I do not intend to discuss this amendment at great length. I hope that we could, after everyone has had his chance to speak at whatever length he desires—and I do not know that that would be a long discussion—go to a vote on this and, thereafter, whatever happens will happen. But in terms of this amendment, I would not expect a very long debate.

Mr. LONG. Will the Senator yield at that point?

Mr. JOHNSTON. Yes, Mr. President, I certainly will yield.

Mr. LONG. The hour is now 3:40 p.m. Does the Senator have in mind a vote on this amendment today? Does he expect this to come to a vote before we leave here today?

Mr. JOHNSTON. As far as I am concerned, yes, a vote on this today would be very appropriate.

Mr. STEVENS. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. STEVENS. Is this the same amendment the Senator had the other day and withdrew when we were dealing with the motion to recommit?

Mr. JOHNSTON. It is a very similar amendment. It has some small changes. The thrust is the same.

Mr. STEVENS. But is it basically the same amendment that the Senator and I debated at length before?

Mr. JOHNSTON. That is correct.

Mr. STEVENS. Will the Senator agree to some kind of time limitation on this?

Mr. JOHNSTON. Yes.

Mr. STEVENS. I do not know what the managers believe, but we did air this before and the Senate will recall that at the last minute, when the Senator wished to leave, he withdrew the amendment and I withdrew a motion to table the amendment. We are back

where we were before as far as I am concerned, and after the Senator's brief statement I would like to get back to where I was before.

Mr. JOHNSTON. Yes. I would be happy to say——

Mr. STEVENS. Either a motion to table or an immediate vote.

Mr. JOHNSTON. I would suggest 1 hour equally divided, with the thought that maybe we could do it faster than that perhaps.

Mr. LONG. Mr. President, if the Senator will yield, I feel I have to object to that. I think there ought to be at least an hour and a half on this, at least 90 minutes equally divided.

Mr. MATHIAS. Mr. President, then I would pose a unanimous-consent request that on the amendment of the Senator from Louisiana, there be no more than 90 minutes debate to be equally divided.

Mr. JOHNSTON. Mr. President, reserving the right to object, the time limit is OK. I have some technical amendments to make, and I would not want the action on the unanimous consent to preclude the making of those technical amendments.

Will the Senator vary the unanimous-consent request to reserve my right to make amendments to my own amendment?

Mr. MATHIAS. Within the 90-minute period?

Mr. JOHNSTON. Yes.

Mr. MATHIAS. Then I would so modify the unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, would it still be possible to make a motion to table the Senator's amendment as well as vote up and down?

Mr. JOHNSTON. I would ask that the Senator let us have an up-and-down vote—you know, que sera, sera.

Mr. STEVENS. I say to the Senator, if the amendment is not subject to other amendments, and we are going to get to this vote within that time, I certainly would agree. But I believe we were at the point the other day where we would have had a tabling motion on this very amendment had it not been for time constraints facing other Senators, and now we are adding 1½ hours to the debate that took place then. So I just want to make sure that consideration of this amendment is going to come to an end and reserve the right to table if there is not a vote at the time the Senator has specified. As I understand, this would still be subject to amendments.

Mr. JOHNSTON. The only amendments are technical. I need to simply change some page numbers to conform to the bill. That is all.

Mr. MATHIAS. Then, Mr. President, I might try to restate the unanimous-consent request. All debate on the pending amendment of the Senator from Louisiana and amendments thereto shall come to an end within 90 minutes.

Mr. BYRD. Mr. President, reserving the right to object, when the Senator says "or amendments thereto," would he confine those to modifications, technical modifications, which the distinguished Senator said would be his purpose?

Mr. MATHIAS. Yes, amendments by the author of the amendment.

Mr. BYRD. But technical modifications.

Mr. MATHIAS. Technical modifications.

The PRESIDING OFFICER. Is there an objection? without objection, it is so ordered.

Mr. WILSON. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from California reserves the right to object.

Mr. WILSON. Mr. President, parliamentary inquiry.

Did I understand that the Democratic leader's request is honored in the unanimous consent proposal by the Senator from Maryland?

Mr. MATHIAS. That is correct. The references to technical amendments or corrections to be offered by the author of the amendment.

Mr. WILSON. So following the vote on the amendment of the Senator from Louisiana and following the vote on the underlying leadership package, other amendments remain in order?

Mr. JOHNSTON. Mr. President, if the Senator will yield, I now have sent to the desk those technical modifications. If the Senator will withhold on his request for unanimous consent, I ask unanimous consent that my amendment be so modified.

The PRESIDING OFFICER. The Senator from Louisiana does have a right to modify his amendment, and the amendment is so modified.

The modification is as follows:

On page 2, strike out on line 1 "provided continuously".

On page 4, between lines 14 and 15, insert the following:

(2) Television broadcast coverage shall be provided only—

(A) when there is in effect a unanimous consent agreement providing for the allocation of time between specified Senators or their designees; or

(B) during consideration of any other mater for which unanimous consent for such television broadcast coverage is obtained.

Mr. STEVENS. Reserving the right to object, Mr. President, is the Senator's amendment subject to a further amendment?

The PRESIDING OFFICER. The amendment of the Senator from Louisiana is a second-degree amendment. Therefore, it is not subject to further amendment.

Mr. MATHIAS. Now, Mr. President, I make the simple unanimous-consent request that all debate on this amendment shall not exceed 90 minutes, to be equally divided.

The PRESIDING OFFICER. Is there an objection?

Mr. WILSON. Again, parliamentary inquiry.

The PRESIDING OFFICER. Is there an objecton?

Mr. WILSON. Reserving the right to object——

The PRESIDING OFFICER. The Senator from California reserves the right to object.

Mr. WILSON. Mr. President, my inquiry is the same. Are we talking solely of the amendment of the Senator from Louisiana?

Mr. MATHIAS. Yes.

The PRESIDING OFFICER. Is there an objection? Hearing no objection, so ordered. Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, the guts of this amendment are contained in the following few words which are as follows:

Television broadcast coverage shall be provided only (A) when there is in effect a unanimous-consent agreement providing for the allocation of time between specified Senators or their designees; or (B) during consideration of any other matter for which unanimous consent for such television broadcast coverage is obtained.

That is the whole amendment in terms of its substance.

Mr. LONG. Will the Senator yield for a question?

Mr. JOHNSTON. Yes.

Mr. LONG. Will the Senator read that last part? Why is there a (B) provision when there is consent? What is that? I did not get that.

Mr. JOHNSTON. In the first instance, it is provided automatically anytime you have a time agreement.

Mr. LONG. Yes.

Mr. JOHNSTON. And, second, for any other matter for which you obtain unanimous consent for television. For example, if you had a time agreement with respect to the reconciliation bill, then automatically you would get television in the Senate.

Mr. LONG. Yes.

Mr. JOHNSTON. You might also provide television coverage for debate on a treaty or a bill or whatever, for which no time agreement had been secured, by unanimous consent.

Mr. LONG. Yes.

Mr. JOHNSTON. In other words, you could have television coverage for any matter whatsoever by unanimous consent.

Mr. LONG. Mr. President, if I might ask the Senator a further question, does the Senator provide that when the Senate has invoked cloture, which

is a limitation, that the Senate would be on television? It would seem to the Senator from Louisiana that on occasion there might be difficulty getting unanimous consent. One could obtain a time agreement by invoking cloture. Is that contemplated by his amendment?

Mr. JOHNSTON. I do not believe that it would be because the amendment provides for unanimous consent for allocation of time between specified Senators. And that is an allocation of time between Senators but it is not by unanimous consent. It is by 60 votes.

Mr. LONG. Mr. President, I will vote for the Senator's amendment but if it should pass, I feel that we should also amend the measure to provide that when cloture is invoked, the Senate would be on television because that would give the Senate the opportunity to put itself on television by invoking closture if it wanted to do so.

Mr. JOHNSTON. I would certainly think that would be appropriate. That could be well provided under the second clause.

Mr. LONG. Yes.

Mr. JOHNSTON. Mr. President, my own position is and has been that television in the Senate, so far as the public's right to know is concerned, is a good idea. We ought to have full, fair and complete coverage to the maximum extent possible, but consistent with the doing of the public's business.

The whole question involved with this Senator, and I think for all opponents, has at all times been the question of what does television in the Senate do to the institution? If we can work out television in the Senate consistent with the place of the Senate under our system of Government, no one has an objection.

Mr. President, this amendment accomplishes that, because we give the public the full right to know, but we do not bog down the business of the Senate.

In the 1980's, television is politics. It is that which shapes and molds public opinion, public issues. It is that which elects and reelects Senators

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JOHNSTON. Mr. President, I think it is naive for anyone to think that you could have gavel-to-gavel coverage, with an audience automatically guaranteed of millions—and I am speaking of the C-SPAN audience—without affecting the conduct of Senators.

Second, Mr. President, I think that to expose the ways of the Senate to the public eye, particularly unlimited debate, is going to result in a demand across this land and in the media for a change in the Senate rules.

You have to look no further than the Washington Post, which has already editorially come out, on February 24, with a statement that we ought to do away with nongermane amendments, in order to accommodate television in the Senate.

USA Today already, on February 19, has come out with an editorial that says: "If Senators are truly worried that cameras will lengthen debate, they ought to strengthen their rules and limit speeches to 5 minutes, as the House has done. As a bonus, they might even get more work done."

Mr. President, if the media is already saying that we ought to change the rules on unlimited debate and on nongermane amendments to accommodate television in the Senate, can you imagine what it will be saying when the intrusive eye of the camera records unlimited debate in all its glory?

Unlimited debate, whether it is the classic filibuster or whether it is simply an extended debate, is not a pretty thing to watch on television. It is the antithesis of that which appeals on television, and the public will never understand why it is important to this institution and to this Nation for the Senate to play the role of "the saucer where the political passions of the Nation are cooled."

It is vital, I think, and I believe most Senators do—certainly, those who have been here for some time believe it is vital—that we keep that role of the Senate as the place of unlimited debate and nongermane amendments. It does not work efficiently; it is a messy, untidy, spectacle to watch, but I think it is vital to the Nation.

Therefore, if we want to avoid what seems to me is an irrevocable step toward ensuring that those rules on limited debate and nongermane amendments are going to be changed; if we are to avoid that step, we should at least adopt this amendment, which says have television when you have a time agreement. That is the way the House is. Most would agree—not everyone, but most would agree—that in the House it has worked well, because you do have time agreements. That is what my amendment does here. Also, we have the additional fact that you would have the freedom, by unanimous consent, to bring television into any debate whatsoever.

If there is to be a trial period—and I strongly support a trial period—let us make a trial period where you have time agreements. If that works out, and if it works out beyond the expectations of Senators, then maybe we can go to full gavel-to-gavel coverage. If you go to gavel-to-gavel coverage first, you will never get that genie back in the bottle; you will never be able further to restrict the scope of television in the Senate.

The amendment is a simple one. I hope Senators will adopt it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, will the Senator from Maryland yield to me for 6 minutes, if it is agreeable to the Senator from Tennessee?

Mr. MATHIAS. Is the Senator from Mississippi going to be a proponent or an opponent of the substitute?

Mr. STENNIS. I am with the Senator from Louisiana.

Mr. MATHIAS. Then, I am happy to yield the floor, and the Senator from Louisiana can yield to the Senator from Mississippi.

Mr. JOHNSTON. Mr. President, I yield to the Senator from Mississippi such time as he may require.

Mr. STENNIS. I thank the distinguished Senator.

Mr. President, to me, it is really tragic that we do not have better attendance of the committee here, so that we might get these facts in our minds in proper proportion and give them consideration. This is one of the most far-reaching, material changes that we could possibly make.

Mr. President, I am not just trying to prolong this matter. I am not objecting a great deal to some modifications here about the imposition of cloture or changing the vote requirements. I am just passing by that. But I believe this with all my heart: If we now open the Chamber to the kind of attention and attendance and lack of attendance and lack of order and, in fact, positive disorder—not anything willful about it, but it is neglect—that we have let develop here, where a person cannot hear with any ability to understand the average speaker here, when there is a lack of continuity of consideration of even the most major points that are involved—I think that if we are going to expose any part of these proceedings, we certainly ought to expose all of it. We should let it all be seen and let it all be heard or not go into it.

It is a false conception of a duty to the public to screen out and leave out things that very substantially detract here from the effectiveness of our debates and other considerations that we have before us.

I think that the first order of obligation to the people, if you are going to put it on the ground that they are entitled to hear and to see, is to let them see it all—just what way we are carrying on here.

I am astounded and amazed that we cannot get a chance to work out something along this line, after careful and long consideration.

I want to make clear, too, my complaint about this whole matter is not to television itself. It is the very oppo-

site. I think television does a great service, renders a great service.

As I pointed out here the other day, I was carrying a considerable load during the war in Vietnam with the legislation here and appropriations for the war and related matters to the military. I know something about the problems that go with it. It got worse and worse and worse. We were unable to come to grips with it in a proper, successful way. I think the television cameras, the ones that went with them, that went into those battlefields, brought back those films and put them on the air were the ones that really stopped the war. I feel that I am in a position to be a competent witness on that and know what I am talking about.

So I have no grievance at all, not any, with their right to come in to a degree, with a right to be shown here, but if we are going to get into it we should do the whole thing or nothing.

I think for some reason we have been possessed here of an idea that because the House of Representatives—and I have great respect for them—are having the showing and in a special way we are shorting our own membership if we do not have it. I think there could not be a worse mistake than that.

The House does great work and that is well known. They have large numbers, and that is set by the law. They had to trim their plan up to suit the large membership, and that goes with it an absolute control almost from day to day, and that is another matter entirely.

But here we are, the body that has to carry on and does on debate with the burden that we have to hold out against passage of a bill or an amendment because of what we think is fundamentally wrong. Then you have to have rules that will follow that line.

I want to mention one other thing, and I shall not take a great deal of time. I am aware of the changes that have come about and the change that is coming. I think we should be satisfied in the Senate.

I have been here and served with eight Presidents, and four of those men have been former Members of this body. Four out of the last eight Presidents have been former Members of this body.

In the last Presidential election, the candidates for the Democratic Party's nomination were not all Members of this body, but five of them were in the primary. They were good men, every one of them, capable. Five men who were in the primary, in one primary, one time—and I mean the Democratic primary for the nomination for the Presidency were Members of the Senate. I could name them, I have them clearly in mind.

We have nothing to complain about there. My concern is here and now that if we open this matter up, especially as liberal as it is in its present form, you could well take this body, Mr. President, and make it a forum for particular Presidential candidates and particular groups. With this continued panning of television and with plenty of money, one party, or a new party, or any group that set out with all the technology that is available today could well train the candidates here, run them in here and let them stand before the cameras day after day, week after week, month after month, and year after year. They could develop candidates that could dominate. Why the party or group could largely dominate the situation once in control for years to come, perhaps. Something like that would be a strong abuse of television in connection with this body. It would also be an abuse of the Senate as an institution.

I have been thinking a good deal. I had to prepare a short speech about the Constitution of the United States which has served as the foundation of our Government for almost 200 years. For almost 200 years the Constitution has been the guardian and the protector of those sacred rights and privileges and all that go with our system of government. So it got lodged in my mind what are we going to do about the next 100 years or the next 200 years?

I do not think there is any doubt but that we open the door here on a possibility, a possibility of one group or some groups getting in control by constantly putting before the public month after month and year after year through this television with the Senate background, with all the things that are not desirable skimmed out. With the Senate background, this would be a Presidential maker, and I hope they will all be good ones.

But it is a plan, it is a scheme, it is a pattern that no one should really want to mature and get put in motion.

So I just feel that we are making what can be a very grave mistake. Leaving that part out, we have not cured and have not gotten to the point of making a strong amendment to the Senate rules that would take care of these situations where we do need some changes.

I thank the Senator from Louisiana for the time and I yield the floor.

The PRESIDING OFFICER (Mr. Evans). Who yields time?

Mr. MATHIAS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I have listened with great care to the remarks of the Senator from Louisiana, the sponsor of this amendment. I fully understand the concern that he has expressed. I think it is a thoughtful concern and I wish to reason with him on exactly what his objectives may be and how they can most easily be obtained.

The purpose of his amendment, as I see it, is to retain the unique character of the Senate by which Members of the Senate, either alone or collectively, can slow down a legislative railroad so that the elements of a given proposition or the complexities of an issue can be carefully examined.

That is not an unreasonable position. In fact, that is the position that I think would be shared by every Member not only of the Senate today but every Member who has served here in the Senate.

But I am just wondering if the Senator's amendment would not do more to defeat that proposition than anything else because by providing that television cameras can only be on during a period of controlled time of unlimited debate he is providing an incentive for more and more limitations on the historic freedoms which have made the Senate a unique institution not only in this country but in the parliaments of the world.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield for a question.

Mr. JOHNSTON. Just to respond to the Senator's inquiry, on that question, I would say there might be an incentive for more time agreements. In fact, I hope that we would get more time agreements, because when all Senators can agree we ought to do our business with more dispatch, as indeed we are on this very amendment we are now considering.

But the important thing is to preserve the right of each individual Senator against the rest of the body, the rest of the 99 or against the rest of the 90 or 80 or whatever the numbers are. And clearly my amendment does that by providing for automatic television coverage whenever a unanimous-consent time agreement has been reached or unanimous consent on television itself. Therefore, it preserves that right of an individual Senator to debate at length. And that is the key.

If there is peer pressure on an individual Senator to agree to have his speeches of less length, so be it. I would, frankly, be happy with that result.

Mr. MATHIAS. Well, I can only assure the Senator that if, as a result of the test period, his concern should appear to be justified, it would receive very full consideration. I know he has addressed himself to the concept that he would like to see his amendment in effect during the test period. But that is a matter on which honest men and women can disagree. I hope the Senator would let us have a test period under the more traditional procedures of the Senate.

I think he underestimates the capacity of Senators to make interesting, informative, educational speeches, full of information and facts, full of original opinions and views.

My service here, like that of the Senator from Mississippi, has extended over such a long enough period of time that we can remember great orators in the Senate. Everett Dirksen was not a man on whom you turned the dial off. The Senator from Mississippi will bear me out on this. When Everett Dirksen came down to speak in his colorful and inimitable manner, the galleries did not empty out, the Cloakrooms did not fill up. In fact, it was just the opposite; am I right?

Mr. STENNIS. Correct.

Mr. MATHIAS. They came out of the Cloakrooms to hear Everett Dirksen speak. They wanted to hear him. It might be on some simple subject like making the marigold the national flower. But they wanted to hear him. They did not turn him off.

I believe the Senator from Louisiana is perhaps making an error when he says that you cannot make interesting, extended debate. I think there can be an interesting, extended debate. And the fact that it is a little longer than the 15-minute segment or maybe the 2-minute segment on the evening news or the 30-second segment, the sound bit on the evening news that people have been used to, does not mean that they could not appreciate and understand and, even in time, come to enjoy a longer debate.

But it will do this: It will put a premium on a Senator's knowledge. It will put a premium on a Senator's ability to express himself. It will put a premium on his ability to dissect and expose a complex issue.

Now, I do not think that those are bad things to happen in the U.S. Senate.

Did the Senator have a question?

Mr. JOHNSTON. Mr. President, I thank the Senator.

The Senator said I underestimated the ability of Senators to make interesting speeches. To the contrary, it is because I think the Senator from Maryland may underestimate the degree to which Senator think they have interesting speeches to make, and think they would be stars on TV that I offer this amendment. Without this amendment, I fear Senators would be propelled to this Senate, either because they are running for President or because they think they may look good back home or indeed in self-defense because the folks back home wonder where he or she is.

The public thinks the floor of the Senate is where it all happens. Of course, the Senator from Maryland knows, and I am sure would agree with me, it is a very important and essential—indeed, a central part of a Senator's life to have action on the Senate floor, probably more important is what goes on in Senate committees. But the American public would never understand that, just as they would not understand what would appear to be an anchronism, that is the unlimited debate which we have. And it is because of the inability of the public to understand that that I think there would be such a pressure on the existing rules.

Mr. MATHIAS. Let me respond very briefly to the Senator on that point. We are already providing for electronic coverage of the House debates and that has become an important part of the American scene. As I reported in the Senate the last time we were discussing this, I find people who greet me on the street or in public places and they say, "We follow you on C-SPAN." It is just one anecdotal bit of evidence that the public does look at, respond to, and appreciate and follow the coverage of the committee meetings. And, as the Senator from Louisiana says, that is such an extremely important part of the whole Senate institutional procedure.

But by blacking out what happens here on the floor, we do not provide for the public the kind of balanced coverage of the Senate procedures so that they can follow the debate on an issue from its initial discussion in a committee, through its final debate and final vote on the Senate floor. And it is that full flow of legislation, that full flow of ideas and concepts, that I think is important for the American people to understand. And if they do not have an opportunity, except for the rather limited number who can visit us in person, then we are really depriving them of an important part of the coverage of the current American political scene and we are depriving them of the use of technologies that are available and used in every other field of American life.

Mr. JOHNSTON. Will the Senator yield?

Mr. MATHIAS. I am going to yield the floor in just a moment. I do not mean to delay, but I would leave the Senator with this thought. There is almost no field of American life that the greater public, the extended public, cannot participate in by means of the electronic media. Sports, unbelievable coverage. And I think part of the great popularity of sports in this country today is because of this participation which is available through television. Cultural events, symphony concerts, dramatic events, all broadly covered; public spectacles of every kind, from the inauguration of the President of the United States, from the President's reception of a foreign visitor, all of these aspects of public life—discussions between informed people, the Sunday TV shows which have gotten to be part of the national dialog—all of these things are covered. The debates in the House of Representatives are available through electronic means. The only black hole in this whole range of electronic participation is the debates on the floor of the Senate.

So, Mr. President, I hope we can defeat this amendment. In urging its defeat, I would also tell the Senator from Louisiana that if his fears turn out to be justified, we can certainly look at them again.

Mr. JOHNSTON. Mr. President, I yield 3 minutes.

Mr. President, I would like to recall to my colleagues what happened here on the floor in the closing days of December of last year. I had the honor, at the behest of the distinguished Senator from Mississippi, to be the floor manager on this side of the aisle of the continuing resolution. The Senator from Mississippi had to be absent. Of course, the distinguished Senator from Oregon, the chairman of the Appropriations Committee, was the floor manager on the other side.

Our job was to get a continuing appropriations bill out of this body. I think the first date was set in October, and the date kept slipping as to when we might finish our business in order to adjourn the Senate. It kept slipping week by week. But we knew we had to complete that business before we could leave. So it was that we finally finished in the late days of December.

Mr. President, that bill attracted tens of amendments—I believe I would be fair in saying over 100 amendments. Some were huge amendments requiring discussion and debate. Some were from the national scene—small amendments. They might relate to individual projects, some in my State, and all over the country.

Mr. President, the only way we were able to get that bill finally finished was by staying here late at night, night after night. As I recall, we stayed here every night 1 week, and until 2 a.m. 1 night. It got to be a real physical experience to push, push, push to get that bill through—to a large extent to get it through by sheer physical fatigue.

Mr. President, I saw amendment after amendment on that bill which was accepted virtually without debate, which if we had television in the Senate there is no way such amendments would be accepted without debate. The individual Senator would have to make a show for the folks back home that he was getting a grant for a fish hatchery, or that he was getting money for a road or for whatever it was.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. JOHNSTON. I ask unanimous consent to yield myself 2 additional minutes.

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

Mr. JOHNSTON. He would have to hold forth long enough on each amendment to make a good sound bite for the folks back home.

Mr. President, we are letting ourselves in for great misery in this body, in my view, not so much in the days of February when there is no pressing business, or in the early part of the session when the cheese is not binding. But as the clock begins to roll on the legislative year, and you get into those key critical weeks toward the end of the session that is when tension is high, and when time is valuable, and time is scarce that is when television in the Senate is going to expand the work of the Senate beyond the ability of Senators to tend to it.

When that happens, Mr. President, believe me, the pressure to change these rules of unlimited debate—and on nongermane amendments—in my view is going to be irresistable.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Thank you, Mr. President. I would like to thank my colleague from Alaska for yielding.

I would like to begin by complimenting the work of the Senator from Louisiana, Senator JOHNSTON, during this entire debate. Indeed, one of the most significant changes embodied in the substitute which is now before us came about as a result of a suggestion from the Senator from Louisiana when he pointed out quite vigorously that the test period embodied in the original version of Senate Resolution 28 did not test all of the things that we wanted to test or should test during a test period simply because the signal was not made available to the public. Therefore, the effect of televised proceedings on the activities here on the floor could not be accurately judged during merely a closed-circuit test period.

This change would not have occurred, Mr. President, except for the contributions to the debate from the Senator from Louisiana.

One consequence of the change which had been made at his instigation is that we really will now have an opportunity to test whether or not the Senator from Louisiana is correct in his belief that the effect of television on the Senate will be harmful to the Senate.

We will have a chance to decide. We will have a chance to see for ourselves whether or not he is right. We do have a basic question facing us today; that is, whether or not to put the Senate on television.

I am opposed to the pending amendment because it would so change the Senate as to change the question before us. We want to decide whether or not to put the Senate on television, not some modified version of the Senate. We do not need to change the Senate so dramatically as to enforce equal sharing of time whenever the television is on, or alternatively to have unanimous consent in order to get television coverage of the Senate.

We need to face the basic question: Should the Senate as it exists be put on television? Some changes suggested have been made and are embodied in the substitute now pending. But more sweeping changes will have to be made another time simply because there is not enough agreement among Senators to make those more sweeping changes.

So I would argue against the amendment of my colleague, and in favor of the philosophical position so eloquently articulated a few moments ago by the Senator from Mississippi, Senator STENNIS, when he said if we are going to put it on, let them see it all. Let them see it all. The resolution as it stands would do that. Of course, many of us agree that is the way it should be done.

But again, in closing these brief remarks in opposition to the pending amendment, I would again say that I believe the long debate we have had on this resolution has greatly improved the measure now pending before us. I hope that an overwhelming majority of my colleagues will support the pending substitute, and I again compliment my colleague from Louisiana for contributing so greatly to the improvement of that resolution. But I hope we will vote down the pending amendment.

I yield back my time.

Mr. JOHNSTON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I thank the Senator from Tennessee for his kind remarks and also for his help in effectuating the live test. While I disagree with television in the Senate as put together in the so-called compromise resolution, nevertheless I think that resolution is greatly improved by having the live test.

Mr. President, there was unanimous consent for a 90-minute time limit. As I stated in advance of making that agreement, this matter was debated last week. And I have, I believe, made the case which I hope Senators will find compelling. But in any event, it is a very easy to understand argument.

I am ready to yield back the balance of my time if the Senator from Alaska is. But because we have the 90-minute time limit, I would like to wait about 5 minutes before I yield back the balance of my time so that if there is any Senator at his office who would desire to speak on the matter, and would like time to get here, he may do so.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. President, the Senator is speaking about any Senator who wants to speak on his amendment rather than the bill itself. Is that right?

Mr. JOHNSTON. The Senator is correct. To reiterate, this amendment would make television available in the Senate only (a) when there is unanimous-consent agreement providing for a time agreement or; (b) for consideration of any other matter for which unanimous consent for the television is obtained.

That is what the amendment would do. It would limit it to either time agreements or unanimous consent as to television.

Mr. President, within about 5 minutes, I will yield back the balance of my time if none of my colleagues wish to be heard.

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

Mr. STEVENS. Mr. President, as long as time is going to expire anyway, and the Senator said he will yield back his time at the end of 5 minutes, let me yield myself 3 minutes.

Mr. President, I think we are very close to making a decision on television. I remember the many times that I stood here on the floor as the assistant leader while Howard Baker was the leader, and the meetings we had, myriad meetings, during which we tried to find a way to accelerate the decision on television and get it to the point where we are almost today. I do hope we will vote today. I think it is a tribute to the two leaders that we have here now that we may be able to do so.

But I also think the Senate ought to recall the long, hard hours that Senator Baker put in as our leader trying to encourage the Senate to make this decision. I know that he, along with a great many other former Senators, will be very pleased should we decide to finally make the Senate's proceedings available for television coverage.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. 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. JOHNSTON. 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. JOHNSTON. Mr. President, if no other Senator desires to be heard on this matter, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield back the remainder of our time.

Mr. President, I withdraw that.

Mr. GORE. 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. STEVENS. 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. STEVENS. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Louisiana. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. LAXALT] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. DIXON], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Mr. SARBANES], and the Senator from Missouri [Mr. EAGLETON] are necessarily absent.

I further announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Nebraska [Mr. EXON] are absent because of illness.

I also announce that the Senator from West Virginia [Mr. ROCKEFELLER] is absent attending a funeral of a friend in West Virginia.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 61, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—30

| | | |
|---|---|---|
| Bentsen | Goldwater | McConnell |
| Boren | Hatfield | Nunn |
| Boschwitz | Hecht | Pell |
| Bradley | Heflin | Proxmire |
| Burdick | Helms | Quayle |
| Danforth | Hollings | Sasser |
| Dodd | Johnston | Simpson |
| Durenberger | Levin | Stafford |
| East | Long | Stennis |
| Glenn | Mattingly | Wallop |

NAYS—61

| | | |
|---|---|---|
| Abdnor | Chiles | Domenici |
| Andrews | Cochran | Evans |
| Armstrong | Cohen | Ford |
| Baucus | Cranston | Garn |
| Biden | D'Amato | Gore |
| Bingaman | DeConcini | Gorton |
| Byrd | Denton | Gramm |
| Chafee | Dole | Grassley |
| Harkin | Mathias | Rudman |
| Hart | Matsunaga | Simon |
| Hatch | McClure | Specter |
| Hawkins | Melcher | Stevens |
| Heinz | Metzenbaum | Symms |
| Humphrey | Mitchell | Thurmond |
| Inouye | Moynihan | Trible |
| Kassebaum | Murkowski | Warner |
| Kasten | Nickles | Weicker |
| Kennedy | Pressler | Wilson |
| Lautenberg | Pryor | Zorinsky |
| Leahy | Riegle | |
| Lugar | Roth | |

NOT VOTING—9

| | | |
|---|---|---|
| Bumpers | Exon | Packwood |
| Dixon | Kerry | Rockefeller |
| Eagleton | Laxalt | Sarbanes |

So the amendment (No. 1637), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 1596

(Purpose: To amend the Standing Rules of the Senate to include the order of the Senate relating to voting from the assigned desk of a Senator)

Mr. EVANS. 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. EVANS] proposes an amendment numbered 1596.

Mr. EVANS. 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 end of the amendment insert the following:

SEC. 15. Rule XII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"5. (a) Each Senator, during the yeas and nays, shall vote from the assigned desk of the Senator.

"(b) It shall be the duty of the Chair to enforce the rule contained in subparagraph (a) on the initiative of the Chair and without any point of order being made by a Senator. No motion to suspend the rule contained in subparagraph (a) shall be in order.".

Mr. STEVENS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Those conversing will please move to the cloakroom. Senators will please take their seats.

Mr. EVANS. Mr. President, this would really codify what is already a standing order, which I believe is important to reiterate as we go into television coverage of the Senate.

As I understand it, the proposed substitute by the majority leader and the minority leader would have the entire Senate Chamber within television view at the time of rollcall votes, and I think it would be appropriate to have Members vote from their seats, as is now the standing order during that time.

I believe this has been cleared on both sides, and I urge its adoption.

Mr. MATHIAS. Mr. President, this side has no objection to the amendment.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

The Senator from Maryland.

Mr. MATHIAS. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I do not have any objection to this amendment, but I am sure I know what it is. As I understand it, it is something about voting from your seat. Could we have the amendment read?

Mr. MATHIAS. Mr. President, if the Senator will yield, it is a restatement of the Jennings Randolph rule that you have to vote from your chair.

Mr. METZENBAUM. Is that all that is in it?

Mr. MATHIAS. That is all.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. JOHNSTON. Is that part of television in the Senate, or did we move off television in the Senate?

Mr. MATHIAS. No; this is all part of it.

Mr. JOHNSTON. And as part of television in the Senate, we are changing the Senate rules to require that you vote from your seat?

Mr. MATHIAS. We are not changing the Senate rules. It is a restatement of a provision which the Senator will recall was adopted at the urging of the former Senator from West Virginia, Jennings Randolph.

Mr. JOHNSTON. Is it wise or necessary to restate that matter?

Mr. MATHIAS. I will defer to the author of the amendment.

Mr. EVANS. I think so, Mr. President. The Senator from Louisiana will agree, I think, that it is not only important to restate it but also to enforce it. It is observed in the breach currently, and I think this amendment would ensure that it is indeed enforced.

If the entire Chamber is to be shown during television, I think it is the only way we can accurately determine how people vote, and those who are watching can observe.

Mr. JOHNSTON. Is there any change from the present rule?

Mr. EVANS. This would merely state that they would vote from the assigned desk, and it would be the duty of the Chair to enforce the rule contained in this subparagraph, on the initiative of the Chair, without any point of order being made by a Senator.

Mr. JOHNSTON. Is that, word for word, the way the present rule reads?

Mr. EVANS. The Senator is testing my memory from a long way back. I do not believe that the rule of Jennings Randolph carried with it the explicit statement, although it is certainly implicit, as to the duty of the Chair to enforce the rules as they stand. This makes it explicit, but I do not believe it has any different connotation other than the exhortation that the rule should be enforced.

Mr. JOHNSTON. Mr. President, I ask my colleagues to think for just a moment what this amendment would do and what its real effect would be.

I share with Jennings Randolph his view that many times it was a mess to have all the Senators milling around in the well. Indeed, under the present rule, the Chair could, and frequently does, clear the well. The difference from this amendment, as I understand it, is that it will be the duty of the Chair, any time the question is raised, to clear the well. In effect, we are going to have a rule which I believe could not be breached.

Mr. President, I think Senators learn a lot by being able to talk to one another during a 15-minute vote. I must confess that there are many times I come to this floor not knowing every jot and tittle about an amendment. In fact, sometimes I do not have the foggiest notion of what the amendment is. I want to talk to other Senators; it is a very valuable part of what we all do as Senators.

Otherwise, I guess we should have to come here and sit down and we would not be able to talk to anyone except the Senator next to us. It might rather dramtically change the way we do business.

I believe that under the resolution, during votes, the camera is to be on the Presiding Officer. I ask if that is correct.

Mr. BYRD. No; it is not correct. That has been changed.

Mr. MATHIAS. During rollcall votes, the entire Senate will be covered by the camera.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. STEVENS. There is nothing in the amendment of the distinguished Senator from Washington that takes people out of the well. It just says that when the Senator wishes to vote, that Senator will vote from his or her assigned desk. That is the Randolph rule. There is no change from that. That is the rule under the standing order now. But the amendment says that the Chair would enforce that rule and make it part of the standing rules instead of the standing rule.

Mr. JOHNSTON. Mr. President, we have a standing rule now. I confess that I cannot quote it. But I hope that the Senate will not rush pell-mell into these rules changes to accommodate television in the Senate. We could very easily keep the camera on the Presiding Officer or make some other change.

So it seems to me that this amendment is either unnecessary or is mischievous, and I hope we will not do this and take away what might be the right of the Senators to talk to one another during rollcall votes.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I have supported the leadership in the matter of television in the Senate, but I should like to express the same concerns that the Senator from Louisiana has expressed.

The process of voting in this Chamber can be a very tense process of exchanging information, details, views, thoughts. Many of us have come to the floor uncertain about a position and found ourselves able to make up our minds by the process of deliberation, a very legitimate one, in my view.

I wonder if the Senator from Washington would really seek to proscribe this process.

I ask the Senator from Washington: There is surely no thought that a Senator's vote would not be recorded if he were not at his desk?

Mr. EVANS. No; it is the duty of the Chair to enforce the rules of the Senate.

Mr. MOYNIHAN. I ask my friend: Can he contemplate a situation in which the Chair would rule that a vote could not be recorded because a Senator was not at his desk?

Mr. EVANS. I cannot conceive of a situation where the Chair asked that the rule be observed that any Senator would refuse to obey the rule.

Mr. MOYNIHAN. Do the leaders really want to make this provision?

It seems to me that that is a form of deliberation in this body, those exchanges that take place, very much work-oriented, decision-oriented.

I see my revered leader on the floor, and I am happy to hear from him. He has heard from me on this matter before.

Mr. BYRD. Mr. President, what we have now is a standing order of the Senate that was voted on during Senator Randolph's last year of service in this body. Right now, the Chair can enforce that rule, and indeed should.

The Chair right now is required by the rules to maintain order and get order in the Chamber and in the galleries, without any point of order's being made by a Senator from the floor. The Chair has that responsibility now. It is not often that the Chair enforces it, but the Chair should enforce it, and can do everything right now that this amendment provides.

I do think it would help to stiffen the Chair's resolve to get order and maintain order in the Senate, as it is the duty of the Chair to do.

Mr. JOHNSTON. May I ask the Senator from West Virginia a question?

Mr. BYRD. Yes.

Mr. JOHNSTON. Is it the Senator's opinion that this amendment is totally redundant of the present rules?

Mr. BYRD. The answer to that is it is redundant.

Mr. GORE. But it encourages enforcement.

Mr. BYRD. But I would not say it is totally redundant because I think it does encourage the Chair, and I am not speaking of the present occupant of the Chair, but it encourages the Chair to enforce the standing order that Senators should vote from their seats. It does not have anything to do with stopping Senators from conversations when they come to the floor. It simply requires that when they vote, they are to go to their desks and vote.

Mr. MOYNIHAN. Could I ask a question?

Mr. EVANS. Mr. President, I do not think it is redundant because it does, as the Democratic leader has pointed out, explicitly state that the Chair shall enforce the rule. As some may suggest even that is redundant. The Chair should always enforce the rule. I think this is a healthy reminder of something that is important in conjunction with television in the Senate.

One of the major arguments that has been used around here during the debate on television in the Senate itself has been the question of procedure, the question of decorum, the question of how we will look on television, and I think for at least two reasons it is important.

I think it would at least move us toward a modicum of docorum which is not bad in itself and I think it would be more easily determined by people watching how Senators vote because they know from where they are voting. It does not in any respect keep the Members from talking to one another, to share a desk. They can do both in the well of the Senate. They can do it in the cloakroom. They can do it from their desk or wherever they choose. I do not think it would impinge on that opportunity one bit.

Mr. MOYNIHAN. Mr. President, without wishing to prolong this, might I make this point: I do not recall any

occasion on which this rule has been enforced.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MOYNIHAN. Is the Chair aware of any occasion in which the Chair has required a Senator to be at his desk?

The PRESIDING OFFICER. Senators have always been required to vote from their desks since this resolution has been in effect.

Mr. MOYNIHAN. Has the Presiding Officer so instructed a Senator?

The PRESIDING OFFICER. The Presiding Officer has not been asked to instruct.

Mr. MOYNIHAN. Mr. President, that is the case, and my good friend from Mississippi turned his head to me just now and said "no." The point I would like to ask is "decorum" really what the Senator from Washington really seeks here? It is a decorous body and there is nothing indecorous about Senators changing views in those rather intense moments that precede a vote.

I would hope we would not find ourselves in a situation where we are depicted as indecorous when in fact we are simply seeking information or participating in the continuing debate that characteristically precedes many rollcalls, and ought to.

That is the way we conduct our business, and properly so. No such process is necessary in many parliaments in the world, where there is only one vote and that is the body count at the previous election. That vote is repeated over and over and over until a new election takes place.

That is not the case in the United States Senate. This is what is so singular about the Senate.

One of the reasons it is not the case is that we do talk to one another as individuals rather than persons on one side of the aisle or another.

I hope that the effect of television would not be to diminish that quality which seems to be singular and valuable.

Mr. STEVENS. Vote.

Mr. LEVIN. Mr. President, if we start adopting rules twice, we are going to be having two categories of rules. One are the rules which we only adopt once and those are sort of serious rules, I guess. But if we have to adopt some rules twice, we are going to then have a second category of rules, those that we repeat.

This is redundant. I think everyone acknowledges it is redundant because under rule XIX, the Senate Presiding Officer now must, it says "shall either on his own motion or at the request of any other Senator enforce the rules of the Senate."

We presently have a rule. If we are now going to pass this rule twice we are going to create an implication that all the other rules that we have which we do not repeat are not as serious as the rules which we have to pass twice in order to avoid having two classes of rules. I suggest that we vote this amendment down.

Mr. EVANS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EVANS. I think there is a distinct difference. It is my understanding that Senator Randolph asked for what has become the standing order as opposed to a part of our rules.

Would there be a difference in repealing the order that was established through Senator Randolph's request and a repeal of this as a rule?

The PRESIDING OFFICER. The only difference would be on invoking cloture on a resolution to repeal.

Mr. STEVENS. Mr. President, there seems to be an argument over what is in the rules. There is a standing order for a Senator to vote at his or her desk.

A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Is it part of the Standing Rules of the Senate that a Senator shall vote from the assigned desk of that Senator?

The PRESIDING OFFICER. It is not part of the standing rules but it is a standing order, which is equal.

Mr. STEVENS. In the opinion of this Senator, the proposed amendment to the rules would reinforce the Randolph standing order. I do not see the need for any discussion. It is something we all know Senator Randolph dedicated his life in the Senate to achieving, and I think the Senator from Washington is correct. It should be part of the Standing Rules of the Senate.

Mr. LEVIN. Did the Chair say the standing order was equal in effect to the rule?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I thank the Chair.

Mr. BRADLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRADLEY. Would this vote require two-thirds or 60 votes to pass?

The PRESIDING OFFICER. Neither one. It would take a majority to pass.

Mr. BRADLEY. A simple majority would pass this?

The PRESIDING OFFICER. A simple majority.

Mr. BRADLEY. As I understand it, under this amendment a Senator could no longer vote from the well?

The PRESIDING OFFICER. The Senator cannot vote from the well now. This would not change that.

Mr. BRADLEY. Could I ask the proponent of the amendment? Would the Senator from Washington answer my question?

Mr. EVANS. Yes.

Mr. BRADLEY. The Senator from Washington proposes that a Senator to be recognized for a vote must be at his desk. Is that the intention of the Senator?

Mr. EVANS. That is the intention of the rule and it is the intention of the current standing order. It is up to the Presiding Officer to enforce it, obviously.

Mr. BRADLEY. Could you state once more why we need a rule, as opposed to just a standing order?

Mr. EVANS. I think there is a distinction. What you have under a standing order is a separate and freestanding suggestion, but I think it ought to be embodied as part of our rules, the standing rules of the Senate, rather than a separate standing order. You cannot find the standing order in the book of rules of the Senate at all. It does not appear.

Mr. BRADLEY. If the Presiding Officer chose to, under the current standing order, he could require people to be at their desks in order to be recognized to vote, is that correct?

Mr. EVANS. That is correct. That is my understanding. The Parliamentarian can correct me.

Mr. BRADLEY. What is the understanding of the distinguished Senator from Washington as to why the Presiding Officer does not now enforce the standing order?

Mr. EVANS. Well, I think that perhaps what is required is this reminder to all of us. This was passed in 1984, when Senator Randolph was leaving this body. Perhaps this reminder is worthwhile. I can tell you, and I am certain that I am accurate, that the rollcall clerk would be mighty impressed to be able to see who is voting and to clearly understand and accurately record those who are voting if they did vote from their desks rather than the way we do it now.

Mr. BRADLEY. Well, I would suggest that the Presiding Officer chooses now not to enforce the standing order because the Presiding Officer, as the representative of the leadership of the Senate, chooses not to enforce the standing order. And I think he does so for very good reason, which is that the nature of the Senate is, I believe, a very personal nature, where there is contact made at the time of a vote. And to require people to return to their desks in order to vote will, I think, change the nature of the action in the well and, in part, change the nature of the Senate. And I see it as a totally unnecessary rule because we have now a means by which we could achieve that end if it were the desire of the Senate leadership to do so.

So, Mr. President, I hope that we would not pursue this amendment and

see if we cannot operate simply with the Chair enforcing the order that now exists, and then we might find that the Senate did not like to have votes take place at the desk but they would prefer to vote as we do now at any point in the Senate when we choose to seek recognition. Why a rule change?

I mean, this is not what I would call an earth-shaking issue, a very big issue. And yet, at the same time, I felt that I had to address this at this moment because, otherwise, I might not be able to vote from the well anymore. And so if there is a vote to be taken, I will cast it, with great assurance and certainty, from the well. [Laughter.]

Mr. DOLE. Mr. President, I do not think this is very earth shaking, but apparently some would like to discuss TV at length. I am prepared to stay here the rest of the evening. I do not want to shut anyone off.

I would guess that I thought about the same thing the Senator from New Jersey thought about in a little different way. It might not only change the nature of the Senate, it might change the vote, the final outcome. I wanted to exempt the two leaders from the application of the rule so we could get down there and twist a few arms, if necessary. It will make our work a little harder to run from desk to desk, but we will try to work it out. [Laughter.]

So I reluctantly agreed to go along just as another indication in honor of our comrade who served here for so long and, almost in frustration, I think, gave up on us.

Mr. MOYNIHAN. Will the majority leader yield for a comment?

Mr. DOLE. Yes.

Mr. MOYNIHAN. May I ask the leaders, the leadership in this body is frequently a tenuous enterprise. We do not have a whip. We do not have the kind of automatic majority or minority we might have in the other congressional body.

Our leadership continuously finds itself in a situtation where it needs votes from Members who have not thought about the matter or who have not thought about it from the leadership point of view. They stand down there and they explain and they negotiate and they persuade—not always successfully, but quite frequently.

I would think this would be less of a body if that were not possible. That is part of the interaction of the Senate and is the way that we have found to have worked well.

Absent that, we are going to find ourselves more fractured than, under ordinary circumstances, we already are.

Can you not put this amendment aside for a little bit? We are trying to help your efforts to have this body televised. You have problems; we know that. We are trying to get you on television, but we do not want to diminish your powers or your opportunities.

Mr. DOLE. Mr. President, if the Senator will yield, I believe the difference now, as far as enforcement, is initially we were not going to focus on the Chamber. We were going to focus only on the Presiding Officer and the Senator who might be speaking.

Then, I must say that there was some concern, since only Republicans preside, that there might be too much focus on Republicans who are presiding. Maybe next year it will be another party presiding.

What we said, in an effort to compromise, is that we would show the entire Chamber during rollcall votes. I think we all felt, the leadership, that, I assume, on TV they will run a little chart to show where your seat is and the people will be looking for you. We thought this would be some incentive for Members to be at their seats so that when Aunt Nellie looked in from Connecticut, she would know quickly where to find her Senator.

Beyond that, I think the Senator raised a point that I have raised before. But I do believe that after you vote at your seat, you can come to the well and then go back to your seat to change your vote. [Laughter.]

Mr. MOYNIHAN. Could I make a suggestion? Would it be possible, in the manner of a football game, that we have numbers? [Laughter.] "No. 49 moves left, behind this side, and comes in on this side." [Laughter.]

Mr. DOLE. We gave that a lot of thought, but turned it down.

SEVERAL SENATORS. Vote!

Mr. BRADLEY. Mr. President, I move to table the amendment 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 the motion of the Senator from New Jersey [Mr. BRADLEY] to table the amendment of 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.

The PRESIDING OFFICER. The Senate will be in order.

The legislative clerk resumed and concluded the call of the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. DIXON], the Senator from Missouri [Mr. EAGLETON], the Senator from Massachusetts [Mr. TERRY], and the Senator from Maryland [Mr. SARBANES], are necessarily absent.

I further announce that the Senator from Arkansas [Mr. BUMPERS], and the Senator from Nebraska [Mr. EXON], are absent because of illness.

I also announce that the Senator from West Virginia [Mr. ROCKEFELLER], is absent attending the funeral of a family friend in West Virginia.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 43, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—49

| | | |
|---|---|---|
| Andrews | Gorton | Metzenbaum |
| Bentsen | Grassley | Mitchell |
| Biden | Harkin | Moynihan |
| Bingaman | Hawkins | Murkowski |
| Boschwitz | Heinz | Pell |
| Bradley | Hollings | Pressler |
| Chiles | Humphrey | Riegle |
| Cochran | Inouye | Rudman |
| Cranston | Johnston | Sasser |
| D'Amato | Kennedy | Simon |
| Denton | Lautenberg | Simpson |
| Dodd | Laxalt | Stafford |
| Domenici | Leahy | Wallop |
| Durenberger | Levin | Warner |
| East | Lugar | Weicker |
| Glenn | McConnell | |
| Gore | Melcher | |

NAYS—43

| | | |
|---|---|---|
| Abdnor | Gramm | Nunn |
| Armstrong | Hart | Proxmire |
| Baucus | Hatch | Pryor |
| Boren | Hatfield | Quayle |
| Burdick | Hecht | Roth |
| Byrd | Heflin | Specter |
| Chafee | Helms | Stennis |
| Cohen | Kassebaum | Stevens |
| Danforth | Kasten | Symms |
| DeConcini | Long | Thurmond |
| Dole | Mathias | Trible |
| Evans | Matsunaga | Wilson |
| Ford | Mattingly | Zorinsky |
| Garn | McClure | |
| Goldwater | Nickles | |

NOT VOTING—8

| | | |
|---|---|---|
| Bumpers | Exon | Rockefeller |
| Dixon | Kerry | Sarbanes |
| Eagleton | Packwood | |

So the motion to lay on the table amendment No. 1596 was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, let me invite the attention of my colleagues to another important matter. I have an amendment at the desk. I will not ask the clerk to read it. Let me say first what the amendment is. Then I will tell you why I have not asked the clerk to read it.

We have in existing law a straitjacket upon the Senate with respect to the consideration of bilateral trade treaties in contrast to our treatment of authorizing bills. We have prescribed a procedure whereby, under the Senate rules, Members of the Senate who are not members of the Finance Committee, may have no participation whatever beyond the simple up-or-down vote on bilateral trade agreements.

Mr. President, this makes little sense. It is as though we were to preclude Members of the Senate from offering amendments on the floor to the defense authorization bill because they are not members of the Armed Services Committee.

The PRESIDING OFFICER. The Senate will be in order. The Senator is entitled to be heard. Conversations in the back of the Chamber will please cease.

The Senator from California.

Mr. WILSON. I thank the Chair.

It is as though, Mr. President, we prohibited Members on the floor from offering amendments to the farm bill because they are not members of the Agriculture Committee. Or, Mr. President, it is as though we were to say only members of the Foreign Relations Committee may consider treaties of any other kind, even treaties like SALT II or the ABM Treaty, and no one may offer an amendment.

Mr. President, that is a straitjacket that I think Members of the Senate would reject. They would deem it outrageous for anyone to propose this kind of limitation of the right of Senators to offer amendments simply because they are not members of the committee of original jurisdiction.

We are taking great time, and properly so, in deliberating television in the Senate to see to it that we adequately protect the tradition of the Senate to safeguard the right of the minority to be heard.

Mr. President, the existing fast-track procedure, as it is termed, under the Trade Act goes in precisely the opposite direction. Why has this outrage attracted so little attention here among Senators?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILSON. Why has it attracted so little attention among Senators ordinarily jealous of their prerogatives? For the very simple reason that we have not had to deal with this restraint. There has been little experience. We have had a single free trade agreement and it passed with relatively little difficulty. There were very few Senators who were actually participants in that process. I have determined that a great many well-informed Senators—Senators who jealously regard their prerogatives and their right to participate in debate on the floor of the Senate, who jealously guard their rights to offer amendments, who guard the rights of their constituents—have no knowledge of this process. They are unaware of how they are restrained because it has simply not come before them.

The time, Mr. President, to consider that procedure is not when we are engaged in the next free trade agreement. The time is now, in advance of the actual pendency of a free trade agreement, a bilateral agreement. That time will come very soon, when we are asked to vote up or down, yes or no, on the whole thing with regard to a bilateral trade agreement. It is no secret that the administration is exploring the possibility of such an agreement with our neighbor to the north, Canada. A reasonable expectation is that, following a Canadian free trade agreement, there would be one proposed with Mexico.

Mr. President, I was among the very first—indeed, I believe I was the first—to testify in favor of the Israel free trade agreement before the Finance Committee. So my objection is not to entering into bilateral agreements; my objection is to the process whereby non-Members of the Senate Committee on Finance are precluded from having any effective voice in the shaping of those agreements. That is simply wrong.

We may not amend those agreements; we are limited to 20 hours of debate on those agreements; and it is not sufficient comfort to anyone who has not participated at the committee level to say, well, I did not get the kind of safeguards for my constituents that I think they are entitled to; therefore, I am going to go out and convince a majority of my brethren to vote against the entire treaty. That does not make much sense.

We do not vote up or down on every bill in this House until we have first considered whether or not amendments are in order and voted on those amendments. So, Mr. President, the time very quickly should come when this body determines that we will in fact do away with such unreasonable restraints. I give fair notice that I intend to file the written notice required to make the rules change that will undo those unreasonable restraints on the participation of Senators. I am not doing so tonight, Mr. President, simply because of the importance that I attach to our action upon TV in the Senate. I have a very great concern that if, in fact, we do not deal with this matter this evening, we risk unwarranted and unreasonably delay that I think puts the entire agreement in jeopardy.

Instead, Mr. President, I urge support for the leadership proposal, the substitute that is pending. I am a cosponsor of it. I tell my colleagues that it does not go as far toward reform as I think we should. But, in fact, television in the Senate, by focusing upon individual Members of the Senate, I think, holds the promise of not only improving our decorum, but improving the way we function because inevitably it is going to compel greater rules changes. I regard this first step forward as just that, a step in the right direction. It does reduce debate from 100 hours to 30. Perhaps more importantly, it will give the leader a valuable tool in disposing of what has been a much-abused tactic, that of reading of the Journal in order to bring about delay.

Mr. President, I urge my colleagues to vote for the pending substitute that has been carefully crafted by people who come to the table with widely conflicting viewpoints. I predict that as we experience TV in the Senate, we will make greater changes, changes that will allow this body to function more efficiently and yet allow the right of the minority to be heard. But when we concern ourselves with the right of that majority to be heard, I tell my colleagues that just as it makes no sense, as the Senator from Colorado [Mr. ARMSTRONG] said a few days ago, to allow the majority to impose a tyranny on the minority, it also makes no sense for a minority, the membership of a single committee, to have the say in achieving an important bilateral trade agreement and force their will on the majority by precluding them any right to amend. That simply does not make sense.

So, very shortly, Mr. President, there will be another vehicle before us. Attached to it will be an amendment that changes the rules of the Senate to make a fast-track procedure, one that does not deny the Senators the rights they must have in order to safeguard their constituents.

I thank the Chair.

[The text of Mr. WILSON's amendment is printed under Amendments Submitted.]

Mr. METZENBAUM. Mr. President, I hope we are shortly going to vote to pass this proposal to provide for TV in the Senate. It is conceivable, though not necessarily the fact, that it may make this a more deliberative body. It may also improve our overall conduct, how we conduct our business.

I am frank to say that I am disappointed that the germaneness rule which the Senator from Louisiana was advocating has been eliminated. I think that the procedure we have in this body of adding extraneous amendments having nothing at all to do with the pending legislation has become an absurdity. I find that every time we get a piece of legislation that comes before this body, somebody figures out a way to add an antiabortion amendment or an antibusing amendment or something that has to do with prayer in the schools. And it is a fact that other extraneous amendments have been added. It does not make sense to do that. It is not the way to conduct a body of this kind. It does not make sense for committees to add nongermane amendments to legislation pending.

I remember that, on the floor of the Senate, we had a bill brought forward which had to do with changing totally the whole airport authorizing legislation, totally unrelated to the pending

bill as it came out of committee. That is no way to conduct this body's business. So I think we retrogressed when we eliminated the restrictions or the provisions pertaining to the germaneness rule.

I think that we likewise retrogressed when we eliminated the provision eliminating the right to filibuster a motion to proceed. I have said on many occasions that I think the rules of the Senate should be changed. I think they should be changed with respect to post-cloture filibusters, I think they should be changed with respect to the germaneness question, and I think they should be changed with respect to the right to filibuster on the motion to proceed. As long as those rules are not changed, and this body has seen fit not to change it—and it was a disappointment to me to see how overwhelmingly the germaneness proposal was eliminated—every Senator in the body has a right to use them. But I think it would be a better body if we changed the rules of the Senate.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. GORTON). The Senate will be in order.

Mr. METZENBAUM. It is a fact that we have changed the postcloture rules to limit the overall time to 30 hours. I think that is a move in the right direction. I would have supported the change to 20 hours. I think that was an even better move in that same direction. It is my opinion that someday we may eliminate the right to filibuster entirely, and if somebody comes along with such a proposal I would be one of the first to support it, as I have said publicly on many occasions. I think you ought to be able to cut off debate with 51 votes, not with a three-fifths vote or a two-thirds vote. But we are at the point where we are, and it is harder sometimes to make progress than we realize. It was interesting to me to see how many on the other side of the aisle voted with respect to eliminating the nongermaneness rule. It was incredible, what an overwhelming vote that had.

I think this is a small step forward, not nearly as great a step as we should be taking. I am hopeful that with TV in the Senate we will be able to conduct our affairs much better than we have in the past. I think that maybe it will cause us to change some more of our rules than those which are presently being contemplated.

So, Mr. President, I am pleased to say that I am a cosponsor of this proposal, but I am sorry that it does not, indeed, go further than it does.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. I hope and believe that we are ready to vote. I just rise to congratulate those who have made this great moment in the life of the Senate possible, particularly our two leaders, particularly the distinguished chairman of the Rules Committee, particularly the Senator from Alaska, who has been an advocate of televising the Senate for a decade or more, and particularly those who have participated in formulating the compromise that makes this achievement possible.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ARMSTRONG. Yes, I would be happy to yield.

Mr. LONG. Mr. President, I have an amendment to offer, so I hope that the Senator will not be too optimistic that we vote immediately. I think it will take about a half-hour to discuss it, 15 minutes for me and about an equal amount for the Senator's side.

Mr. ARMSTRONG. Mr. President, although it appears that my hopes we were done amending this proposition were not well-founded, nonetheless, I trust that in due course we will take a vote on it and it will be adopted. I want to pay special tribute, if I may do so, to those who have opposed this resolution for helping us to sharpen the focus of it and to work the bugs out of it. I think we have got a great package here. I think this is a noble cause, and though it first seemed to be an impossible dream, I think that historians will look back and see the adoption of television in the Senate as one of the most important, possibly the most important single accomplishment of the 1986 session of the U.S. Senate. And so in that spirit, when we get to it, I am looking forward to voting for the passage of this resolution.

AMENDMENT NO. 1639

(Purpose: To provide for television coverage only upon agreement to a motion for television coverage adopted by majority vote.)

Mr. LONG. Mr. President, I have an amendment at the desk. The amendment is geared to the initial leadership amendment that was offered, and I have language to gear it to the substitute that is offered for the pending amendment. I ask that the amendment be read starting at line 7.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. LONG] proposes an amendment numbered 1639:

On page 1, line 7, insert "and" after the semicolon.

On page 2, strike out lines 1, 2 and 3.

On page 2, line 4, strike out "(3)" and insert in lieu thereof "(2)".

On page 10, between lines 9 and 10, insert the following:

SEC. 14. Rule XXXIII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

3. (a) Television broadcast coverage of Senate proceedings shall be provided only upon agreement of the Senate to a motion providing such coverage for a specific matter or specific time period under terms and conditions specified in such resolution.

(b) Television broadcast coverage provided by a motion agreed to as provided in subparagraph (a) may be terminated at any point upon agreement to a motion terminating such coverage.

(c) Debate on a motion under this paragraph shall be limited to two hours, to be equally divided between and controlled by the Senator making the motion and a Senator in opposition designated by the Chair, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion: *Provided, however,* That one motion to table shall be in order at any time. The time provided for consideration of a motion under this paragraph shall be reduced by the amount of time used to consider a motion to table.

(d) No television broadcast coverage of Senate proceedings shall be provided when a meeting with closed doors is ordered.

On page 10, line 10, strike out "(14)" and insert in lieu thereof "(15)".

On page 10, line 20, strike out "(15)" and insert in lieu thereof "(16)".

On page 11, line 9, strike out "(16)" and insert in lieu thereof "(17)".

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, the amendment I have proposed for consideration is intended to give the Senate the privilege of deciding by a majority vote whether it will or will not be on television. All this amendment intends to do is to ensure that the majority of the Senate retains this authority.

Under the rule proposed in this amendment, any Senator who wanted a particular matter or debate televised could move to do so. Following 2 hours of debate equally divided between proponents and opponents, the Senate would vote on a motion for television coverage. If the majority wishes for the Senate to be on television under the terms and conditions specified in the motion, so be it. We turn the cameras on.

This amendment seeks to ensure that the majority's will would be respected at all times. Any debate the Senate feels should be televised would be televised if this amendment is adopted. The amendment also retains for the Senate the option to go off of television by adopting a motion to do so, if the majority decided at some point that a particular matter should not be televised.

Mr. President, this amendment is very simple. It is not intended to stop television. A majority can vote to televise the Senate at any time except for closed-door secret sessions, when none of us expects the Senate to be televised. Implicit in this amendment is also the understanding that a motion for television coverage may always be agreed to by unanimous consent.

Mr. President, in the judgment of this Senator, when the Senate is on television, we will see a big increase in expediency and we will see a substantial decline and an erosion in statesmanship.

If the Senate finds that a particular measure is required in the national interest but would be difficult to pass on television or for whatever reason, it would not have to debate it on television. It could debate it without it being on television. If it wanted to debate it on television, it could do so. That, Mr. President, seems to me to be an appropriate amendment to carry out the Senate's functions.

I voted for the Panama Canal Treaty. I made a brief statement in favor of it. In my judgment at that time we had a choice between going to war or ratifying a treaty, losing friends throughout Latin America or ratifying a treaty, which was the best course under the circumstances.

For those of us who voted that way it was a very, very difficult vote. We agreed to put that debate on radio and it was carried by radio. In my judgment, Mr. President, that treaty could never have been ratified on television. Our option would have been only to send a lot of American boys down there, kill a lot of Panamanians, have all Latin America hating and despising us and sending our Ambassadors home persona non grata. If the Nation's interest requires it, the Senate should be able to debate an unpopular treaty without television and let Senators do their duty as they did.

In my judgment, many good Senators lost their seats because they did their duty with regard to the Panama Canal Treaty. But they served the national interest. And many of them knew they might be voting political suicide.

As a matter of fact, one Senator made a speech after he had been pressed very much by his friends and the President to make it. He was running for office that year. I recall when he concluded his speech and Senators rushed up to shake his hand, his first words, "I'm dead." He knew politically in his judgment he was destroyed by taking that position, but he did it because he thought his duty required him to do so. And even with all that, Mr. President, even with the many seats we lost here by those who did their duty as the Good Lord gave them the light to see it, I still do not think we would have passed that treaty if we had had to do it on television.

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

Mr. LONG. I yield for a question.

Mr. DANFORTH. Mr. President, I can remember meeting with the Senator from Louisiana a month or so ago when we first got into the subject of television in the Senate, and the Senator from Louisiana said: "I think this is coming. I think we are going to have television in the Senate, and I don't think we are going to be able to prevent it, even though many of us have some qualms about it."

The Senator from Louisiana said: "I hope at least we can have some rules connected with television in the Senate which provide a little bit of protection against some of the real abuses, the threats, that we feel would be coming."

I have paid a small amount of attention to some of the rules that have been agreed to in connection with television in the Senate. I know that the Senator from Louisiana has gone into it at great depth. My impression is that what we have now is no compromise at all. Those of us who have expressed concern about television in the Senate are going to have—with the exception of quorum calls and morning business—total coverage, with no ability to turn it off; total coverage of what is going on on the floor.

My question to the Senator from Louisiana is this: Does he agree with my assessment that we have no real compromise now, as the resolution presently stands, and there is absolutely no protection whatever against the excesses that we are concerned about that may flow from television in the Senate?

Mr. LONG. I agree with the Senator. I think that those of us who feel that statesmanship is altogether too scarce a commodity the way it is now will find that it is going to be more scarce on television. Senators will be reluctant to make a statement that is not a popular thing to say across the Nation, not the popular thing to say even in their own State, but something that needs to be said for the good of the country.

I was not here when Bob Taft became the majority leader of the Senate, but I have heard it said that Bob Taft's statesmanship, his courage to do what he thought was right, cost him the Presidency of the United States when he was seeking the nomination—at a time when he might very likely have been nominated had he been more expedient and less of a statesman.

I notice that in his book, "Profiles in Courage," John Kennedy picked out Robert Taft as one of the persons he felt was worthy of having a chapter written about him. Television will make it more difficult for people to exhibit that kind of statesmanship.

I propose that when the Senate, by majority vote, feels that a particular debate should not be on television, or the debate on a particular measure, for the next hour should not be on television, the Senate should have the right to so decide. If it wants to be on television, so be it. To me, it does not make much sense to say that we are going to be on television gavel to gavel, whether we think that is going to serve the Nation's interests or not.

Mr. GORE. Mr. President, I wish to speak very briefly in opposition to the amendment, but before doing so, I should like to point out that the substitute now pending is very different from the resolution originally brought before this body; and those changes have come about in large part because of the eloquence and persistence of the Senator from Louisiana [Mr. LONG]. Indeed, the very decision to contain rules changes along with the motion to go to television comes out because of the basic argument made by the Senator from Louisiana. As one who initially opposed that decision, I believe that what we have as a result of his effort is a much improved resolution.

Although I know that he is opposed to the final product, I hope that he will agree with what I believe is a majority in this body, that we have made improvements during this debate because of his persistence and because of his arguments.

The basic question posed by this amendment is very similar to the basic question posed by the resolution itself: Should we televise the Senate? I believe we should.

I offer one additional argument in opposition to this particular amendment, and that is that if we, as a body, decided that we were going to turn off the television cameras for a particular debate, we would invite cynicism and even suspicion on the part of the American people as to why it was that their elected Senators would not want them to see and hear the debate on this particular matter.

For that and other reasons, I believe we should decide in the affirmative, to televise the Senate, and I believe that our answer to this basic question, posed by both the resolution and the pending amendment, should be yes. Therefore, I urge my colleagues to vote against the pending amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LONG. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. BYRD. Mr. President, the statement that has been made by the distinguished Senator from Tennessee [Mr. GORE] is sufficient. I hope that the Senate will not support this amendment. I hope the amendment is voted down.

What we would be doing is taking the Senate off gavel-to-gavel coverage, and allowing motions to be debated for 2 hours, that will result in the Senate

going in and going out of coverage time and time again, ad infinitum.

What are the people who are viewing television going to think? They will ask: "What are they doing? Why don't they want us to see what is going on? I want to see what my Senator is doing. I want to hear the arguments."

There is one other thing I wish to point out, and that is that the distinguished Senator's amendment would allow the Chair to designate the Senator in opposition to the motion. I do not want the Vice President, who from time to time sits in the chair, to be able to select the Senator who will be in opposition to the motion. I think that such Senator should be designated as it is always done under the rules and procedures of the Senate when we talk about the "usual form." That language provides that the Senator who has called up an amendment has half the time, and the Senator who is managing the bill or the ranking manager controls the other half, unless he is in support of the motion, in which case the minority leader is given the time in opposition.

I do not want to see the Vice President designating the Senator on either side of the aisle who will speak in opposition to such motion.

I hope that the amendment will be rejected, with all due respect to my friend from Louisiana. I do have a tremendous amount of respect for him. He is my friend. But I hope the Senate will reject the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

I also announce that the Senator from Minnesota [Mr. DURENBERGER] is absent on official business.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. DIXON], the Senator from Iowa [Mr. HARKIN], the Senator from Missouri [Mr. EAGLETON], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Mr. SARBANES], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I further announce that the Senator from Nebraska [Mr. EXON] and the Senator from Arkansas [Mr. BUMPERS] are absent because of illness.

I also announce that the Senator from West Virginia [Mr. ROCKEFELLER] is absent attending the funeral of a family friend in West Virginia.

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

The result was announced—yeas 28, nays 60, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—28

| | | |
|---|---|---|
| Bentsen | Grassley | McConnell |
| Boren | Hatfield | Proxmire |
| Boschwitz | Hecht | Pryor |
| Bradley | Helms | Quayle |
| Burdick | Hollings | Rudman |
| Danforth | Johnston | Stafford |
| Dodd | Laxalt | Stennis |
| East | Levin | Wallop |
| Glenn | Long | |
| Goldwater | Mattingly | |

NAYS—60

| | | |
|---|---|---|
| Abdnor | Gore | Mitchell |
| Andrews | Gorton | Moynihan |
| Armstrong | Hart | Murkowski |
| Baucus | Hatch | Nickles |
| Biden | Hawkins | Pell |
| Bingaman | Heflin | Pressler |
| Byrd | Heinz | Riegle |
| Chafee | Humphrey | Roth |
| Chiles | Inouye | Sasser |
| Cochran | Kassebaum | Simon |
| Cohen | Kasten | Simpson |
| Cranston | Kennedy | Specter |
| D'Amato | Lautenberg | Stevens |
| DeConcini | Leahy | Symms |
| Denton | Lugar | Thurmond |
| Dole | Mathias | Trible |
| Domenici | Matsunaga | Warner |
| Evans | McClure | Weicker |
| Ford | Melcher | Wilson |
| Garn | Metzenbaum | Zorinsky |

NOT VOTING—12

| | | |
|---|---|---|
| Bumpers | Exon | Nunn |
| Dixon | Gramm | Packwood |
| Durenberger | Harkin | Rockefeller |
| Eagleton | Kerry | Sarbanes |

So the amendment (No. 1639) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. PRESIDING OFFICER. Is there further debate?

Mr. McCLURE. Mr. President, some time ago I had a discussion with the distinguished Senator from Michigan [Mr. LEVIN] with respect to an amendment that he had intended to offer. That amendment would have made a provision for the recognition of someone who had been frozen out of the process and, at the end of the 30 hours, if they had not been recognized and had not been able to offer an amendment, they would have the right to be recognized for 10 minutes of debate and/or to offer an amendment.

Mr. President, I sympathize with the objectives the Senator from Michigan is trying to achieve. I think there is the possibility that in a constrained period like 30 hours under some circumstances it might be possible that a Member might find it impossible to be recognized to offer even a single amendment.

The other side of that, however, is if you guarantee it to every Member they could wait for 29 hours of the 30 hours, not really seek the opportunity at all, and still be guaranteed the right to offer an amendment with 10 minutes of debate.

That could conceivably mean that every Member who was recognized and did not use any of their time during their 30 hours could take another 30 minutes of the Senate's time in debate, and rollcall. That could conceivably more than double the 30-hour limit.

So I am aware of that problem and that concern. I think the Senate should be on notice that this may be an issue we will have to address at some future time.

My understanding is that the distinguished Senator from Michigan will not offer that amendment. But I would join him in alerting the Senate to the possibility of such a problem. And I will join with him if indeed that becomes apparent in trying to find an answer to that particular problem.

Mr. LEVIN. Will the Senator yield?

Mr. McCLURE. I will be happy to yield.

Mr. LEVIN. Mr. President, first let me thank my friend for his comment. We have discussed this, and talked to the majority and minority leaders about this problem. I have been assured that in the event this occurred, and somebody would be foreclosed who had a germane amendment at the desk and had not had a chance to offer it, we would revisit this situation.

Senator BYRD, and others, were able to negotiate an increase in the 20 hours to the 30-hour limit in part because of this concern. I have been assured, in honoring that effort on the part of Senator BYRD and others, and I am not going to offer the amendment at this time given the assurance of Senator McCLURE and others relative to revisiting this in the event this occurs.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me take a minute. I have had a number of my colleagues ask about plans for the balance of the evening. I hope we can conclude action on this bill tonight, but if not tonight, we will be on it tomorrow. But I know there are amendments to be offered. I do not quarrel with anybody's right to offer the amendments. But I do believe one way to terminate amendments is have a little stronger vote the next time against the amendment.

Mr. STEVENS. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. STEVENS. Mr. President, I am constrained to try to get some definition of where we are going here. We have a group of 20 Canadians waiting for us. Some of us have agreed to meet with them in the annual interparliamentary conference. There are many serious issues—timber, fishing, a whole series of issues—which we are scheduled to discuss with them tomorrow morning. We really have to know

whether the Senate is serious about trying to vote on this resolution tonight. If it is, of course we want to be here. But if this is the beginning of a series of amendments that could take a long time, then obviously we are not going to get around to voting on the resolution tonight.

I would like to know if it is possible for us to find out how many amendments we are going to face tonight, and after those amendments how much debate really will be needed.

Mr. DOLE. I know the Senator from Oklahoma has two amendments. I do not know of any amendments on this side, or on the other side. If there are very many more, we will need to come back in tomorrow. I regret that.

Mr. BOREN. Mr. President, if the Senator will yield, I do have at least two amendments that I want to offer tonight. I apologize. We have been working on so many other matters and have been in hearings that I have not had the opportunity to focus on this as early as I should have. I have some very serious concerns. Depending on the outcome on these two amendments, I might have other amendments that I will want to offer.

If these two amendments pass, then I doubt that I would want to prolong debate on the matter. If the two amendments fail, and at least one of the other amendments does not pass, I want to be honest with my colleagues, and say I might have several more that might take an extended amount of time in order to offer.

Mr. STEVENS. Will the Senator yield, Mr. President? What is the subject matter of the Senator's amendment?

Mr. BOREN. The first amendment would deal with us going off the air for 2 weeks after the end of the trial period so that we would have time to really reflect while not still being broadcast on whether or not this experiment has worked well. We should not be voting on it the day the experiment ends. We should have some time to think about it.

The second amendment is more comprehensive. It would provide for the 2-week waiting period, as you might call it, and, in addition, it would not have us under an expedited procedure so we could take the normal process of voting on whether or not we wanted to have broadcast rather than just having 6 hours. I am just concerned that we have this experiment. We have no time in which to think about how well it has worked. And then we immediately, 6 hours later, go to vote on a very fundamental change in this institution.

So I would be honest with you: if we are going to get ourselves into that kind of a position and rush, then I do think we should spend some more time—perhaps some more days to discuss this matter.

Mr. GORE. Will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. GORE. In relation to the second amendment the Senator has described, I would point out that the vote scheduled for July 15 will take place immediately after a 10-day or 12-day recess period. So there will be built into that schedule time for reflection and consideration of the question that will be pending when we get back.

Mr. BRADLEY. If the Senator will yield further, who has the floor?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I hope we can get some resolution of this question of timing. That is why I am staying on the floor.

Mr. BOREN. Mr. President, I just have to apologize to the Senator from Alaska because I cannot really give a definitive answer.

I am prepared to discuss this matter longer, if we do not get some action on these amendments or at least a portion of these amendments, because I am concerned about what we are doing here with the institution as others have expressed. And I just cannot say I would be prepared to vote tonight.

Mr. STEVENS. I feel constrained not to use the word that comes to my mind, but from what I am hearing I am getting the feeling of what we might call extended debate. That is not conducive to meeting with our friends from Ottawa who get very disturbed when they come down and we do not meet with them on time. I can understand their concern. They have come a long way. They have sent us an extensive agenda of items to discuss. I think we ought to take these parliamentary conferences very seriously. I have to say to my good friend that I do not know how many others are going but I am going to leave very soon, even though I am very much in support of this resolution, if there is going to be extended debate.

Mr. President, I had a feeling earlier that after 10 years of standing on the floor of the Senate, listening to what I consider to be almost every kind of objection, we finally had found a way for the Senate to accommodate modern communications as almost every other legislative body that I have heard of has.

I am disturbed that the Senate cannot resolve even this simple question of whether public debate means public debate, whether people in Unalakleet and Shishmaret have the same right to listen to what is going on here as people who are within driving distance of Washington and our galleries.

To me it is a matter of simple justice that Americans throughout the country enjoy the benefits of our technology, and our technology gives us the ability to extend our voices throughout the country without having the people we represent spend money to come witness the Senate at work.

I am really getting to the point of being quite seriously disturbed over the Senate's role in the future of this country if we cannot resolve this simple matter of dealing with modern technology. City councils televise their proceedings, the Diet in Japan does it, the House can do it, but the Senate is so wrapped up in its cocoon of ancient rules that it is unwilling to look at the future.

It really disturbs me to be a part of a body that has declined to the point that it does not want to keep up with the rest of society.

Mr. BRADLEY. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. BRADLEY. Before we put the final touches on the apocalyptic vision of the Senate, let me just suggest that one of the better ways that we can deal with this issue would be to accept the Senator's amendments. I do not happen to think a 2-week period to discuss this issue as to whether it has turned out as we have expected is too much to ask.

I would hope that we would have a little effort made to at least discuss that point. It would shorten debate considerably if the amendment were accepted.

I have not heard an argument against the amendment of the Senator from Oklahoma.

Mr. STEVENS. If I still have the floor, I will say to the Senator that concept was in five drafts ago. We had a provision for turning off television and then taking the vote sometime later. The consensus of the people involved in the discussions was that was not the way to do it. Now we are going back to an issue discussed several other drafts ago.

Also, we are going to take out the fast track. The fast track is a sine qua non for several Members of the Senate.

If this amendment is accepted, there will be amendments from other people. There are no amendments on this side of the aisle. We will lay that down as a given. The question now is whether your side of the aisle is ready to accept television in the Senate. I say there should be a vote now.

Mr. BRADLEY. I would say that is not the question. It is whether the Senate is ready to accept TV in the Senate and under these terms only.

Mr. STEVENS. These terms have been decided in a series of meetings that have been totally bipartisan. I commend the two leaders. I have participated in this process for 10 years, and I can assure you these two leaders have tried to and resolve the issues relating to television in the Senate in the most amicable way I have ever seen. They deserve credit. They now

have a joint leadership proposal before us. The two leaders have done this.

We are at the point now where the question is, Do you support your leader? I really believe you should. We support ours. We are ready to vote. I am ready to vote and I am ready to meet my friends from Canada on issues that vitally affect the future of my State. I am very disturbed that knowing this, and knowing that we are ready to go, there suddenly are amendments that cover areas that we have covered before in this debate this year. I hope the Senate will resolve this issue tonight.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Alaska has completed. The minority leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, as I understood the Senator from Oklahoma, he has two amendments, one of which would extend the period after the close of the test period. It would extend that period for 2 week in order that Senators might reflect on the question based on the experience gained during the test period.

Mr. BOREN. The Senator is correct.

Mr. BYRD. That would be the extent of it, the 2-week extension?

Mr. BOREN. The Senator is correct.

Mr. BYRD. The other amendment, as I understand it, would delete the 6-hour proposal in the expedited language. Of course, that means it is open to filibuster because there would be no time limit at that point.

Mr. BOREN. That is correct.

Mr. BYRD. Mr. President, personally, I would be willing to accept the Senator's amendment that just extends the time, to give all Senators an opportunity to reflect on this matter. It is a very serious matter.

I would hope that the Senator would not call up his other amendment, which really opens up the whole thing to a filibuster again. The Senate will have spent all this time to gain what? To gain just another opportunity to have a filibuster.

I would think it a small price to pay to let the Senator have the one amendment for the 2-week extension with the understanding that the Senator not call up his other amendment so that we can get on and vote on this resolution.

I have spent hours and hours and days and weeks. Heretofore, I have said that I did not want to venture into television in the Senate without some changes in the Senate rules. Well, we gave up the best change of the Senate rules yesterday when Senator LONG accepted the will of the Senate. The next best is the lowering of the ceiling on cloture, and it is still in the resolution.

I think it is a small price to pay. I hope the Senate would go along with Senator BOREN not just because he has two amendments at 5 minutes to 7 tonight, but because he makes a reasonable request which I think would benefit all Senators, namely, to have an opportunity to reflect on TV in the Senate and the changes in the rules on a permanent basis. We all might like to have that 2 weeks to reflect following test period.

If the Senator would simply let us accept his amendment, I think we would all be gainers, but I would hope he would not call up his other amendment, in the event the Senate does accept his first amendment.

Mr. BOREN. Mr. President, I appreciate the suggestion of the distinguished Democratic leader. Let me say I do not think the question before us is whether we support our leader on each side of the aisle. I think the question before us is: Are we interested in having discussions on this subject? I do not differ with anybody. I am supportive of both of our leaders, certainly our leader on this side and bipartisan support of the leader on the other side, in trying to move the Senate. And I am concerned about the relationships in the hemisphere. But I do think it is a right of each individual Senator to offer an amendment on the floor.

I do not recall that we voted on this particular issue separately on the Senate floor. There may have been meetings, and meetings in the leaders' offices. I do not know whether those meetings were televised to the American people or not. They say we ought to be in front of the people. We are in front of the people now. The galleries are here.

Were the press at those meetings where this consensus was reached? This Senator was not at the meetings where the consensus was reached. I hope we do not accept the point around here where we cannot offer our amendments under the Constitution and have our feelings considered to be out of order.

I was not at the meetings. I did not read detailed reports of those meetings in the press. I did not see those meetings on television. I do not think they were carried on the radio. If we are here discussing openness in government, let us have open debate on the issues that have merit or do not have merit on the Senate floor and let everybody in the Senate, not just some people in a back room, decide what is to be done about our procedures.

I do not happen to be a total opponent of televising the Senate. I am inclined to be for it, but I do not want to be rushed into this.

This is a major change in this institution, potentially. For us to say that, "Well, we are going to be out on recess for 12 days and we do not really have communication and conversation with each other," that is different. We ought to get our heads together, share our thoughts with each other, think about this matter carefully, about this experiment, and then decide what to do about it. I do not think we ought to just have those private discussions. A lot of those discussions ought to be on the Senate floor. That is the only reason I am concerned.

Though we might have a waiting period, I hope we will not have just 6 hours of debate on the matter. That is the reason I am reluctant. I am not necessarily saying that I think we ought to have an opportunity for a filibuster against this procedure if 40 Members should decide after the experiment that it is unwise, though I think it is a fundamental change.

There are some parliamentary bodies in the world that reversed themselves on this matter.

(Mr. TRIBLE assumed the chair.)

Mr. GORE. Will the Senator yield?

Mr. BOREN. I yield.

Mr. GORE. In addition to the 12-day recess prior to the vote, there is also an option provided for in this resolution for a 30-day extension, not just 2 weeks, during which Senators can discuss among themselves the results of the test period, look at it again, and then have another vote on August 15.

There are two separate questions, as the minority leader has said. One is whether or not we are going to extend the period for consideration, and the other is whether or not we are going to leave open the option for a filibuster at the end of the proceeding.

I will just say that for the Senator's consideration and urge him to accept the suggestion of the minority leader.

Mr. BOREN. Well, I would be happy to call up my amendment, to send it to the desk, and see if it is accepted or not. Maybe that is the way to expedite the procedure.

Mr. BYRD. The amendment the Senator is going to send to the desk, is that the amendment for the extension?

Mr. BOREN. Yes; I can offer either one of the amendments.

I gather that is the suggestion of the minority leader.

Mr. BYRD. I would hope that in the interest of accommodating Senators who have to leave and in the interest of having the Senate accept a reasonable amendment extending the time, the Senators would accept that amendment provided the distinguished Senator would not press his other amendment.

Mr. McCLURE. Mr. President, would the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. BOREN. Mr. President, during the period of the 15-day extension, we would not be televised during that

period. We state that television coverage of the Senate would cease at the close of business on July 15, 1986; and that it would resume—that the question would be put on August 5, Whether or not it would resume then would depend upon the Senate's decision.

Mr. McCLURE. Will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. McCLURE. Mr. President, I think the distinguished minority leader has made a suggestion that appeals to me. I know it does not give the Senator from Oklahoma all he wants, but I would be willing to support the first amendment on the delay in the vote if we could have assurance that this is not just a precursor either to what I think is a killer amendment with respect to the possibility of a filibuster in August or the somewhat less than veiled threat of the Senator from Oklahoma that if he does not prevail on that, he will filibuster now. If we are going to face a filibuster in August or a filibuster now, this Senator would not see any reason to accommodate on either matter. Let us just get on with the filibuster.

Mr. BOREN. Let me respond.

Mr. President, I certainly do not want to be misunderstood here. This Senator is not trying to leverage support for either of these amendments on the basis of saying if I do not get my way on these amendments, I am going to debate for a long time. That is not what I want at all. It would not be fair and I would not want to engage in that. I was trying to give an honest answer to the Senator from Alaska, who asked, "What are you going to do if these amendments do not prevail? Will you have extended debate?"

My honest answer is I am undecided. I am a bit torn about that.

Let me ask this question as a way to resolve it. I am concerned about two points. If it is the will of the Senate—and this Senator may vote for it. I want to make that clear, this Senator is not prejudging the issue. I believe in open discussion of issues and I am not prejudging at all, whether or not we vote, whatever date we vote on, whether we will have continued television coverage. But I want to have adequate time to reflect.

After we have had the 15 days so we would vote on it on August 5, this Senator honestly would like to have a little more than 6 hours of debate on something of that magnitude. Even if we are not open to amendment or filibuster or extended debate, I do think we should have something like 15 hours or something like that instead of 6 because we are here talking about something that is very, very fundamentally important. I think before it is over with, we are going to see a lot of other changes come about as a result.

I want to say again that I do not want to be misunderstood, because the Senator is not trying to abuse the hour to bargain in any way with other Members of the Senate; not at all.

This Senator would be willing to offer an amendment that says that we shall have this period from the date on which coverage shall cease on July 15; we will vote then on August 5—the question should be put on August 5 when we come back. If we could have something like 15 hours of debate instead of just 6—I am really concerned about our just having 6 hours of discussion on the floor. This would not let it be filibustered; it would not mean the minority would work against the will of the majority if that is what the majority wanted to do.

Mr. BYRD. Would the distinguished Senator yield?

Mr. BOREN. I would be happy to yield.

Mr. BYRD. Would the Senator agree not to call up the other amendment, provided he gets the 2 weeks or whatever it is—2 weeks of extension—and that there be, say, 10 hours? If it is 12, fine.

Mr. BOREN. I would like to give us at least 2 days or maybe 12 hours of debate on the floor. The thing that concerns me is we call it up and before nightfall of that day on which we call it up, we have to decide. We cannot sleep on it overnight in between. I would like to see, say, 12 or 15 hours so it would cause us to have 2 legislative days here, on the floor. I do not believe that is asking too much to consider the impact.

Mr. BYRD. Mr. President, I think the distinguished Senator has made a reasonable request. I think it is reasonable to want to take a few more days to reflect on this matter. But I hope the Senator would not press his other amendment, which opens the whole thing up to a filibuster.

Twelve hours is fine with this Senator. I can only speak for myself.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BOREN. I would be happy to yield.

Mr. LONG. The thought occurred to this Senator that if we were to reach a compromise and settle for a lesser number of hours, we should be permitted to offer amendments rather than be limited to simply vote up or down on the matter. Theoretically, hopefully, we might learn something during the period and we might profit by the experience. How could we do that if we are limited to just one motion?

Mr. BOREN. I understand what the Senator from Louisiana is saying, and I would prefer that. If we put a maximum of hours, 12 hours, for debate, after which time passage would occur, the question would arise—I might ask the authors, is there any way, if we find a way of seeing some changes that need to be made and want to suggest these changes in the rules before we finally vote, would we have an opportunity to make those proposed changes before we vote on whether or not to extend coverage?

Mr. GORE. Would the Senator yield?

Mr. BOREN. I would be happy to yield.

Mr. GORE. Under the resolution as drafted, the Rules Committee is empowered to make changes in procedures short of a rules change. In addition, the Rules Committee would have the opportunity to bring to the floor rules changes that might appear to be advisable as a result of our experience during the test period. Those rules changes would then be subject to the full filibuster opportunities and all the rest. But you cannot have amendments offered under a fast-track provision without jettisoning the whole deal.

I think what the Senator was talking about earlier, a 2-week period with 12 hours of debate afterwards—is something that would almost certainly find broad agreement here and resolve this matter.

Mr. BOREN. I was asked also—the date I see here is August 5. We are looking at the calendar and we did not want to set it on a Friday, for example. July 15 is——

Mr. DOLE. Make it July 29, I might suggest.

Mr. BOREN. What day of the week would that be, Mr. President? That would be a Tuesday?

Mr. DOLE. Yes, Mr. President.

Mr. BOREN. July 29.

Mr. DOLE. Twelve hours.

Mr. BOREN. Twelve hours? And the understanding would be that we would carry over for at least 2 legislative days. We would not try to do it all in 1 legislative day.

Mr. LONG. The Senator means 1 calendar day.

Mr. BOREN. We would have at least 2 calendar days, that is correct.

Mr. DOLE. The only thing I would say is if 6 hours were enough—it might be that we would not use all the time.

Mr. BOREN. Let me say if we want to use all 12 hours, I hope we would not come into session at noon and push forward to midnight and say, "We want a vote, period."

Mr. DOLE. I do not believe that would be a problem, Mr. President, But let us say we do not use the time——

Mr. BOREN. If there is no dispute and nobody has a strong feeling one way or the other.

Mr. DOLE. Let me assure the Senator from Oklahoma that I do not totally disagree with what he has said, or what the distinguished Senator from Louisiana said. I may be leading the effort if this does not work during

the test period to make some of those changes. I would think in the 2 weeks off the air we could have a number of opportunities.

Mr. BOREN. Let me ask a question. The Senator from Louisiana has suggested that there should be—let us see, without intervening action on a question, so that would mean that there would not be an opportunity to amend it as now written; is that correct? We would have 12 hours of debate without intervening vote or action on the question? Would there be objection, if we still had a final vote on final passage at the end of the 12 hours, to inserting the suggestion of the Senator from Louisiana that germane amendments be in order?

Mr. LONG. It is the thought of this Senator that amendments relating to television in the Senate, even if it has to do with the rules, ought to be in order during the 12 hours. I would assume that we might learn something during the test period. Now, if we learn something, we ought to be privileged to profit by it. We should not be limited so that we can only vote just to say whether we want television. That is the way it is, now we should have no opportunity to offer amendments which reflect the benefit of our experience.

Now, let us face it, I say to the Senator at such time as the Senate finally votes to go permanently on television and then some of us are not happy about it and seek to change it, then it is the other side's turn to filibuster, because they are on television and then they would delay any change.

Mr. GORE. We would not be on television under this.

Mr. LONG. I understand. You would not be on television until you vote it permanently. But I am saying after the Senate is permanently on television, one might say, at that time it would be the other side's turn to filibuster. If some of us felt, well, gee, this is not working very well, we would like to change it, then the other side which wants gavel-to-gavel coverage might want to filibuster. So that during the period of limited debate, there ought to be an opportunity to amend it by majority vote just like there is now. To limit those of us who have serious doubts about this matter to where we can only vote on whether you are going to extend it for another 30 days is to deny us, even if we give up the right to debate more than 12 hours, which is 6 hours for us, the opportunity to offer amendments during the 12 hours.

Mr. BRADLEY. Will the Senator yield? Does it not seem appropriate that if during this test period, as the Senator from Louisiana stated, there are problems that develop, you have to have a way to fix it? Not that there would be an infinite number of problems and an infinite number of amendments, but you ought to provide for at least some opportunity for amendment, even a limited opportunity for amendment during that 2-week period.

Mr. LONG. I hope, if we are going to reach an agreement, that it would be agreed that during this period, during the 12-hour period, there is opportunity to offer amendments. Now, if the opposition takes the view that they do now and you have the leadership on both sides of the aisle standing together against those of us who would like to change it, obviously we are not going to change it. But at least we ought to have a chance to offer an amendment. We sure could not do it the way it stands now.

Mr. MATHIAS. Will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. MATHIAS. The statement has just been made that there ought to be a method of fixing it. Of course in the leaders' substitute, there is a method of fixing it, and that method is by the Rules Committee. Now, I can assure the Senator—and the Senator from Kentucky who is on the floor I am sure would add his assurance—that the Rules Committee would give very careful consideration to any problems that arose during the period.

Mr. FORD. If the Senator will yield, if the Senator would attend our meetings, we would be delighted to have him participate in this. I am sure he would have plenty of time, and it would be open and television would be there, also.

Mr. MATHIAS. I will second that invitation and assure the Senator from Oklahoma that he will not be without due recourse if there are any serious problems which develop during the test period.

Mr. BOREN. Let me ask this question. Maybe this is the way to resolve it. I know the leaders on the two sides would be very fair in offering opportunities for amendments if they were to come up. Perhaps we could specify an amendment under the control of each leader, two amendments would be in order in this 12-hour period; that either leader could authorize a Member on each side to call up an amendment during that 12-hour period of time. Would that perhaps do it? And that you limit the time on the amendment or something like that. Is that a possibility? That way if the Rules Committee saw some things that ought to be done, we would have the opportunity to enact those changes, if the Rules Committee recommended them prior to our vote on final passage of the broadcast. If either leader felt there was a Member on either side of the aisle who had a strong feeling of an issue that really ought to be resolved on a rules matter before we had the final vote, then that would give the leadership the opportunity to do that. Would that be a possibility? We would limit the time on those amendments to like an hour on each amendment, so you would still have the 10 hours remaining to debate the whole issue.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. President, I have been involved in the leadership one way or the other here for 20 years, and I do not believe I have ever seen the Senate turn down a reasonable request—a reasonable request. I think that at the end of the test period, if either leader sees something which needs to be changed in the standing rules of the Senate in order to make this body continue to function as a unique body, and also to make it a wiser step toward televising the Senate so that the American people could see this Senate operate and so that the roots of this democracy could grow deeper, either leader or both would certainly want to be reasonable. I do not want to head this Senate over a cliff. I do not even want it to get two wheels over the cliff. I think we have to trust the good judgment and the reasonableness of the Members of this body, and I hope that would include the leadership.

I have never, I do not believe, supported any effort to destroy the unique function of this Senate or to stand in the way of a Senator's having a fair chance to express his views. I hope, however, that we will not push ourselves to far tonight, because if we open this thing up to more amendments down the road, I think we simply will sow the seed for a fertile filibuster down the road.

Mr. BOREN. If the leader will yield, let me ask this. I am worried, in light of what is raised by the question of the Senator from Louisiana, that it could well be there would be a rather strong consensus around continuing broadcast of the Senate. I suspect that there probably will be.

Mr. BYRD. There will be what?

Mr. BOREN. A majority, maybe a very large majority, after this period—maybe a much larger majority than expected, maybe an overwhelming majority would feel the experiment has gone very well and they want to continue it. I suspect we could have one or two serious problems emerge and you want to make sure those problems are resolved before you voted for it. And under this procedure, not even the leadership, even if the Rules Committee recommended it under this procedure, because it says no matter shall be in order, no vote or intervening motion would be in order—we would not have the possibilty under leadership control or Rules Committtee control of calling up that amendment to the rule prior to voting for either the 30-day extension or the final passage.

Mr. GORE. Will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. GORE. We have been given the assurances of the two leaders that if in the opinion of a sizable number of Senators rules changes are necessary, or seem necessary as a result of the test experience, there will be rules changes recommended and brought up.

Now, that does not give the Senator a guarantee, but there is a problem with the last suggestion that the Senator has made, and it is simply this. If you keep the expedited procedure which includes a time limit and then you give any Senator, including the two leaders, an opportunity to bring an amendment to the floor, then you create the following hazard, a hazard in the minds of many here, which is that that Senator or that leader might propose a rules change such as a limitation on germaneness, or such as a raising of the filibuster-cloture threshold, or some other rules change that was supported by a simple majority, but not supported by 67 Senators, and thereby allow the offerer of that amendment, during the expedited period, to work a major change in the rules with only a simple majority.

What you are working against is a conflict between the avoidance of a filibuster at the end of the test period and an opportunity to offer amendments. The way to resolve that question is for the Senator from Oklahoma to accept the magnanimous offer which has been agreed to by both leaders and which would constitute a victory for the Senator from Oklahoma and, in addition, accept their assurance that rules changes will be recommended and brought to the floor under the normal procedures if it seems that they are apparent after the experience of the test period.

AMENDMENT NO. 1641

Mr. BOREN. Mr. President, I think the Senator from Tennessee has made a good point. I understand the point that has been raised.

I propose at this point, on behalf of myself and the Senator from Louisiana [Mr. LONG], to send an amendment to the desk which would simply say that the coverage would cease at the close of business on July 15, 1986:

Television coverage of the Senate and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put 1 hour after the Senate convenes on July 29, 1986.

Then we use the same language in section 15 and say that there shall be 12 hours of debate on this question, equally divided and controlled.

I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], on behalf of himself and Mr. LONG, proposes an amendment numbered 1641.

Mr. BOREN. 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:

Strike Sec. 15 and insert in lieu thereof the following:

SEC. 15. Television coverage of the Senate shall cease at the close of business July 15, 1986, and television coverage of the Senate and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on July 29, 1986, "Shall radio and television coverage continue after this date, and shall the rules changes contained herein continue?" There shall be 12 hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?". On this question there shall be one hour of debate, equally divided and controlled in the usual form. If this question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and shall the rules changes contained herein continue?".

Mr. BOREN. Mr. President, this is just exactly as I stated a moment ago. It would give us approximately 2 weeks, in which time the Senate proceedings would not be broadcast, to reflect upon the experiment, and then it would give us 12 hours of floor debate when we take up that matter at the earliest on the 29th day of July, and have time to reflect upon it at that time.

Mr. DOLE. Mr. President, I am advised by the distinguished chairman, Senator MATHIAS, that we have no objection to the amendment on this side.

Mr. STEVENS. Mr. President, is there a final version?

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. I inquire of the Senator from Oklahoma whether he is going to offer his other amendment.

Mr. BOREN. The Senator from Oklahoma does not intend to offer the other amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 1641) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, I thank my colleagues for their patience, and I want to assure them again that this Senator simply brought his honest convictions to this matter at this hour. I hope it would give us an opportunity to make a very careful decision on this important matter. I thank my colleagues for their patience.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oklahoma. He made a good proposal. I think he was reasonable in doing it. I thank the majority leader, the Senator from Alaska, and other Senators who are accepting the proposal that has been adopted.

Mr. STEVENS. Mr. President, a parliamentary inquiry. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. STEVENS. 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. There are three questions still pending. The first question is on agreeing to the substitute for the committee substitute.

The substitute amendment (No. 1636) for the committee substitute was agreed to.

The PRESIDING OFFICER. The next question is on agreeing to the committee substitute as amended.

The committee substitute, as amended, was agreed to.

The PRESIDING OFFICER. The final question is on agreeing to the resolution itself. The yeas and nays have been ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to speak no longer than 3 minutes.

Mr. DOLE. I make the same request.

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

Mr. BINGAMAN. Mr. President, I rise in support of Senate Resolution 28, permitting television and radio coverage of Senate proceedings. However, the issue before us is not only TV in the Senate, but fundamental changes in the way we conduct our business. This is as it should be.

The package before us represents a hard-fought compromise that permits television and radio coverage for a limited test period. I am pleased that the compromise embodies important temporary rule changes intended to prevent possible abuses.

There are many arguments in favor of making television part of our proceedings. Television may provide a much needed view for the country of the workings of the Senate. On the other hand the view may not be a flattering one, and moreover, coverage in itself may create new problems. I am pleased that we have not short-sightedly tried to institute this technology without giving close examination to the rules changes proposed in the resolution.

I feel it was particularly appropriate that we pay close attention to rules

changes dealing with cloture and germaneness. As several of my colleagues have suggested on both sides of the issue, this is a prime opportunity to bring the Senate into the 20th century world of television, but not without some changes in the way we work. Without at least an attempt to address these changes, I could not support this measure.

The rule changes agreed to, which I hope will be important safeguards, include:

Changing the 3-day rule on availability of reports to a 2-day rule;

Requiring that copies of conference reports be available on all Senator's desks before it is in order to call up a conference report; and

Reducing the time for debate once cloture has been invoked from 100 hours to 30 hours.

These are what I consider to be modest changes which have been carefully tailored to the situations we may find ourselves in once television coverage has been instituted. They are intended to prevent possible abuses. They are also only temporary during the experimental coverage period. Before coverage becomes permanent we would have an opportunity to reconsider these rules changes and address new changes that may be necessary.

It is also important to note that the rule changes included do not include raising the number of votes necessary to invoke cloture to 67 (two-thirds) instead of 60 (three-fifths). I am pleased this change has not been included in the compromise package. In my opinion it would have been a harmful one, which would have worked unfairly upon our ability to develop consensus and to take action.

A rule change not included, which I supported, is that which would impose a realistic germaneness rule. The rule would have required amendments to be germane and relevant under limited circumstances. I think this is reasonable. Unfortunately, this change was defeated and is not a part of the final package. I hope that further consideration will be given to this matter.

Mr. President, we are about to embark upon an important new era in the history of this institution. The people of the Nation and their interests depend upon our ability to solve the problems of the day. I hope that this experiment will not interfere with these efforts. I believe it is proper that it be temporary in nature, and I hope it will be carefully monitored and reviewed before a final decision is made.

Thank you, Mr. President.

BROADCAST COVERAGE OF THE U.S. SENATE

Mr. ARMSTRONG. Mr. President, there are many important matters the Senate will consider this session, but I would suggest that 100 years from now people will look back on our decision to begin televising the proceedings of the U.S. Senate as one of the most important, possibly the most important, and significant acts of the 99th Congress.

Mr. President, in our country, we have staked our faith on the ability of the people to select leaders and to approve or disapprove the policies of our country. In order to do that job, the public needs to see what we are talking about and share the same facts that we have, and know what the arguments are, pro and con.

That is really the issue in the debate today on whether or not to commence a trial period for the radio and television broadcasts of Senate proceedings; namely, how we can best insure that the men and women of the country will be able to participate and freely and knowledgeably discuss the issues which will be so critical to them in their day-to-day lives.

Little did Thomas Jefferson know he made the strongest argument for the fullest, most open coverage of Senate proceedings when he said:

> Educate and inform the whole mass of people. Enable them to see that it is in their best interest to preserve peace and order and they will preserve them. Enlighten the people generally and tyranny and oppression of the body and the mind will then vanish like spirits at the dawn of the day.

This axiom was adhered to by our Founding Fathers at the Constitutional Convention. There was some doubt about whether the public would accept the document they had produced, so they took their case to the people by publishing the exact arguments of the Constitution's authors in the Federalist Papers.

The public's acceptance of the Constitution left no doubt about the benefits of public scrutiny to the decision-making processes in this country. A fact the newly formed Senate ratified in 1794 by agreeing to establish galleries for the public.

The concepts at issue on public galleries in 1794 are identical to those being discussed today on broadcast coverage of the Senate. Public sentiment in support of public debates was reflected by the National Gazette in 1702:

> It augers an unfriendly disposition in a public body that wishes to masque its transactions—Upright intentions, and Venetian senate suits not, as yet, the meridian of the United States: neither does the conduct of a conclave or a divan comport with the feelings of Americans.

Likewise the oppositions' note in the 1790's was similar to that today, as explained by Senator Paine Wingate:

> How would all the little domestic transactions of even the best regulated family appear if exposed to the world; and may this not apply to a larger body?

Senator Wingate's argument fortunately did not hold the day and time has shown his concern foundless. The doors of the Senate opened in December 1795 and in the following 191 years, the Senate has survived despite the closer public scrutiny.

In 1802, the Senate made the first logical expansion of galleries for public attendance when it officially gave newspaper reporters access to the Senate. Samuel Harrison Smith, the editor of the Philadelphia Universal Gazette correctly understood the significance of this decision:

> On the adoption of the above resolution, which opens a new door to public information, and which may be considered as the prelude to a more genuine sympathy between the Senate and the people of the United States, than may have heretofore subsisted, by rendering each better acquainted with the other, we congratulate, every friend to the true principles of our republican institutions.

The Senate did not wane in its efforts to better inform the public. In 1844, the Senate sponsored one of the greatest advances in communications technology when Samuel Morse was allowed to demonstrate the electronic telegraph in his famous "What hath God Wrought" transmission from the Senate wing of the Capitol to Baltimore, MD. The message that came back from Baltimore was posted in the Capitol Rotunda and may be considered the first of the "wire services" that soon flourished.

The Senate's exemplary precedence leaves little doubt in my mind that if television technology had been available in 1794 or 1844, Senators of the day would have adopted that medium as a logical extension of public galleries or the telegraph.

The Senate unfortunately has hit a stumbling block when it comes to radio and television coverage of its proceedings. The country has had radio available on a wide basis since the 1920's and television since the 1940's, and ever since those dates the Senate has been debating inconclusively whether its proceedings should be made public through those mediums.

To be frank, I don't think one thing has happended over the years to support the argument of those against televising the Senate. Congressional committee hearings and meetings have been exposed to television cameras since the 1950's. The U.S. House of Representatives has successfully been televising its debates gavel-to-gavel since 1979. Almost all of our State legislatures permit television cameras to cover some portion of their debates. Courts now allow television cameras. The United Nations broadcasts its debates from gavel-to-gavel. In fact, just about every major democratic nation—including England, France, West Germany, Japan, Israel, Canada, Australia, Italy, the Netherlands, Norway, India, Sweden, Austria, Denmark, Switzerland, and Spain—allow television coverage of their national legislative bodies, and some have for over 40 years! All these bodies have been

greatly influenced by the wider knowledge of their happenings, and I have not heard anyone say the public would be better served by removing the cameras from the House of Representatives or closing the public galleries in the Senate.

While Senators are more likely to receive inquiries from their constituents on Gramm-Rudman or tax reform than on this issue, that is not necessarily an indication of the great benefit television broadcasts could provide the public. Since 1963, television has been the predominant medium through which Americans receive their news. According to the latest Roper poll on the subject, television is the sole source of news for almost half the Nation and more people receive information from television than from newspapers and radio combined.

The most immediate benefit of nationwide gavel-to-gavel broadcast coverage of the U.S. Senate will be the greater amount and more timely information available to local news reporting agencies. Less than 4 percent of local television stations can currently maintain reporters in Washington, DC and thus the local stations are almost totally dependent on Senate offices to provide information, which is invariably sporadic and self-serving.

The world is too complex and interrelated for there to be an impediment to providing the fullest information available to every citizen. There was a time when a person could grow up in Leadville or Lamar, CO and never be too affected by what happened in the Chamber of the U.S. Senate. A hundred years ago in Colorado, a person could be born and live a full, active, meaningful, productive, significant life, and never really come into contact with the Federal Government. You might go weeks without knowing what was going on in the Senate of the United States. You might never encounter in a practical way anything that really had to do with how you lived or how you worked as a result of national legislation.

Today, a person is born in a hospital that was probably built with Federal money, in which doctors and nurses practice under Federal guidelines; we are educated in schools which are, at least to some degree, shaped by national legislation; when we enter the work force, we apply for a job according to Federal standards; if you are an employer, you cannot hire anybody except by conforming to what the Federal law says. You cannot fire anybody. You cannot start a business. You cannot build a building. You cannot tear down a building.

One institution, the U.S. Senate, is uniquely capable of delivering the message of the public about the intricacies or simplicities of the issues and legislation of so great importance to the American people. Our Founding Fathers created the Senate as a means for extensive debate and consideration of all views in developing legislation. While this brilliant work of Jefferson, Franklin, and Madison is a safeguard for the Nation, the absence of television prevents the dissemination of the essential information. As the former majority leader and leading advocate of the televising of the Senate, Howard Baker, often said:

> . . . The Senate was supposed to be different (than the House of Representatives). Its rules, first written by Thomas Jefferson, encouraged extensive debate and gave the rights of the minority the greatest protection and the fullest and fairest hearing in the history of governments.
>
> These are the beliefs that made the Senate the world's greatest deliberative body to begin with: the insistence that ideas matter; that one person who is right should prevail over a majority that is wrong; that vigorous debate is vital to our system of government.

Daniel Boorstin, the Librarian of Congress, sums up well:

> In the last century, the Senate has been the setting for great debates like that between Webster and Hayne, or the spirited oratory of a succession of celebrated Senators, including William E. Borah, Henry Cabot Lodge, Everett Dirksen, Robert Kerr, and Hubert Humphrey.
>
> Eloquence is a democratic art. Traditionally, the Senate has been more effective than any other body in focusing on great national issues.

As one can see, I think the argument in favor of gavel-to-gavel television coverage of the Senate is a strong one, and I introduced Senate Resolution 81 at the beginning of this Congress to do just that.

What we are considering today is a step in that direction. The resolution before us today will provide a two-step test period of television and radio coverage. The first portion of the test period will be closed-circuit broadcast coverage just to Senate offices. During the second portion, the broadcasts will be made to the public. After the end of the test period, the Rules Committee will present the Senate with a resolution embodying its recommendations for permanent, gavel-to-gavel broadcasts to the public.

Mr. President, unless this Senate has something to hide from the country, and if we really believe that in this country, we have faith in the judgment and wisdom of the public, it seems to me that the very least we can do is give the public a chance to see and hear what is going on.

## SENATE CHAMBERS ON CAMERA

Mr. MATSUNAGA. Mr. President, I rise in support of Senate Resolution 28. Having reviewed its provisions and the accompanying report of the Committee on Rules and Administration, it appears to this Senator that Senate Resolution 28, as amended, is a prudent, carefully thought out approach by which this body as an institution can come to terms with television. Senate Resolution 28 allows us to get our toes wet in this communications medium before taking the full plunge.

Of course, there are those among us who believe that there is much to be said for avoiding the water altogether when it comes to televised floor proceedings. Before the last recess, I listened for several days to those of the opposition, including the senior Senator from Louisiana [Mr. LONG] for whom I have the greatest respect and admiration. It may well be that the pitfalls he suggests will become evident at times, and we will rue the changes which a video record could bring. But I firmly believe the good is likely to outweight the bad in this transition.

Mr. President, I may be an optimist in my regard for my colleagues, but it would seem to me that placing this Chamber on camera will have, on balance, a salutary effect on our individual efforts on this floor, both as a preparation and deportment. Surely, Mr. President, when Senators realize that what they say and do on the Senate floor are being recorded on tape to be seen and heard by their constituents, they will be better prepared to present their arguments. As a consequence, the quality of debate on this floor would definitely be elevated.

Mr. President, I am sure every Member of this Senate takes great pride in the fact that the U.S. Senate has throughout its history been referred to as the world's greatest deliberative body. If we are to continue to claim that distinction, we can no longer ignore the 20th century's most powerful medium of communication. Television has been a pervasive force in our society for nearly four decades, and the other body, the House of Representatives has operated within its structures for the last 6 years. As a consequence, that other body, in the view of a television-oriented nation, is fast becoming the greater deliberative body. From my own personal experience, I know this to be true, for on many occasions I have been asked by my constituents, "Why is it that you don't participate in floor debates? I see our Representatives actively engaged in debate on TV, but never the Senators." When informed that, unlike the House, the Senate disallows TV coverage, my constituents express surprise and disbelief. Their own State legislature has had TV coverage for as long as they can remember.

Others have mentioned the importance of the educational dimension of our duties as equal to, or greater than, that of our legislative obligation. This dictates that the Senate keep abreast of the communication technologies employed by our partners in the governing process. Televised deliberations

of this body are our best hope of restoring some measure of that civic intimacy we identify with our country's beginnings as a democracy before we gained our full growth of nationhood and experienced the remoteness and impersonalization which accompanies such a geographic sweep. The formulation of public policy reflects the chemistry between all the elements involved—citizens and lawmakers, the executive and the legislative branches—and the Senate, if it is to maintain its position as a catalyst for change, it must have equal access to the coaxial crucible of television.

Mr. GORTON. Mr. President, I would like to state my firm support for the compromise proposal that has been developed over the course of the last few weeks. The dedicated work of many Members in this body has resulted in a proposal that is an important first step in broadcasting our floor proceedings to all Americans.

The resolution before us establishes a test period for coverage of Senate proceedings. I firmly believe that we are going to find that the public broadcast of our debates will strengthen the Senate and its procedures.

This resolution certainly helps fulfill our obligation to the American public to preserve one of the basic cornerstones of our political heritage—an open and accessible government. I can think of no better way to let the American public reach reasoned opinions on national issues than by providing them with the opportunity to listen and watch as this body debates those issues. And this is an opportunity we can provide using modern television and radio systems.

Other deliberative bodies have extended this opportunity to citizens throughout the world. International bodies such as the U.N. General Assembly and Security Council provide continuous live television feed for use by networks and other interested parties. Our neighbors to the north in Canada are allowed to watch the proceedings in their national legislature on television. The same opportunity is offered to the Japanese people by the Japanese National Diet. In all, more than 20 national legislatures now permit television coverage of floor proceedings.

For the last 7 years, our own citizens have had the opportunity to watch the proceedings in the House of Representatives. Building from a modest start in 1979, interest in the proceedings of the House has been growing and will continue to grow. Access to the proceedings of the House of Representatives through the C-SPAN network is now provided to 23 million homes. This translates into nearly one-quarter of all households presently having access to House debates. C-SPAN is carried by 2,000 cable systems in all 50 States, the Virgin Islands, and Puerto Rico. In my own State of Washington, over 474,000 households enjoy access to the House of Representatives through C-SPAN.

These citizens have had an opportunity to see their Government in action. According to their letters, they have gained an appreciation for the complexity of legislative issues and feel more in touch with their Government.

We in the Senate now have an opportunity to build on the tradition of openness we first established as early as 1794 when the Senate established a public gallery open to all citizens and the press. This tradition was enhanced when we opened our doors in 1977 for the debate on the Panama Canal Treaty.

Mr. President, technology has provided us with the tools to let Americans understand the day-to-day workings and debates of the Senate—to provide access to their Government. This Senator believes it is time for the Senate to open itself to the American people. I urge my colleagues to take a step toward this goal by supporting this resolution.

Mr. LEVIN. Mr. President, I am going to vote for final passage of this resolution, which provides for a 2½-month test period of televising Senate proceedings. I will cast my vote in favor of this proposal because it is a test, and not because I am finally convinced that it is in the best interests of the Senate or the Nation. This is a unique institution, not only in America but in all the world's democracies. I know of no other legislative body which has the U.S. Senate's unusual powers, traditions and procedures, and I fear we may be sacrificing them because of television. Certainly the American public has a right to know, and therefore to see, what we do here, and television can perform that function in a powerfully effective way.

But it can also encourage needless grandstanding and sham speeches, attempts to give the appearance of action and influence instead of serious legislative activity. And it can infringe upon the abilities of Senators to fight for what they believe to be right by limiting our ability to speak and to propose amendments. I voted for the Johnston and Long amendments which would have provided for more restricted coverage than the gavel-to-gavel coverage provided by this resolution. I expect the sponsors of those amendments will give careful consideration to offering them again when we assess the results of this test period.

I am also pleased that the Senate accepted Senator BOREN's amendment to allow a 2-week period at the end of the test period for some calm and careful reflection on whether or not to make permanent changes in Senate rules. It may well be that my concerns about potential problems will be allayed, and I hope that they are. But if I reach the conclusion that providing unlimited televised broadcasts of Senate proceedings presents more problems than it is worth, I shall oppose making it a permanent feature of our deliberations.

Mr. THURMOND. Mr. President, I rise to voice my support for Senate Resolution 28, which would authorize a test period implementation of live, gavel-to-gavel television and radio coverage of proceedings in the Senate Chamber. While television coverage would be limited to a 2-week period, enactment of the resolution will nevertheless bring us one step closer to the day when the American public will have full, continuous access to Senate proceedings through the medium of television.

In my view, Mr. President, broadcast media coverage is warranted and wise, for several reasons. First, such coverage recognizes the basic right and need of U.S. citizens to know the business of their Government. Second, I believe it will lead to a more informed citizenry, and thereby hopefully improve the quality of our representative democracy. Third, television and radio coverage should enhance the image of the Senate as an institution of Government. Fourth, it should, in the long run, improve the quality of Senate debate and decisionmaking.

Considered against the historical background, radio and television coverage of Senate proceedings is simply a logical extension of past and present methods of reporting Senate business to the people. Since the late 18th century, the Senate has had a public gallery open to all citizens and print media representatives. Television coverage was first permitted in the House in 1947 for the opening ceremonies of the 80th Congress, and in 1979, full television coverage of debate in that Chamber began. In the interim, the Senate has allowed television coverage of some committee hearings, permitted television broadcast of the swearing-in ceremony of Vice President Nelson Rockefeller in 1974, and authorized radio coverage of the 1917 debates on the Panama Canal Treaties.

Thus, while television and radio coverage of Senate debates would be a significant broadening of past precedents in this House of Congress, it would not be a totally new experience for most Senators, nor a radical departure from past practices. Rather, with the widespread, increasing dependence of the American people on television and radio for information about governmental actions, it is simply high time for the Senate to allow live broadcasts of its proceeding over the airwaves.

As I indicated at the outset of my statement, the authorization of radio and television coverage of Senate business is an appropriate means of reaf-

firming that our National Government is a representative democracy responsible to the people. The citizens of this great Nation have a right to know how the legislative business of their U.S. Senate is being transacted. Approval of this measure would protect and enhance that basic right, thereby bringing more openness to the legislative process.

The transmitting of Senate Chamber business over the airwaves would be an important step in the process of bringing Government into the "sunshine," as this objective is often captioned, but it is not an end in itself. Rather, by furthering the right and need of the public to have prompt, direct information pertaining to Senate business, the knowledge of our citizenry will be enhanced and the quality of our Government improved. Sometimes, perhaps, Senators have a tendency to think of themselves as self-employed, independent decisionmakers, when in fact we are all privileged holders of a precious public trust bestowed on us by our respective electorates.

Our bosses are all of the taxpayers and citizens of the State we represent and, because of our national responsibilities, of the entire Nation. We are accountable to them for how we vote, what we say, and even what we may not say or neglect to do in this Chamber when we may have a responsibility to act. By opening the legislative process in the Senate Chamber to the scrutiny of radio and limited television coverage, the fundamental objectives of first, raising the public's level of political and governmental knowledge, and second, making Senators more accountable to the people they represent, will both be better served. As a result, the integrity and quality of our representative democracy will be improved.

Mr. President, another reason I believe radio and television coverage of Senate proceedings should be authorized is that over time it will improve, in my opinion, the public image of the Senate and engender greater confidence in and respect for Senators. All of us are familiar with the embarrassingly low regard of the public for the Senate, and Congress generally, as an institution. We, as a body, definitely have an image problem. A portion of this image problem no doubt stems from the too widespread belief that the Senate prefers to operate in a closed, secretive fashion, where deals can be cut and principles compromised in the name of political expediency.

It is a harsh indictment. Whether it is accurate and deserved or not, it is a perception problem with which we must cope. Frankly, it is my hope and belief that opening the Senate Chamber to radio and limited television coverage will dispell some of the erroneously held notions about the Senate, as well as encourage Senators to act in a more statesman-like manner.

Finally, Mr. President, I believe this action will, in the long run, improve the quality of debate and decisionmaking in the Senate. On this point, as on some of the others I have made, I recognize that there are those who may disagree. Opponents of efforts to move toward live television broadcasts of Senate proceedings, such as authorized in this resolution, contend that television coverage will lead to more and longer debates, grandstanding before the cameras, and undue emphasis on the before-camera communicative abilities of Senators, in relation to other more important attributes of an effective legislator.

There is probably some truth in these contentions, but on the whole, I believe the impact of television and radio coverage will be positive. After an initial period of adjustment, Senators should not be unduly cognizant of the live reporting over television and radio of their statements and Senate actions. Yet, the increased scrutiny of the microphones and cameras should cause Senators to come to the floor more fully prepared for any remarks they may make and for votes to be cast. Senators should become more attentive to the business in the Senate Chamber, including actual presence during debates, in relation to committee and personal office business. In short, actions in the Senate Chamber itself should take on increased importance in the total Senate lawmaking scheme, reversing what many believe has been an unhealthy trend toward committee and behind-the-scenes domination of the legislative process.

It is my hope and belief, Mr. President, that ultimately broadcast coverage of Senate proceedings will lead to an improved lawmaking process, with laws that are more understandable, concise, and, most of all, more in keeping with the will of the people, as expressed through their elected senatorial representatives. Similarly, it is my hope and opinion that adoption of this measure will help make Senators more responsive and accountable to the public will. For these reasons, I am glad to lend my support to this resolution. I hope the Senate will see fit to adopt it.

Mr. MATHIAS. Mr. President, President Abraham Lincoln, in 1859, remarked: "To emancipate the mind is the great task that printing came into the world to perform."

I would hold, that television now assists in performing the great task of emancipating the mind. And, I would add, television is a primary form of communication used by our constituents to inform themselves on politics and the Nation.

Without repeating Dr. Johnson's famous observation on the value of being watched, I recall a great Baltimorean's version of this same wisdom. H.L. Menken noted, in 1949: "Conscience is the inner voice that warns us somebody may be looking."

Finally, Mr. President, I would recall another observation on the part of that great student of the American Congress, President Woodrow Wilson. In 1894, long before he was elected to our highest office, President Wilson wrote: "No more vital truth was ever uttered than that freedom and free institutions cannot long be maintained by any people who do not understand the nature of their own government."

Mr. President, as we approach the 200th anniversary of the fundamental document—the U.S. Constitution—of this great Republic of ours, I would hope that in its wisdom the Senate of the United States would have installed and operational the television and radio broadcasting of Senate floor proceedings.

Mr. BYRD. Mr. President, I apologize for imposing on the time of the Senate, but I believe this is a historic occasion, and I would like to be able to make a 3-minute statement before the vote on passage.

I ask unanimous consent that statements may be revised and extended and that all Senators may put statements in the RECORD as though read.

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

The Senate is not in order. The Senator will suspend for a moment.

The Democratic leader is recognized.

Mr. BYRD. Mr. President, by embarking on this new course for the Senate, we declare a victory for democracy, a victory for the American people, and a victory for the U.S. Senate.

Democracy rests on the bedrock of an informed public. In today's rapidfire world, the complexity of issues is only exceeded by the speed with which they come and go. Our people have a right to witness the proceedings of this body. Today, with this action, we will have granted them that right, and have taken a giant step toward helping our citizens fully understand the issues which impact upon their daily lives.

The Senate can celebrate entering the modern age at last. The Congress is the people's branch of government, and we have today begun to make that phrase more than just words on a page.

We can all be proud of the leap forward that we will take today. In generations to come, our descendants will applaud our action in opening the legislative process to a wider scrutiny. Today's events will strengthen the Senate as an institution and ensure that democracy's roots reach even deeper into the fabric of America.

Mr. President, I thank all Senators. I particularly thank the majority leader

and those Senators on the Rules Committee and others who have contributed so much in making this step forward.

Mr. DOLE. Mr. President, I thank all Senators.

For the past several weeks the distinguished minority leader Mr. BYRD and I, along with our colleagues, have worked to develop the ways and means by which the Senate could be televised.

It became clear at the outset of this process, that in order to gain the votes necessary, we would have to link the trial period for televising floor proceedings with some changes in the way the Senate conducts its business.

The package that we agreed to today combines the two in what I believe is a balanced and fair approach. The rules changes, while not going as far as I might have hoped toward making the Senate work more efficiently, will give the leader enhanced abilities to set the schedule without trampling on the rights of any individual Senator.

Meanwhile, the trial period for broadcasting Senate proceedings should give us a good reading of how well the process works. If, after this first test, we want to extend the period for 30 days, we can do that. And finally, if we want to make any further changes in the broadcasting procedures, we will have the opportunity. And the amendment offered by Senator BOREN and accepted further gives us even more opportunity to evaluate our decisions.

Mr. President, the Senate is a very special place. And I would not support any changes that would alter its unique and valuable character. But the twin goals—of providing the American a better look at how democracy works and improving the quality of life in the Senate, by streamlining some of our procedures—are certainly worth trying to achieve. So I ask my colleagues to support this effort and vote for adoption of Senate Resolution 28 as modified.

I would like to take this opportunity to offer my thanks to Senator BYRD, as well as Senators ARMSTRONG, LONG, FORD, STEVENS, and GORE, as well as all the other Senators who participated in the discussions and have devoted many hours to this issue. I would add my special thanks to Senator MATHIAS, whose leadership as chairman of the Rules Committee was critical to today's successful outcome.

But most of all, I would like to acknowledge my predecessor Howard Baker. Without his longstanding commitment to televising Senate proceedings, today would never have come about. Howard was the pathfinder for this resolution, and for this the entire Senate owes him its gratitude.

I hope we can have a huge margin in support of TV in the Senate. Again, I indicate to all Members that there are some concerns we all have, and we will address those concerns down the road. I think the integrity of the Senate is the larger question. We will be working with all Senators who have questions and who may want to make changes at the end of the test period.

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oregon [Mr. PACKWOOD], are necessarily absent.

I also announce that the Senator from Minnesota [Mr. DURENBERGER], is absent on official business.

I further announce that if present and voting, the Senator from Minnesota [Mr. DURENBERGER], would vote "nay."

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. DIXON], the Senator from Missouri [Mr. EAGLETON], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I further announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Nebraska [Mr. EXON] are absent because of Illness.

I also announce that the Senator from West Virginia [Mr. ROCKEFELLER], is absent attending the funeral of a family friend in West Virginia.

I further announce that if present and voting the Senator from Illinois [Mr. DIXON], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Nebraska [Mr. EXON], would each vote yea.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 21, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—67

| | | |
|---|---|---|
| Abdnor | Garn | Mitchell |
| Andrews | Glenn | Moynihan |
| Armstrong | Gore | Murkowski |
| Baucus | Gorton | Nickles |
| Bentsen | Gramm | Pell |
| Biden | Harkin | Pressler |
| Bingaman | Hart | Pryor |
| Boren | Hatch | Riegle |
| Bradley | Hawkins | Roth |
| Byrd | Heflin | Sasser |
| Chafee | Heinz | Simon |
| Chiles | Humphrey | Simpson |
| Cochran | Kasten | Specter |
| Cohen | Kennedy | Stevens |
| Cranston | Lautenberg | Symms |
| D'Amato | Leahy | Thurmond |
| DeConcini | Levin | Trible |
| Denton | Lugar | Warner |
| Dodd | Mathias | Weicker |
| Dole | Matsunaga | Wilson |
| Domenici | McClure | Zorinsky |
| Evans | Melcher | |
| Ford | Metzenbaum | |

NAYS—21

| | | |
|---|---|---|
| Boschwitz | Helms | Nunn |
| Burdick | Hollings | Proxmire |
| Danforth | Johnston | Quayle |
| East | Laxalt | Rudman |
| Grassley | Long | Stafford |
| Hatfield | Mattingly | Stennis |
| Hecht | McConnell | Wallop |

NOT VOTING—12

| | | |
|---|---|---|
| Bumpers | Exon | Kerry |
| Dixon | Goldwater | Packwood |
| Durenberger | Inouye | Rockefeller |
| Eagleton | Kassebaum | Sarbanes |

So the resolution (S. Res. 28) as amended, was agreed to, as follows:

S. RES. 28

*Resolved,* That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously, except for any time when the Senate is conducting a quorum call, or when a meeting with closed doors is ordered; and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking, clerks and the Chaplain except during roll call votes when the television cameras shall show the entire Chamber.

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

*Provided,* That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings, and copies thereof as requested by the Secretary under clause (4) of this subsection, of Senate proceedings, (3) retain for ninety

days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Secretary of the Senate copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and (4) if authorized by the Senate at a later date the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings and make such copies available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) receive from the Sergeant at Arms such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive-quality copies of such recordings.

SEC. 5. (a) Radio coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than May 1, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Television coverage of Senate proceedings shall go live June 1, 1986. The test period aforementioned shall end on July 15, 1986.

(c) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmitted between May 1st and June 1st, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be retained by the Secretary of the Senate.

SEC. 6. The use of tape duplications of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes. The use of tape duplications of television coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. That rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise directs, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty.".

SEC. 10. That paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote on the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.".

SEC. 11. That rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

"(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

"(2) shall not apply to—

"(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

"(B) any Executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.".

SEC. 12. Rule IV, paragraph 1(a) is amended by adding after the words "the Journal of the preceding day shall be read" the following words "unless by nondebatable motion the reading shall be waived, the question being, 'Shall the Journal stand approved to date?' ".

SEC. 13. Rule XXVIII, dealing with conference reports, is amended by adding the words "when available on each Senator's desk" after the words in paragraph 1 "shall always be in order".

SEC. 14. Provided, that if the Senate authorizes the permanent televising of the Senate pursuant to section 15, that radio and television coverage of the Senate shall be made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and

(3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 15. Television coverage of the Senate shall cease at the close of business July 15, 1986, and television coverage of the Senate and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on July 29, 1986, "Shall radio and television coverage continue after this date, and shall the rules changes contained herein continue?" There shall be twelve hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test prerion continue for thrity days?". On this question there shall be one hour of debate, equally divided and controlled in the usual form. If this queston is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and shall the rules changes contained herein continue?".

SEC. 16. Provided, that official noting of a Senator's absence from committees while the Senate is on television is prohibited.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me again thank my colleagues on both sides of the aisle and indicate that we have now considered this measure on February 3, 4, 5, 7, 19, 20, 25, 26, and 27, about 9 days. We have consumed about 25 hours. We have had six rollcall votes. We have had nine amendments and motions considered, agreed to five, rejected two, tabled one, and withdrawn one.

On January 6, 1981, Senator Baker, in his first legislative act as majority leader, introduced Senate Resolution 20 providing for gavel-to-gavel coverage of the Senate. So, as I said earlier, it has been about 5 years and a little more coming, but I think Senator Baker deserves the credit for this effort today.

Mr. President, again I thank those who were actively involved in discussions on both sides of the issue, Republicans and Democrats; in particular, on our side, Senator ARMSTRONG, Senator STEVENS, Senator EVANS, Senator GORTON, Senator QUAYLE, Senator DANFORTH, and, on the other side, certainly the distinguished minority leader and others who were so active on his side.

AN HISTORIC CHANGE FOR THE BETTER

Mr. BYRD. Mr. President, we in this Chamber today participated in an historic, beneficial change for this Nation. I wish to commend the Senate for taking this prudent first step in opening up Senate proceedings to broadcast coverage. A test period is a time-honored process for easing change upon tradition-bound bodies.

Over a year ago, when I first introduced my TV in the Senate resolution, I said I believed the Senate can maintain our traditions while also meeting the realities of our times. We can change without violating the unique role of the Senate.

In the history of civilization, I believe the development and spread of television and radio will rank as one of the most significant and influential events.

There is virtually no significant aspect of modern life—in every corner of the globe—that is not brought into the living room of most Americans every evening by means of television. Just this past week, for example, we Americans observed the day by day and sometimes minute by minute unfolding of a peaceful revolution in a country on the other side of our planet.

Since 1947, when President Truman's State of the Union Address was televised, the American people have been permitted to see the President speak to Congress. The President, in other settings, appears virtually daily before the American people by means of radio and television. The House of Representatives televises its proceedings. And yet, until today, the U.S. Senate—known widely as the world's greatest deliberative body—has not allowed this electronic door to the world to be opened.

As a result, Mr. President, the American people and peoples around the world only partially know and understand the vital work of this body and how and why it makes the momentous decisions which come before it.

The great majority of our constituents cannot observe our deliberative process and therefore cannot have a full understanding of the major issues of our day which come before the Senate. And, we who serve here cannot communicate the importance of many of these issues—or our views about them—to our constituents or the rest of the world nearly as effectively as could be the case with live broadcast coverage.

I am a firm believer in the overwhelming benefits of keeping American citizens as fully informed as possible concerning the workings of their Government. This principle is fundamental to an effective democracy. The survival of our Nation and our way of life depend on an informed electorate. Certainly the electorate is not without many sources of the information they need. But I do not believe I exaggerate when I say that broadcasting our proceedings will make a difference, and a difference for the better, by increasing the level of knowledge about what we do here and how we make the governmental decisions that effect the lives of every U.S. citizen and often the lives of all world citizens.

Today, after lengthy and thorough deliberations that I believe honor the traditions of this body, we have agreed to ascertain by a trial run whether the benefits of broadcast coverage are what many of us believe they will prove to be.

I have every confidence that the Senate, at the end of the test period, will decide to continue the broadcast coverage permanently. I have equal confidence that the Senate, 10 and 15 and 20 years from now, will look back with gratitude to the 99th Congress for taking this step—gratitude that will be tinged with amazement that the Senate waited so long to open its doors to live broadcasts and that the decision seemed to be so difficult for the Senate to make.

I congratulate all Senators on both sides of the aisle who have worked to achieve this major step in a manner that will preserve and protect the traditions and processes of the Senate that have developed over the course of the past 200 years.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senate is not in order.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

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## S. 2085—MILK ASSESSMENT INCREASES TO MEET DEFICIT REDUCTION REQUIREMENTS FOR MILK PRICE-SUPPORT LEVELS

Mr. KASTEN. Mr. President, in a moment I am going to ask unanimous consent that we move forward to S. 2085, which is a bill we must pass to remedy a very difficult situation. I think we have a bipartisan and bicameral agreement on this. As my colleagues may be aware, the conferees on the farm bill reached an agreement last year——

Mr. SYMMS. Mr. President, could we have order?

The PRESIDING OFFICER. The request is most appropriate. The Senate is not in order.

The Senators are invited to take their chairs.

Mr. KASTEN. I thank the Chair.

As my colleagues may be aware—I know most of them are aware because we have all been part of this discussion—the conferees on the farm bill reached an agreement last year as to how the Dairy Price Support Program was to be treated under Gramm-Rudman. It was agreed that dairy would have to contribute its fair share of savings, and that these savings would be achieved through an increase in the 40 cents per hundredweight assessment on milk production provided for in the farm bill.

In the rush to adjournment, however, the conference committee on Gramm-Rudman passed over the dairy program; the conference report does not discuss it at all. Because the dairy program operates differently than do other commodity programs, a substantial inequity has resulted.

S. 2085, by replacing the reduction USDA now intends to make in purchase prices with an increase in the assessment, will ensure that the dairy industry contributes its fair share as we seek to reduce the Federal deficit. It will also ensure that the burden of the industry's contribution falls equally on all the country's dairy farmers.

Mr. President, I want to emphasize before I ask for unanimous consent to take the bill from the desk that what we are talking about here is not a policy change in any sense. Both the House and the Senate debated the question as to whether to reduce dairy price supports in 1986 when the farm bill was on the floor last year, and both the House and the Senate rejected that idea. Further, as I have pointed out, the Senators and Congressmen entrusted with the responsibility of reconciling the differences in dairy legislation, passed by the Senate and House, reached an agreement that on an overall dairy policy took into account the March 1 sequester order.

Senate bill 2085 aims simply to provide the statutory authority to implement this agreement. I also believe that the dairy farmers, and indeed the entire dairy industry in my State, should not be subjected to a support price cut similar to that which both Houses of Congress rejected last year in the farm bill debate. I do not like assessments on milk production any more than anyone else. Long-term dairy policy should not by any means be built on a foundation of assessments on milk production.

But, again, we are not talking about reforming long-term dairy policy here today. That issue was debated when we considered the farm bill; it was decided by the conference committee on the farm bill; and that decision was ratified by both the House and the Senate.

The issue today is simply the technical question of providing the legal authority to make the savings in the dairy program in the way that the conference committee on the farm bill intended them to be made.

For that reason, Mr. President, I now ask unanimous consent to call up Senate bill 2085, which is presently being held at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Reserving the right to object, Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. As I hear the request, the proposal is to bring up the dairy bill to be open for amendment. There are other proposed amendments to the farm bill. Some have this proposal worded this way, and some have it a different way. But a package was presented to the Democratic table down there about 3 o'clock this afternoon. The discussion of what would be in that package noted that the majority leader yesterday stated that some 20 to 25 Senators have been engaged in formulating the package. I was not one of them.

In checking with others on our side that are on the Agriculture Committee, I find that very few were in on any of those discussions. For those other Senators who are interested in any amendment to the farm programs that would be contained in this package I found there were quite a few who are not serving on the committee but who are farm State Senators who are not able to be privy to the discussions that were held.

The point is, without some understanding of what is in 18 pages of rather new proposals, I would find myself constrained to object to the unanimous-consent request as presented because it certainly is open for amendment—for instance, the 18-page package that has not been reviewed but by a very few, and in discussion earlier with the Senator from Wisconsin I said that I had no personal objection to calling up the dairy bill as it is as long as it is not open to other amendments dealing with other parts of the farm programs.

Mr. KASTEN. Will the Senator yield for a question?

Mr. MELCHER. Yes, I am glad to yield.

Mr. KASTEN. I thank the Senator for yielding.

Is it the case that the Senator would have no objection to passing Senate bill 2085 as it is if there could be some kind of an agreement that the bill would not be amended? Would the Senator then under those circumstances remove his objections?

Mr. MELCHER. Mr. President, I am reserving the right to object for the reasons I have stated.

I will restate, however, that I have no objection to taking up the dairy bill as long as a consent is phrased in such a way that it allows only amendments dealing with the Dairy Program to be attached to that bill because other proposals for other parts of the farm bill I would certainly want to review. I am sure other Senators would likewise want to do that.

Mr. KASTEN and Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. I renew my request, and I ask unanimous consent to call up Senate bill 2085.

Mr. MOYNIHAN. Mr. President, reserving the right to object, I object.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. Objection is heard.

Mr. MELCHER. Objection.

The PRESIDING OFFICER. The Senator from Wisconsin still has the floor. Objection is heard.

Mr. KASTEN. Did the objection come from the Senator from Ohio?

The PRESIDING OFFICER. The Senator from New York, and the Senator from Montana objected. Objection has been heard.

Mr. KASTEN and Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. I will ask Senators to reconsider their objection.

But I would want to make one final point. There was some misunderstanding today as to whether or not S. 2085 meant that we would not be able to implement Gramm-Rudman in the Agriculture Program, and specifically in the Dairy Program. I simply want to point out to both Senators that is not the case. Senate bill 2085 does not get around or avoid in any way the fiscal responsibility that would be put into place under Gramm-Rudman. It says that the entire dairy industry should share in the fiscal responsibilities and the goals that we set under Gramm-Rudman. Under those circumstances, I hope that Senators will go forward from the position——

Mr. LEAHY. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. KASTEN. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, is it not a fact, I ask the Senator from Wisconsin, that really this bill is not in any way to attempt to avert Gramm-Rudman, but rather because of the contribution made by dairy farmers under the bill, it is actually a fulfillment of the requirements of Gramm-Rudman? Is that not a fact?

Mr. KASTEN. The Senator is correct. That is why I hope the objections will be removed.

Mr. LEAHY. Mr. President, will the Senator from Wisconsin yield for a further question?

Mr. KASTEN. I am pleased to yield for a question.

Mr. LEAHY. Mr. President, I ask the Senator from Wisconsin: Does not the bill really fulfill the bipartisan intent of both the Senate and House conferees following, I think, 2 or 3 weeks of intensive negotiations in conference on the farm bill?

Mr. KASTEN. The Senator is correct. I want to point out to the Senator from Montana and others that I know there may be some questions concerning parts of this so-called package. I have not been part of all the negotiations leading to that overall package either. But I do not think there is any question concerning the problems of misunderstanding with regard to the dairy portion. The dairy portion has been at the desk for almost a week. Senators have had the opportunity to review it. I hope we can move forward with it.

I renew my unanimous-consent request that S. 2085 be brought forward.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I appreciate the comments of the Senator from Vermont.

Mr. President, I will support the amendment by the distinguished Senator from Wisconsin, he is to be commended for taking the leadership in the effort to distribute the impact of this year's Gramm-Rudman-Hollings sequester order on the dairy industry in an equitable way.

My colleagues will recall that, in the farm bill, we established a producer assessment of 40 cents per hundredweight in fiscal year 1986 to fund the whole herd dairy buyout. At the time this provision was worked out in conference, there was an understanding between House and Senate conferees and Secretary Block that, in the event of a sequestration order under Gramm-Rudman-Hollings, the requirement would be met through an increase in the assessment.

This understanding was not written into the act, nor was it provided for in Gramm-Rudman-Hollings, which requires sequestration requirements to be met solely through outlay reductions. In order to allow an assessment increase to count against this obligation, a specific exemption is needed.

Under this provision, the assessment increase is specifically earmarked to meet the sequester order. A cap of 12 cents per hundredweight of milk is set which, at current marketing levels, should be more than adequate to satisfy the 4.3-percent outlay reduction which would otherwise be applied to CCC purchases of surplus dairy products.

Since revenues under this provision directly offset the outlay reductions required under Gramm-Rudman-Hollings, it will add no cost. I would hope that, given the fact that the agreement on how to meet the Gramm-Rudman requirement for dairy predated passage of the Balanced Budget and Emergency Deficit Control Act, this exception to the outlay reduction requirement would be accepted.

## FOOD SECURITY IMPROVEMENTS ACT OF 1986

Mr. DOLE. Mr. President, it was my hope that we could consider another bill this evening. I ask unanimous consent to put into the RECORD a short section-by-section summary of that bill and hope that after Senators have had the opportunity to study it, to deal with it tomorrow morning. Again, we will need unanimous consent. It requires, obviously, one Senator to object to that. It will not contain the dairy provision. We might have objection from other areas.

There are about seven sections. I have tried to contact every farm State Senator. I may have missed some on each side. About 20 showed up, and then there was a staff meeting later on for members of the staffs of all, and the Agriculture Committee staff was invited. I would hope that by including this in the RECORD, along with the statement, those who have not thoroughly scrutinized the proposal would be able to do so tomorrow morning.

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

[Section-by-Section Summary]

FOOD SECURITY IMPROVEMENTS ACT OF 1986

Sec. 1. Short Title.

Sec. 2. Revises the underplanting provision by limiting production to conserving crops unless the Secretary determines that production of specified non-program crops is not likely to increase the cost of price support programs and will not adversely affect farm income. Allows haying and grazing on underseeded acreage at state option unless the Secretary determines that it will result in a serious adverse economic impact.

Sec. 3. For 1986 crops, provides for compensating producers in CCC commodities for any reduction in their total return resulting from a reduction of more than 3 percent in their program payment yield from the 1985 level. For 1987 crops, provides compensation for any reduction in return resulting from a reduction of more than 5 percent from the 1985 level. Limits to 10 percent the amount by which the program payment yield for 1986 crops can be reduced for the purpose of determining yields for 1988 and beyond.

Sec. 4. Deletes the Level I salary requirement for the Special Assistant for Agricultural Trade and Food Assistance.

Sec. 5. Makes the Targeted Export Assistance Program discretionary for FY-86/88. Retains the required annual funding level of $325 million for FY-89/90.

Sec. 6. Reduces the amount of CCC commodities required to be used under the Export Enhancement Program (EEP) from $2 billion to $1 billion. Provides that up to $1.5 billion in commodities may be used under the EEP program in FY-86/88.

Sec. 7. Allows wheat and feed grain producers to hay and graze set-aside acreage during at least five of the principal growing months for 1986 crops and to graze set-aside acreage for 1987-90 crops.

CBO COST ESTIMATES FOR FOOD SECURITY IMPROVEMENTS ACT

[In millions of dollars]

| | Fiscal year— | | |
|---|---|---|---|
| | 1986 | 1986–88 | 1986–91 |
| Nonprogram crop provision | 15 | 190 | 370 |
| Yield provision (3/5) | 95 | 390 | 460 |
| Total cost | 110 | 580 | 830 |
| Targeted export assistance | (165) | (495) | (495) |
| Export enhancement | 0 | (500) | (500) |
| Total savings | (165) | (995) | (995) |
| Net outlays (savings) | (55) | (415) | (165) |

Mr. DOLE. We will be in tomorrow. This is a matter of bipartisan importance. It has not just affected Members on this side or the other side. It affects some Members who supported the farm bill who now find themselves being punished because they voted for a bill that in fact helped some of us who were in price support programs and they are now suffering because of underplanting provisions. We believe we have worked that out.

It also takes care of the question on yields. It also makes some changes to pay for all of this through the Target Export Program. I believe overall it is a good proposal.

I will not pursue it this evening. I think that would be fruitless.

Mr. President, this legislation includes several changes in the farm bill passed last December that will clarify differences in Congress and in the administration with regard to certain important provisions.

The changes included in this package have attracted widespread concern among Members in the 2 months since we completed the farm bill. They are all extremely time sensitive, with the beginning of signup for the 1986 farm programs on Monday, March 3.

This package is carefully balanced so as to have no impact on budget outlays. To the extent changes in domestic programs add cost to the farm bill, there are offsetting savings in other provisions.

I know that a number of my colleagues have other changes they feel are important to make in the farm bill. However, given the critical importance of passing this legislation this week, I would ask them to consider deferring such changes until after program signup begins next week. I would also indicate that such changes would have to be either budget neutral or else provide their own offsetting savings to avoid making this bill subject to a point of order.

Mr. President, let me briefly describe the basic provisions of this bill, and the justification for considering them at this time.

NONPROGRAM CROPS ON UNDERPLANTED ACRES

One area where there has been considerable confusion is whether nonpro-

gram crops should be allowed to be planted on underplanted acres. In the farm bill, we provided that producers of wheat, feed grains, cotton, and rice could reduce acreage planted to their program crop and still receive deficiency payments on 92 percent of their permitted acreage. As an added incentive to reduce production of these surplus crops, we also allowed farmers to plant any nonprogram crop, excluding soybeans and extra-long staple cotton, on their underplanted acres.

At the time, some of us did not fully appreciate the impact which increased production of some nonprogram crops could have on supplies and prices. It is extremely difficult to determine in advance the extent to which program crop producers will participate in the underplanting option, and which nonprogram crops they may elect to plant. Some producers of these crops, including dry edible beans, are very concerned about the possibility of massive increases in production. They rightly indicate that, since they have no Federal program, they should not be penalized by having land usually devoted to program crops brought into production of their smaller and more specialized crops.

This provision in the bill provides that underplanted acres will be planted to conserving uses, similar to provisions governing the set-aside program. If the Secretary determines that production of certain nonprogram crops, which are specified in the bill, will not result in price-depressing surpluses and increased program costs, he is provided discretion to allow them to be planted on underseeded acres.

In addition, the bill provides that producers may hay and graze their underplanted acreage, at the option of the ASC Committee in their State, unless the Secretary makes a specific determination that this authority will result in a serious adverse economic impact. I understand that the administration is prepared, as part of an overall agreement on this legislation, to provide assurances that it would not make such a determination for 1986.

The problem caused by the underplanting provision was originally raised by the distinguished Senators from Michigan, Senators LEVIN and RIEGLE, and by the distinguished Senators from California, Senators WILSON and CRANSTON. At that time, I indicated my support for their position, and my intention to provide an opportunity to correct the situation before program signup begins on March 3. I believe this provision in my bill addresses their concerns, and those of other Senators who have substantial production of nonprogram crops in their States.

According to the Congressional Budget Office, this provision will add $190 million to the cost of the farm bill over fiscal years 1986-88. This increased outlay is offset by a reduction in the amount of commodities to be used in export programs.

FARM PROGRAM PAYMENT YIELDS

One of the major misunderstandings in the farm bill relates to the determination of farm program payment yields for 1986 and 1987 crops. During the conference, it was agreed that yields would be frozen at the 1981-85 average for the next 2 crop years. The resulting savings of $1.2 billion brought the total cost of the bill down to $52 billion over fiscal years 1986-88—one of the principal reasons cited by the administration for the President's decision to sign the legislation.

In conference, it was assumed by some Members that the yield "freeze" meant a freeze at the 1985 program payment yield. Other Members thought that the 1981 through 1985 average would include actual yields rather than program payment yields. For farmers who have established their proven yields in recent years, averaging lower county average yields that may be included in the base period can result in substantially lower program payment yields in 1986 and 1987. Some producers stand to lose as much as 20 or 25 percent of their 1985 payment yield under the farm bill formula.

Under my bill, a producer's program payment yield for 1986 and 1987 crops would still be determined by the formula in the farm bill. However, in the event the 1986 yield is more than 3 percent lower than the producer's 1985 program payment yield, the Secretary is required to compensate the producer for the corresponding decline in total program return. For 1987 crops, compensation will be provided for any reduction in return resulting from a reduction in program payment yield of more than 5 percent from the 1985 level.

Another provision in this section provides that the method for averaging program payment yields in 1988 and future years will not be distorted by the potentially low yields which the farm bill formula may dictate for 1986. For purposes of calculating the 5-year yield averages for these outyears, the established yield for 1986 may not be considered to be less than 90 percent of the program payment yield for 1985.

The cost of compensating producers for these changes in their 1986 and 1987 program payments yields is estimated by CBO at $95 million in fiscal year 1986, $390 million over fiscal year 1986-88, and about $460 million over the life of the farm bill fiscal year 1986-91. To be paid in CCC commodities. These added stocks are estimated by CBO to have a dollar-for-dollar impact on Government outlays. As a result, an offsetting reduction in commodities used in the export sections of the bill is included to make the legislation budget neutral.

SPECIAL ASSISTANT FOR AGRICULTURAL TRADE

The bill also modifies the position of special assistant for agricultural trade and food aid established in the farm bill. The title is changed slightly, from "Food Aid" to "Food Assistance." In addition, the required salary for the action of level I, or cabinet rank, is deleted. As a result, the salary will be level IV, level V, or equivalent to the Senior Executive Service.

OFFSETTING SAVINGS IN EXPORT PROGRAMS

As a means of offsetting the $580 million 3-year cost of the changes in the underplanting and yield provisions in fiscal years 1986-88, this legislation makes reductions in the volume of CCC commodities required to be used under two programs: The targeted Export Assistance Program and the Export Enhancement Program. The total reduction in export commodities in fiscal years 1986-88 is $1.475 billion. This figure is more than twice the outlay increased in the two domestic programs, and is required by the method by which the Congressional Budget Office evaluates their respective cost impacts.

According to CBO, every dollar of CCC commodities placed on the domestic U.S. market will result in a dollar of program cost. However, every dollar of CCC commodities used in export programs is estimated to increase foreign sales by only about 50 cents. Thus, there is roughly a 2-to-1 ratio between the cost of adding commodities in domestic programs and the savings of reducing commodities in export programs.

TARGETED EXPORT ASSISTANCE PROGRAM

Most of the savings required under the bill are achieved by making the targeted Export Assistance Program discretionary for fiscal years 1986-88. This program was included in the farm bill by the distinguished chairman of the Senate Agriculture Committee, Senator HELMS, as a means of combating unfair export subsidies used by foreign governments, particularly in markets where the United States has received favorable rulings in section 301 cases.

Under this bill, the $325 million per year in CCC funds or commodities that are included for fiscal year 1986-88 are made discretionary. The program requirement that additional quantities or $325 million be used in fiscal year 1989 and fiscal year 1990 is left intact. This provision was costed under the assumption that CCC commodities, rather than new funds, would be used. Using CBO's 2-to-1 ratio, the savings are therefore placed at $495 million in fiscal year 1986-88.

EXPORT ENHANCEMENT PROGRAM

Finally, the bill reduces the amount of commodities required to be used

under the Export Enhancement Program [EEP] in fiscal year 1986-88 from $2 billion to $1 billion. Discretionary authority is provided to use an additional $500 million in the EEP Program. The reduction in the amount of commodities that must be used offsets the balance of the cost impact of the underplanting and yield provisions of the bill.

CONCLUSION

This legislation represents an attempt to combine a number of issues in the farm bill where there are differences of opinion as to what conferees intended. It does so in a way that will not result in additional outlays. The CBO's cost projections, which are our official "bottom line" indicate savings of $55 million in fiscal year 1986, $295 million over fiscal year 1986-88, and $165 million over fiscal year 1986-91.

The administration indicates that its cost assumptions for the 1985 farm bill have changed since it was enacted 2 months ago, and it now estimates that this legislation would increase outlays. In addition, CBO attributed cost to the export programs in the farm bill, and is scoring savings for the reductions in their mandated use. The administration's cost estimates did not attribute costs to these export programs.

I would only say that the current budgetary crisis has made all of us extremely sensitive to cost overruns, and that we have made every effort to meet the requirements imposed by the Gramm-Rudman process. I hope the administration will recognize the "good faith" effort in this bill, and be willing to give it a fair hearing before making a final decision on its disposition.

I also hope that my colleagues will appreciate the need to get these changes in the farm bill passed this week and signed into law as soon as possible. Farmers are already confused over the status of the 1986 program. We need to complete action on this bill today so that the House can act later today or tomorrow and some decision can reach farmers before program signup begins next week.

I yield to the Senator from California.

Mr. WILSON. I rise to comment upon the Food Security Improvements Act of 1986; which the distinguished majority leader has just referred to. The improvements to which the title refers include:

Increasing farm subsidy payments by more than $600 million by postponing the application of a new formula for calculating crop yields; and

Reducing by nearly $800 million the resources dedicated to increasing U.S. farm exports.

In my view, the only noteworthy improvement worthy of the term amounts to an undoing of a particularly troublesome provision contained in the 1985 farm bill which would have expanded subsidy payments to eligible farmers who wished to grow fruits, nuts, vegetables, edible dry beans, and any other nonprogram crop. If left unchanged, this provision would result in yet another Government payment to farmers who have traditionally grown wheat, feed grains, cotton or rice, but now wish to produce melons or potatoes or lettuce, for example. As a result, farmers of these nonprogram crops, who have neither sought nor received subsidy payments, would be placed at an economic disadvantage because USDA would be subsidizing their competition.

Although the intent of this provision was to reduce surplus production of wheat, feed grains, cotton and rice, the effect would be to create surpluses of innumerable nonprogram crops. It is important to remember that Federal farm programs provide no income protection for growers of these nonprogram commodities. And when Government policies provide incentives to increase their supply, the marketplace will repond with lower prices. As a result, we would be forcing out of business thousands of farmers, who derive their livelihood from the production of these unsubsidized, nonprogram crops.

For that reason, I recently introduced a bill, along with many of my colleagues, to prohibit producers of basic commodities from planting nonprogram crops on half of their eligible acres in exchange for Federal subsidies. Under the compromise contained in the improvements bill, which is presently before us, farmers, who wish to collect Government checks for not planting program crops, would be limited to certain uses of those idled acres.

Specifically, these so-called underplanted acres could be devoted to conserving uses, experimental crops, strategic and critical materials, haying and grazing at the option of each State's committee of agricultural stabilization and conservation service, and a limited number of other crops which are explicitly listed. Moreover, the compromise provides the Secretary of Agriculture with the discretion to restrict such plantings if it is "likely to increase the cost of the price support program" or "affect farm income adversely."

Mr. President, while this change will result in an improved farm bill product, I am concerned that it is contained in a package which may do more harm than good.

First, the bill does harm to the Federal budget by increasing the cost of our farm programs by more than $600 million over 3 years. I fail to understand why such an increase is necessary only 2 months after enacting the most expensive farm bill in our Nation's history—a bill chock full of farm income payments whose estimated 3-year cost will exceed $50 billion.

While I fully appreciate that many of our Nation's farmers are struggling under severe economic conditions—many of them in my own State where I have visited with them throughout the past difficult year—all of America is struggling under the weight of $200 billion deficits. While I am unconvinced that increasing the $50 billion commitment of the Federal Government by another $600 million will alleviate the financial stress in rural America, I know it will exacerbate the already critical deficit problem.

Indeed, this body adopted the Gramm-Rudman-Hollings amendment late last year in a desperate attempt to address this critical national problem. It is this amendment which imposes a healthy—and long overdue—dose of economic realism upon our legislative deliberations today. Under the amendment, every time we consider a proposal to increase Federal spending, we must, also, include a corresponding reduction in Federal outlays.

The improvements bill, which is presently before us, would comply with Gramm-Rudman-Hollings by severely reducing spending for two critical programs designed to increase U.S. farm exports. In that regard, the bill may do harm to our prospects of expanding and recapturing foreign markets for American farm products. In this regard, the bill seems to lack any inherent logic: it would provide increased subsidy payments to farmers who wish to expand crop production, while reducing funds intended to develop new export markets for our surplus farm commodities.

All throughout last year, many of us talked eloquently, passionately and, no doubt, sincerely, about the need to reverse the decline in U.S. farm exports. In just 4 short years, we have seen them fall from a high of $44 billion to near $30 billion last year. For that reason, we included in the 1985 farm bill a strong trade title—a title whose effectiveness will be significantly diminished under the guise of farm bill improvements.

For that reason, I would have serious reservation about this farm bill package unless we are able to restore a significant amount of mandatory funding for targeted export assistance.

## URGENT SUPPLEMENTAL APPROPRIATION, DEPARTMENT OF AGRICULTURE, FISCAL YEAR ENDING SEPTEMBER 30, 1986

Mr. HATFIELD. Mr. President, a number of colleagues have inquired about the CCC supplemental which was held at the desk when it was sent here by the House.

Mr. President, this is the second of the supplementals relating to the CCC budget. Of course, this represents another crisis because the money will be running out of that program in the early part of the week.

There have been a number of signals given that there are amendments that will be proposed to that supplemental. I want to say first of all that we are very hopeful that we can keep it clean, as we did the first one, and to assure Members that from my contact with the House chairman of the Appropriations Committee we can expect a general supplemental within the next 30-day period that could handle other problems that people have of an emergency nature.

Mr. President, we would have to act upon the supplemental tonight. Otherwise, it will be automatically referred to the Appropriations Committee under the rules. We have not been able to work out all of the difficulties that surround it at this moment so I merely want to make the statement that the Appropriations Committee will meet tomorrow, probably in the afternoon, in order to take action on the supplemental and report it back to the floor as quickly as possible, hopefully without a report so as to avoid the 3-day rule in order that the bill could be taken up on Monday and acted upon however the Senate would work its will.

If we do not have a quorum of the Appropriations Committee in order to meet and act upon the bill, then we will call a meeting for Monday.

In other words, we are going to try to expedite in every way possible committee action on the supplemental and get it back to the floor for final action.

I just want to make that brief statement relating to the CCC supplemental that people have inquired about.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I did not object to the request of the Senator from Wisconsin, but had no one else done so I would have. I did not make an objection to the request of the Senator from Kansas, but if he had made one, I would have, and if the Senator from Oregon had made one I would have.

It is not because I am opposed to their position on the legislation they have been talking about, but we have just spent a couple of weeks talking about improving the procedures of the Senate. One of the elementary ones that I think we need to concern ourselves about is to give each of us an opportunity to know what we are voting on. I have no idea what is in the support bill. I have no idea what the Senator from Kansas is proposing. I have some ideas on what the Senator from Oregon is proposing, but I do not know about the dollar amounts.

I would just like to serve notice that I will object to unanimous-consent requests unless we are given adequate notice in advance as to what the legislative proposals are.

I would say to the distinguished majority leader that some of us who are partially industrial State Senators as well as farm State Senators are not recognized as farm State Senators. But whether we are or are not, we have an interest in that legislation because it does have an impact upon the budget and it has an impact upon other programs in our country.

I stand here only to make this very brief statement. That is that this Senator would like to know what is coming to the floor and be given adequate notice in advance or I will find it necessary to object to any procedures to expedite the process.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

## FOOD SECURITY IMPROVEMENTS ACT OF 1985

Mr. SYMMS. Mr. President, I must say that this Senator is disappointed that we are unable to move forward on the legislation that the majority leader has sent to the desk and said he would bring up tomorrow. I was hoping we could do that today.

I might just say to my good friend from Ohio that I have a copy of it here. I can go through it right now or I can give it to him and he can study it. It will not be coming up tonight.

I will tell my good friend from Ohio that the part of the bill that is so critical to certain parts of agriculture in this country is the so-called underplanting provision. That is where farmers who have participated in the commodity programs be allowed to set aside land and receive deficiency payments and then grow nonprogram crops.

I tell the Senator from Ohio that already in the Magic Valley of Idaho, where there is a large dry bean-edible bean growing area, bean prices have already gone down $2 to $4 a hundred on speculations as to what might happen to farmers receiving subsidies and then growing beans. I think it is something that was not anticipated by the Senate when this was passed. As a matter of fact, it was not in the Senate bill when it was passed. It was put into the bill in conference and then came back.

As the Senator knows, the bill was passed.

I would like to inform my colleagues that the planting season is here and expeditious action cannot be overstated. I cannot overstate the case. I spoke on this earlier this morning. It is in the record, the details of some of these things of what happened.

I would hope if there is any question about what it is we are trying to do, that Senators will look at it this evening. We will be happy to discuss it and debate it further tomorrow. I think it is only a matter of trying to work out a fair compromise between those who are looking for a way to diversify their farming operations and those who have based their farm income on nonprogram crops so that they will not have a deleterious impact on the price of their commodities.

Mr. METZENBAUM. If the Senator will yield, what is the proposal he is making as to how that land that is set aside will be used in the future in such a manner that it will not affect those who grow other crops?

Mr. SYMMS. The proposal would revise the underplanting provision by limiting production of certain crops unless the Secretary were to determine that the production of the specified nonprogram crops is not likely to increase the cost of the Price Support Program and would not adversely affect the economy. It would allow for haying and grazing on underseeded acreage at the State option—in other words, the State ASCS board could do it—unless the Secretary determines that it would result in a serious adverse economic impact.

We have been working on the language of an amendment that is somewhat complicated but that would allow them to participate in 50 percent of that acreage that they would have set aside and not lose their program base for 2 years. But if they went on and grew, say, dry beans and were receiving a 92-percent deficiency payment on their set-aside, gradually, then, they would lose their wheat base or their feed grain base.

In other words, they cannot have it both ways; they cannot expect to be subsidized by the Government for a set-aside of land where they have been in the program at the expense of farmers who have not participated.

I say to my friend from Ohio that I have had a call from a farmer in Idaho who has never been in an ASCS office, is not in a reclamation project, is strictly a farmer whose major crops are wheat and dry beans. He said, "I have never had a thing to do with the Government program."

He said, "What you fellows did is lower the price by this bill," which he agreed had to happen to get our grain moving in international markets.

The price he gets as a farmer who just grows wheat and sells it went from $3.40 to $2.40.

He said "I can absorb that. I don't like it, it may break me, but I understand that has to be done so we can be competitive in the world marketplace.

But now my bean prices are $3 down below the cost of production."

What he is receiving on the beans is less, as a result of our passing a part of the bill where those farmers who are wheat growers, who have been in the program and established a base and annualized the payments from the Government, are now going to be able to grow beans and compete against them and still get this Government payment.

I think the good Senator would realize that that is a very unfair situation to those farmers who have not been participating. The same would be true of peas and lentils, potatoes and many other crops. But I think in the case of dry edible beans, it has a bigger impact because it is a smaller market and a slight percentage of increase is going to have a devastating effect.

Some of the opponents of this have a good point and I think I would have to say that for good farm policy, it is not a bad idea to try to diversify some areas of the country. But if we do it at great expense because of an impact of what we have done here that was not anticipated, that is really all we are trying to correct, to ease the language that is in the current bill and work out an agreeable compromise with the two different growing areas. I hope the Senator will look at it because it is most important to Western States' agriculture—not only Idaho but Washington, California, Oregon, and other States that are not so heavy in the programs.

Mr. ABDNOR addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. ABDNOR. I wish to add my strong support to the legislation that is under discussion. There are several sections in the bill that relate to different parts of the United States. I think any State that is a farm State probably has a great deal of interest in this legislation. It is imperative. Time is of the utmost importance. The farm season is here, the signup period is here. These are good proposals that have been well thought out.

I might mention one that I was so concerned about dealing with normal yields. We discussed it here one evening about 3 weeks ago, some of us in the farm States. The problem was brought about through the legislation—at least some of us contend the interpretation that was placed upon that particular section. My great interest is normal yield but I know it affects just about every State that has allocations for the different crops. They base their yield production, it has a great effect on their payments. This is not the time to pull something that is going to do wrong to the farmers, who are certainly entitled to the bases that they have established and proven over the years.

This is just another one of the sections. So I think the entire legislation has a great deal of merit. For those of my colleagues who are here on the floor and those who are still in their offices and might be listening in, I cannot impress upon them enough the necessity to give this matter their thorough attention between now and tomorrow and I hope we can take this up and pass it and correct some great injustices that exist in the legislation today.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I rise to support the Senators who are urging that some technical corrections be made to the farm bill to help alleviate some problems that have developed and can be corrected through the passage of these changes that the majority leader has brought to the attention of the Senate. Let me give an example of one problem.

We recently passed, as the Senate knows, an amendment correcting a drafting error which occurred with relation to the provision on cross-compliance. In the conference on the farm bill, we had a provision relating to cross compliance and it was the intention of those in the conference that the Secretary of Agriculture be given the authority to require cross compliance but that this not be mandated.

Somehow, in the drafting of the statute itself, that got turned around and it was a mandatory provision. That has been corrected by legislation now, but because of the delay and the uncertainty among those who are about to prepare for signing up for programs, it has been uncertain as to how much of a person's base acreage would be qualified for a $50,000 payment limitation. So the entire plan—the ASCS 4 and 561 farm operating plan for payment limitation review—could not be finalized, drafted, and filed so as to permit approval of that plan by March 1. That is the date that has been set by the ASCS for approval.

I am suggesting that we consider making a change in the law to permit farmers to amend those plans that cannot be approved by March 1 and to permit them to be approved by April 1. For some reason, the Department of Agriculture does not want to agree to that. I am suggesting let us write it out in plain language that is easy to read and easy to understand and put it in the law. That is an example of what can be accomplished, I think, with the passage of this bill and I hope the Senators will favorably consider it tomorrow.

Mr. SIMPSON. Mr. President, on behalf of the majority leader, I advise all of my colleagues that there will be no more rollcall votes tonight. Of course, a session will take place tomorrow.

## S. 2085—MILK ASSESSMENT INCREASES TO MEET DEFICIT REDUCTION REQUIREMENTS FOR MILK PRICE-SUPPORT LEVELS

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, a moment ago we were unable to bring up for consideration this evening Senate bill 2085. Because of what the majority leader and others said, there may be an opportunity to deal with this tomorrow. If we do not take the unanimous-consent request that I am about to make, it will go to the committee. It has been held at the desk since last Friday. So I ask unanimous consent that Senate bill 2085 remain at the desk until tomorrow evening.

Mr. METZENBAUM. Objection.

Mr. HARKIN. Objection.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Objection.

Mr. HARKIN. Objection.

The PRESIDING OFFICER. Objection is heard.

## SOVIET-TRAINED PROPAGANDIST ON TELEVISION IN REBUTTAL TO THE PRESIDENT

Mr. SIMPSON. Mr. President, on behalf of Senator McCLURE, I ask unanimous consent to have printed in the RECORD a letter from Patrick J. Buchanan, assistant to the President, directed to Roone Arledge, of ABC, with regard to the rather extraordinary rebuttal given last night on national television by a trained propagandist of the Soviet Union after the President of the United States finished his remarks.

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

THE WHITE HOUSE,
*Washington, February 27, 1986.*

Mr. ROONE ARLEDGE,
*President, ABC News,*
*New York, NY.*

DEAR ROONE: We were rather astonished last night, following the President's address on the nation's security needs and Majority Leader Jim Wright's response—to see ABC give eight minutes of rebuttal time on national television to a trained propagandist for the Soviet Union.

Mr. Posner performed according to script, disparaging the address as "dishonest," and directly accusing the President of the United States of falsehoods.

Roone, it is our belief that the debate over what America requires—to defend herself, her allies and friends from the awesome military power of the Soviet Union—is a debate for Americans to conduct. Soviet propagandists have no legitimate role in that discussion.

How is a free society's search for consensus served by introducing into its national debate the scripted falsehoods of a regime which has, as its historic and stated purpose, the destruction of that free society? How is the search for truth served by turning ABC's national audience over to an individual whose concept of truth is whatever statement will advance Communist objectives? How is fairness served when the trained propagandist of a hostile regime is put onto the same plane with the President of the United States?

Would you have felt it an expression of objective and balanced journalism, if in the 1930's, Mr. Churchill's calls for the rearmament of his country were immediately followed by the BBC's granting of an unrebutted commentary to some functionary for the Third Reich?

By putting Mr. Vladimir Posner on a plane with the President of the United States and House Majority Leader Jim Wright, ABC gave this Soviet propagandist a standing he does not merit, a legitimacy he does not deserve.

We find it difficult to believe that the affiliates of ABC were either aware of—or would have approved of—what was done; and we tust that, in the future, before adopting a posture of benign neutrality as between the crafted words of an American President and the party line of a Soviet functionary, you will give the matter more consideration.

Sincerely,

PATRICK J. BUCHANAN,
*Assistant to the President.*

## SENATOR SIMPSON PREPARED FOR TV IN THE SENATE

Mr. SIMPSON. Mr. President, after learning that television in the Senate passed, I return to the Chamber suitably garbed for the occasion, certainly ready for whatever comes in that particular area. There will be a rush on Syms or Jos. A. Banks, one or the other, and I will begin to clean up my act sartorially. That's where I get my stuff.

The PRESIDING OFFICER. The Chair notes the splendid presence of the Senator from Wyoming.

Mr. SIMPSON. I thank the Chair.

## ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, I do not see anyone on the floor except the acting majority leader and the Senator from Montana. I wonder whether or not the acting majority leader would be good enough to indicate that those of us who have no particular business may leave, with the understanding that there will not be any unanimous-consent agreements other than the one that the Senator from Wyoming has already shown me but that with respect to legislative matters there will be nothing done this evening.

Mr. SIMPSON. Mr. President, I can give that assurance to the Senator from Ohio; there will be nothing further dealt with this evening in the way of requests. That would not be fair in view of the Senator's vigor in these last few hours. We will simply have the closing procedures and materials by unanimous consent in which the minority leader and I will concur.

Mr. METZENBAUM. I thank the acting majority leader, the Senator from Wyoming.

## APPOINTMENTS TO BIOMEDICAL ETHICS BOARD

The PRESIDING OFFICER. Pursuant to Public Law 99-158, a bill to establish the Biomedical Ethics Board, the Chair announces the following appointments, at the request of the majority leader: LOWELL WEICKER, JR., of Connecticut; DAVID DURENBERGER, of Minnesota; GORDON J. HUMPHREY, of New Hampshire; and at the request of the minority leader: EDWARD M. KENNEDY, of Massachusetts; DALE BUMPERS, of Arkansas; and ALBERT GORE, of Tennessee.

## APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-83, appoints Mr. Edward Howell Sims, of South Carolina, and Rabbi Morris Shmidman, of New York, to the Commission for the Preservation of America's Heritage Abroad.

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93-29, as amended by Public Law 98-459, appoint Mrs. Mary J. Majors, of Iowa, to the Federal Council on the Aging.

## EXECUTIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Michael A. Samuels, to be a Deputy U.S. Trade Representative.

Mr. BYRD. Mr. President, I understand that this nomination was not polled out of committee but was reported out in accordance with the rules.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

## EXECUTIVE OFFICE OF THE PRESIDENT

The assistant legislative clerk read the nomination of Michael A. Samuels, of the District of Columbia, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SIMPSON. 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. SIMPSON. 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. SIMPSON. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

## CALENDAR

Mr. SIMPSON. Mr. President, I inquire of the minority leader if he is in a position to pass the following calendar items: No. 513, Senate Joint Resolution 266; No. 514, Senate Joint Resolution 271; No. 515, House Joint Resolution 409; No. 516, House Joint Resolution 499.

Mr. BYRD. I have no objection.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar items just identified.

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

## YOUTH SUICIDE PREVENTION MONTH

The Senate proceeded to consider the joint resolution (S.J. Res. 266) to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month."

Mr. DENTON. Mr. President, on February 6, 1986, I introduced Senate Joint Resolution 266, a joint resolution to designate the month of June 1986 as "Youth Suicide Prevention Month." On February 20, the resolution was approved by the Judiciary Committee for consideration by the full Senate.

Mr. President, American children, adolescents and young adults are killing themselves in ever-increasing numbers. According to the American Psychiatric Association, the incidence of suicide among young people aged 15 to 24 has risen by 300 percent during the last 30 years. Specifically, the rate climbed from 4.1 per 100,000 in the 1950's to 12.5 per 100,000 in 1980. In my home State of Alabama, the rate of suicide has increased 122 percent during the same period.

This year, more than 5,000 young Americans can be expected to take

their own lives. As the National Institute of Mental Health recently reported, an American teenager will commit suicide every 90 minutes.

Suicide now trails only accidents and homicides as the leading cause of death for people between the ages of 15 and 24. Even younger children experience problems that lead them to attempt suicide. According to a report prepared by the National Center for Health Statistics, during a 13-year period ending in 1978 there were almost 2,000 documented cases of suicide among children under the age of 14. Recent studies indicate that more than 2 million high school students attempted suicide last year.

In Alabama, according to information provided by the Alabama Department of Public Health, Bureau of Vital Statistics, 264 children took their own lives during a 10-year period ending in 1984. Preliminary figures from the bureau show that 33 young Alabamians committed suicide in 1985.

Unfortunately, researchers state, the statistics represent only the "tip of the iceberg." Some experts estimate that the actual number of the suicides among young people is at least four times greater than is reported.

Youth suicide is a phenomenon that is so perplexing, contradictory, frightening, and troubling that our society avoids addressing it. As individuals and as a Nation, we refuse to believe that young people emerging from childhood can feel the degree of sadness, hopelessness, and despair that leads to suicide.

Many teenagers experience strong feelings of stress, confusion, and self-doubt associated with growing up, and the pressures to succeed combined with economic uncertainties can intensify these feelings. For some teenagers, divorce and the breakup of the family, the formation of a new family with stepparents and stepsiblings, the death of a loved one or moving to a new community and school, can be very unsettling and intensify their self-doubts. In some cases, suicide appears to be the only solution.

It is clear that youth suicide is a problem of epidemic proportions, but it is equally clear that there is no single answer or program to solve the problem. It is not exclusivly a Federal problem, or a State problem, or a public problem. It is a problem for all of us, and a problem that calls for the involvement of all segments of our society.

As a caring Nation concerned about the future of our young people, we must help. The children that we have already lost to suicide include some of the best and brightest of their generation.

Youth suicide is a problem of nationwide scope. It can ony be solved through the combined efforts of individuals, families, communities, organizations, and Federal, State, and local governments to educate our society about what can be done.

As part of that effort, the Federal Government has taken the lead in raising public awareness, disseminating information, and undertaking research and demonstration of services that may help to resolve the tragedy. The Federal effort has seen President Reagan sign into law Senate Joint Resolution 53, which I introduced designating June 1985 as "Youth suicide Prevention Month."

The effort has also seen the Reagan administration spearhead the National Conference on Youth Suicide, held in June 1985, with the stated objectives of increasing national awareness of the problem of youth suicides and encouraging expanded, community-based strategies for addressing the problem. The Conference called upon experts in the mental health profession to explain the problem and inform the Nation of the latest research and treatment advances.

Youngsters and parents whose lives have been directly affected by the tragedy of suicide also were called upon to provide insight into what might be done in the family and in the community to prevent the further senseless waste of young lives. By all accounts, the Conference was a tremendous success. In fact, many participants returned to their communities and, with the knowledge obtained from the Conference, established suicide prevention programs.

To assist other communities, the Youth Suicide National Center, in conjunction with the Office of Human Services, Administration for Children, Youth and Families of the Department of Health and Human Services, has compiled for dissemination the findings and recommendations of the Conference. I note that the findings and recommendations will be published within 8 months of the Conference, thereby recognizing the urgency associated with the problem. The administration has been involved in an effort to address the tragedy of youth suicide in an expedited, cost-efficient and effective manner.

The effort takes into consideration the fact that the first line of prevention, identification, and intervention must come from parents and local institutions with which youngsters come into every day contact: schools, churches, volunteer and youth service groups, recreational clubs, PTA's, et eteria. The efforts of the Reagan administration are currently strengthening that first line of defense against youth suicide.

With the knowledge discovered from the Conference and the report and with the support of individuals, families, communities, organizations, and Federal, State, and local governments, children and teenagers who are suicidal can be restored to a more healthful path of development. If those efforts can save one child's life and prevent the agony suffered by the family of a child suicide, then we will have accomplished a great deal.

Mr. President, I hope by calling attention to the problem by designating the month of June 1986 as "Youth Suicide Prevention Month" we will encourage similar activity to help end the tragedy of children taking their own lives.

I urge my colleagues to pass 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, and the preamble, are as follows:

S.J. RES. 266

Whereas the youth of society represent the hope for the future;

Whereas the rate of youth suicide has increased more than threefold in the last two decades;

Whereas over five thousand young Americans took their lives last year, many more attempted suicide, and countless families were affected;

Whereas youth suicide is a phenomenon which must be addressed by a concerned society; and

Whereas youth suicide is a national problem which can only be solved through the combined efforts of individuals, families, communities, organizations, and government to educate society: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the month of June 1986 is designated as "Youth Suicide Prevention Month" and the President is authorized and requested to issue a proclamation calling upon the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such month with appropriate programs and activities.

Mr. SIMPSON. 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.

## BALTIC FREEDOM DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 271) designating "Baltic Freedom Day."

Mr. RIEGLE. Mr. President, I am pleased that, today, the Senate has unanimously adopted Senate Joint Resolution 271, declaring June 14, 1986, "Baltic Freedom Day."

It is significant that this resolution should be approved by the Senate within days of its overwhelming vote in support of another important document calling for the protection of individual human rights—the historic Genocide Treaty. In the words of the great humanitarian Eli Wiesel, "re-

spect and dignity for each individual is essential to the achievement of world peace."

Respect for the individual's desire for freedom lies at the heart of Senate Joint Resolution 271, which focuses attention on the denial of the rights of the citizens of Latvia, Lithuania, and Estonia. Through this Baltic Freedom Day resolution, and through the tributes we offer on the anniversaries of the Baltic States' independence days, we express our undying support for the freedom fight which continues to capture the hearts and minds of the Baltic peoples.

Mr. President, a recent New York Times article entitled: "Elagu Vaba Eesti," long live free Estonia, speaks of the efforts of the Estonian-American community in this country to keep attention focused on the continuing Soviet oppression in their homeland. The article makes the point that, despite the relatively small number of Americans of Baltic descent in this country, they have been effective in promoting action within the Congress and the administration on behalf of the captive Baltic nations.

One of the key efforts of the Baltic-American community is to secure official recognition of Baltic Freedom Day on June 14 of each year. Juhan Simonson, president of the Estonia-American National Council, explains that, in recognizing Baltic Freedom Day, we "speak for the people of the Baltic who cannot speak for themselves."

I therefore congratulate the Senate for once again demonstrating both its concern for the captive peoples of the world and its commitment to support them in their ongoing struggle for freedom, and I ask unanimous consent that the full text of the article entitled "Elagu Vaba Eesti, indeed" be printed in full at this point in the RECORD.

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

ELAGU VABA EESTI, INDEED

*Washington*, Feb. 26.—Congress is going to some lengths to recognize Estonian National Independence Day.

More than 20 members have delivered or submitted statements honoring the occasion; many have had the "Copenhagen Manifesto," a Baltic Tribunal document deploring Soviet occupation of Estonia, Latvia and Lithuania, reprinted in the Congressional Record; on March 12 an Estonian minister will even deliver the opening prayer to the House.

And more than one member has stood to utter the words: "Elagu Vaba Eesti! (Long live Free Estonia!)"

The Estonian community is by no means a powerful lobby. After all, the 1980 Census counted only 26,000 Americans of Estonian descent. Fewer than one million Americans trace their ancestries to any of the Baltic countries. Besides the Estonians, these include 742,000 of Lithuanian descent and 92,000 of Latvian descent. So why all the Congressional interest?

A small but persistent lobbying group deserves most of the credit. The Estonia American National Council, whose 50 members work only part-time and receive no money for their efforts, has been cajoling Congress every year since the early 1950's to recognize Estonian independence day on Feb. 24.

Juhan Simonson, president since 1978, says that near the beginning of every year, the council supplies every member of Congress with a reminder of the continued Soviet presence in Estonia, Latvia and Lithuania. "We ask them to make some mention of that illegal occupation in commemoration of Estonian National Independence Day," he said.

The written reminders are followed up by phone calls and visits, especially to those members of Congress who have responded favorably in the past.

But as successful as the council has been in Congress, its greatest publicity triumph lies elsewhere. For it has persuaded the Reagan Administration in each of the past five years to issue a statement on Baltic Freedom Day, June 14, which is recognized by people from all three Baltic countries.

Mr. Reagan, the first President to regularly address the subject, last year condemned the "atrocious character of the Soviet oppression" of the region.

"We think that is very helpful," Mr. Simonson said. "It speaks for the people of the Baltic, who cannot speak for themselves."

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, and the preamble, are as follows:

S.J. RES. 271

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations; and

Whereas the Union of the Soviet Socialist Republics (U.S.S.R.) in collusion with Nazi-Germany signed the Molotov-Ribbentrop Pact which allowed the U.S.S.R. in 1940 to illegally seize and occupy the Baltic States and by force incorporated them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, the Baltic nations had lost 20 per centum of their total population;

Whereas the people of the Baltic Republics have individual and separate cultures, national traditions, and languages distinctively foreign to those of Russia;

Whereas the U.S.S.R. since 1940 has systematically implemented its Baltic genocide by deporting native Baltic peoples from their homelands to forced labor and concentration camps in Siberia and elsewhere, and by relocating masses of Russians to the Baltic Republics, thus threatening the Baltic cultures with extinction through russification;

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom;

Whereas the people of Lithuania, Latvia, and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest;

Whereas the U.S.S.R. refuses to abide by the Helsinki accords which the U.S.S.R. voluntarily signed;

Whereas the United States as a member of the United Nations has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to determine their fates and be free of foreign domination;

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States of Lithuania, Latvia, and Estonia the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms; and

Whereas 1986 marks the forty-sixth anniversary of the United States continued policy of nonrecognition of the illegal forcible occupation of Lithuania, Latvia, and Estonia by the U.S.S.R.: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That—

(1) the Congress recognizes the continuing desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the domination of the U.S.S.R.;

(2) the Congress deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression;

(3) the Congress reaffirms the indictment against the U.S.S.R. of the Copenhagen Manifesto signed by the Baltic Tribunal on July 26, 1985, by Doctor Theodor Veiter, Reverend Michael Bordeaux, Sir James Fawcett, Per Ahlmark, and Jean Marie Daillet;

(4) the fourteenth day of June 1986, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people; and

(5) the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities and to submit the issue of the Baltic Republics to the United Nations so that the issue of Baltic self-determination will be brought to the attention of the United Nations General Assembly.

Mr. SIMPSON. 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.

## LITHUANIAN INDEPENDENCE DAY

The joint resolution (H.J. Res. 409) to direct the President to issue a proclamation designating February 16, 1986, as "Lithuanian Independence Day" was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. SIMPSON. 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.

## WOMEN'S HISTORY WEEK

The Senate proceeded to consider the joint resolution (H.J. Res. 499) designating the week beginning March 2, 1986, as "Women's History Week."

Mr. HATCH. Mr. President, women have played many important roles in our Nation's history. Their insight and determination has opened new frontiers, provided needed services, and reared families through both hard and happy times. I am pleased we are considering House Joint Resolution 499, "Women's History Week," which sets aside the week of March 2-8, 1986 for us, as a nation, to recognize these women.

In my own State of Utah, one cannot think of the founding of its territory without being reminded of the women who emigrated to the mountain deserts of Utah from all parts of the United States and from other countries of the world. From the very beginning, women were part of the settlement of Utah. Three women came with the advance company of Morman pioneers to enter Salt Lake Valley in July 1847. An additional 60 women marched with the Mormon Battalion from Fort Leavenworth, KS, to Santa Fe, NM, and spent the winter of 1846-47 at Pueblo, CO, before entering the Salt Lake Valley just a few days behind the advance company. They were accompanied by another 20 women who had migrated from Mississippi and Illinois and wintered with the battalion women at Pueblo.

Before the end of July 1847, there were almost as many women in Utah as there were men—a fact which set Utah apart from most Western territories. In the companies which subsequently migrated from the Midwestern and Eastern United States and from Europe, women continued to come in numbers equal to men. The settlement of Utah began with a partnership of men and women, and that pattern has continued to characterize the "family State" to this day.

In the past 5 years, "Women's History Week" has been met with a great deal of enthusiasm and support. Celebration of this week has included such events as panels, media shows, school programs, lectures, conferences, and rallies. Public awareness of the part women have played in our Nation's past has risen remarkably.

I am delighted to be joined by 31 of my colleagues and by Congresswoman BARBARA BOXER, sponsor of the resolution in the House of Representatives, in supporting this resolution. I urge all Senators to join us in celebrating "Women's History Week."

The joint resolution was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. SIMPSON. 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.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

## ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM MESSAGE FROM THE PRESIDENT—PM 117

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 Finance:

*To the Congress of the United States:*

In accordance with Section 163(a) of the Trade Act of 1974, I hereby transmit the Twenty-eighth Annual Report on the Trade Agreements Program, 1984-1985.

RONALD REAGAN.

THE WHITE HOUSE, *February 27, 1986.*

## PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on February 18, 1986, he had approved and signed the following joint resolutions:

S.J. Res. 150. Joint Resolution to designate the month of March 1986 as "National Hemophilia Month."

S.J. Res. 231. Joint Resolution to designate the period commencing January 1, 1986, and ending December 31, 1986, as the "Centennial Year of the Gasoline Powered Automobile."

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 11:04 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4130. An act to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 4:06 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 3. Joint resolution to prevent nuclear explosive testing; and

H.J. Res. 345. Joint resolution to designate March 1986, as "Music in Our Schools Month."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 278. A concurrent resolution expressing the sense of the Congress that February 28, 1986, should be designated "National TRIO Day" and that the achievements of the TRIO programs should be recognized.

## MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H. Con. Res. 278. Concurrent resolution expressing the sense of the Congress that February 28, 1986, should be designated "National TRIO Day" and that the achievements of the TRIO programs should be recognized; to the Committee on the Judiciary.

H.J. Res. 345. Joint resolution to designate March 1986, as "Music in Our Schools Month;" to the Committee on the Judiciary.

The following joint resolution, which was being held at the desk by unanimous consent, was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 534. Joint resolution making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes; to the Committee on Appropriations.

The following bill, which was being held at the desk by unanimous consent, was read the first and second times by unanimous consent, and referred as indicated:

S. 2085. A bill to amend the Agricultural Act of 1949 to require that milk assessments be increased during fiscal year 1986 to meet any deficit reduction requirements for milk price-support levels; to the Committee on Agriculture, Nutrition, and Forestry.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2566. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the deferral of certain budget authority; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget,

and the Committee on Energy and Natural Resources.

EC-2567. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the January Quarterly Coal Report; to the Committee on Energy and Natural Resources.

EC-2568. A communication from the Chairman of the Commission on Security and Cooperation in Europe, transmitting, pursuant to law, the annual report of the Commission for 1985; to the Committee on Foreign Relations.

EC-2569. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports of the General Accounting Office for the month of January 1986; to the Committee on Governmental Affairs.

EC-2570. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the National Credit Union Administration under the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-569. A joint resolution adopted by the Legislature of the State of California to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION NO. 60—RELATIVE TO THE NATIONAL HISTORICAL TRAIL SYSTEM

"Whereas, During 1775 and 1776, Colonel Juan Bautista de Anza brought 240 men, women, and children from the morthern provinces of Mexico across southern Arizona and California to Monterey, California, traveling some 1,600 miles of rugged desert and mountainous terrain to open the first land route to California; and

"Whereas, Some of the members of the expedition would be the founders of a mission and presidio at Yerba Buena (San Francisco) and other colonizers would help found California's first pueblo at San Jose; and

"Whereas, Colonel de Anza's accomplishment exemplified the finest attributes of leadership, courage, skill, and determination, worthy of the great American heroes of our past; and

"Whereas, The de Anza Expedition itself was a "remarkable record, never excelled—perhaps never equaled—in the history of the pioneer treks of peoples to the Pacific Coast, before, during, or after the Gold Rush"; and

"Whereas, The de Anza Expedition, was reenacted through special symbolic observances throughout California and in conjunction with Spain, Mexico, and the State of Arizona during 1975 and 1976; and

"Whereas, The period from August 1, 1975, to July 4, 1976, was proclaimed "The 200th Anniversary of the de Anza Expedition," and was celebrated as a reaffirmation of the unique multicultural and bountiful heritage of the State of California; and

"Whereas, The historic use of the de Anza Trail has had a far-reaching effect on broad patterns of American culture and on the culture of the people of California; and

"Whereas, The de Anza Trail has significant potential for public recreational use and historic interest for the people of California; and

"Whereas, The designation of the Juan Bautista de Anza Trail as a component of the National Trails System would benefit the people of California culturally, economically, and enrich the general quality of life; and

"Whereas, The National Park Service, in 1984 and 1985, pursuant to Public Law 98-11, studied the feasibility of establishing the de Anza Trail as a component of the National Trails System; now, therefore, be it

*"Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact appropriate legislation designating the Juan Bautista de Anza Trail as a component of the National Trails System; and be it further

*"Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

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POM-570. A resolution adopted by the City Council of Lauderdale Lakes, Florida favoring retention of the general revenue sharing program; to the Committee on Finance.

POM-571. A resolution adopted by the City Council of Eastlake, Ohio opposing the Tax Reform Act of 1985; to the Committee on Finance.

POM-572. A resolution adopted by the City Council of North Royalton, Ohio favoring the continuation of the general revenue sharing program; to the Committee on Finance.

POM-573. A concurrent resolution adopted by the Senate of the State of West Virginia; to the Committee on Foreign Relations.

"SENATE CONCURRENT RESOLUTION NO. 2

"Whereas, it has been brought to the attention of this legislative body through correspondence of the Order of St. Andrew the Apostle, a private nonprofit corporation with offices at the Greek Orthodox Arch Diocese of North and South America, that the civil liberties of Greeks living in Turkey have been repeatedly threatened and denied; and

"Whereas, This legislative body is justly proud of its long and unyielding commitment to the pervasive extension of freedom; and

"Whereas, The military junta in Ankara has decreed that Turkish citizens of Greek descent cannot buy or sell real estate, thus creating the expectation that their homes and businesses will be confiscated; and

"Whereas, Turkish officials recently visited the worldwide center of Orthodox Christianity, known as the Ecumenical Patriarchate in Constantinople and called Istanbul by Moslems; and

"Whereas, In this holy place, which corresponds with the Vatican, all sacred items were registered and declared the national property of Turkey; and

"Whereas, The famous Greek Orthodox School of Theology on the island of Halki, from which renowned religious leaders (including His All Holiness, Ecumenical Patriarch Demetrios I. and His Eminence, Archbishop Iakovos, Greek Orthodox Primate of the Americas) have graduated, is now a modest high school with a Turkish principal; and

"Whereas, While Turkish law prohibits any repair work to Christian churches, schools, businesses or homes exceeding two hundred fifty liras (or less than two dollars) without a permit, such permits are systematically denied to Greek Orthodox residents of the country; and

"Whereas, There are continuous efforts to seize the income-producing properties willed by Greek Orthodox people to the famous hospital in Balukli, Istanbul, which treats all members of the community regardless of religion or nationality; and

"Whereas, At least 300 Greek Orthodox families were forced to flee Turkey because of these and other oppressive conditions; and

"Whereas, In addition, the ethnically Greek population of Turkey has dwindled from half a million at the turn of the century to fewer than 5,000 and 92 percent of those who remain are age 65 or older; and

"Whereas, These facts strongly suggest a Turkish policy of retrenchment and, indeed, of active persecution of those of Greek heritage; and

"Whereas, It is the sense of the legislative body to urge that the United States government investigate these charges and, if substantiated, bring to bear upon the Turkish government appropriate economic and political pressure to correct the suppression of civil liberties; therefore, be it

*"Resolved by the Legislature of West Virginia:* That this House does hereby urge President Reagan and the Congress of the United States and the members of the West Virginia Congressional Delegation to petition the Turkish government to effect the protection of the civil liberties of Orthodox Christians; and

*"Resolved further,* That a duly authenticated copy of this resolution, signed by the President and attested by the Clerk, be transmitted to President Ronald W. Reagan and to the leadership of the Congress of The United States."

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POM-574. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM AND THE LAO PEOPLE'S DEMOCRATIC REPUBLIC TO RESOLVE THE STATUS OF AMERICANS MISSING AND UNACCOUNTED FOR IN INDOCHINA

*"Whereas,* there are over 2,400 Americans still missing or otherwise unaccounted for in Indochina and their families still suffer untold grief due to uncertainty about their fate; and

*"Whereas,* the President of the United States has declared resolution of the POW/MIA issue a matter of highest national priority and has initiated high level dialogue with the Governments of Vietnam and Laos on this issue; and

*"Whereas,* the Massachusetts House of Representatives fully understands and agrees that the fullest possible accounting can only be achieved through Government to Government cooperation; and

*"Whereas,* the Government of Vietnam has agreed in principle to the U.S. proposal for joint excavation of U.S. aircraft crashsites in line with their pledge to accelerate cooperation with the United States to resolve the issue within a two-year timeframe; and

*"Whereas,* the Laos Government has agreed to continue and increase cooperation with the United States, including a second joint excavation to be conducted in early 1986; now therefore be it

*"Resolved,* That the Massachusetts House of Representatives supports the President's pledge of highest national priority to resolve the status of Americans still missing and unaccounted for in Indochina; and be it further

*"Resolved,* That the Massachusetts House of Representatives urges the U.S. Government to accelerate efforts in every possible way to obtain the immediate release of any Americans who may still be held captive in Indochina and the return of American servicemen and civilians who died in Southeast Asia whose remains have not been repatriated; and be it further

*"Resolved,* That the Massachusetts House of Representatives strongly urges the Governments of the Socialist Republic of Vietnam and the Lao People's Democratic Republic to fully cooperate with the U.S. Government in the humanitarian effort to resolve the fates of over 2,400 American servicemen and civilians still missing in Southeast Asia; and be it further

*"Resolved,* That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, the Presiding Officer of each branch of Congress and the Members thereof from this Commonwealth, and the Government of the Socialist Republic of Vietnam and the Lao People's Democratic Republic."

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 305: A resolution relating to the printing of a report entitled "Developments in Aging: 1985" (Rept. No. 99-239).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 353: An original resolution authorizing expenditures by committees of the Senate (Rept. No. 99-240).

S. Res. 356: An original resolution authorizing the printing of a revised edition of Senate document numbered 99-23, entitled "Senate Election Law Guidebook 1984" as a Senate document (Rept. No. 99-241).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment and with a preamble:

S. Res. 337: A resolution to authorize from the contingent fund of judgments in a civil action against the widow of a former Senate employee as representative of his estate.

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 354: An original resolution to pay a gratuity to Lee R. Schroer.

S. Res. 355: An original resolution to pay a gratuity to Joan W. Persetic.

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S.J. Res. 257: Joint resolution to designate the first Friday of May each year as "National Teacher Appreciation Day."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 261: Joint resolution to designate the week of April 14, 1986 through April 20, 1986 as "National Mathematics Awareness Week."

S.J. Res. 262: Joint resolution to authorize and request the President to issue a proclamation designating June 2 through June 8, 1986, as "National Fishing Week."

S.J. Res. 265: Joint resolution authorizing and requesting the President to designate the week of March 9 through 15, 1986, as "National Employ the Older Worker Week."

S.J. Res. 278: Joint resolution to designate March 16, 1986, as "Freedom of Information Day."

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Frank J. Magill, of North Dakota, to be U.S. circuit judge for the eighth circuit;

Danny J. Boggs, of Kentucky, to be U.S. circuit judge for the sixth circuit;

Lawrence P. Zatkoff, of Michigan, to be U.S. district judge for the eastern district of Michigan;

Ronald R. Lagueux, of Rhode Island, to be U.S. district judge for the district of Rhode Island;

Thomas J. McAvoy, of New York, to be U.S. district judge for the northern district of New York;

Sidney A. Fitzwater, of Texas, to be U.S. district judge for the northern district of Texas;

David R. Hansen, of Iowa, to be U.S. district judge for the northern district of Iowa;

Miriam G. Cedarbaum, of New York, to be U.S. district judge for the southern district of New York;

Robert J. Bryan, of Washington, to be U.S. district judge for the western district of Washington.

By Mr. LUGAR, from the Committee on Foreign Relations:

Paul Dundes Wolfowitz, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Paul D. Wolfowitz.

Post: Ambassador to Indonesia.

Contributions, amount, date, and donee.

1. Self: Paul Wolfowitz, none.

2. Spouse: Clare Wolfowitz, none.

3. Children and spouses names: Sara Wolfowtiz, David Wolfowitz, none.

4. Parents names: Lillian Wolfowitz, father, deceased, none.

5. Grandparents names, deceased.

6. Brothers and spouses names: N/A.

7. Sisters and spouses names: Laura Sachs (sister), Tsvi Sachs, none.

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Arthur H. Davis, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Arthur H. Davis.

Post: Panama.

Nominated: October 1985.

Contributions, amount, date, and donee:

1. Self: $50, 1982, Cong. Kramer. $100, 1984, Sen. Armstrong. $150, 1984, Cong. Kramer. $50, 1984, Cong. Schaefer. $100, 1985, Cong. Kramer.

2. Spouse: $500, 1984, Reagan/Bush.

3. Children and spouses names: CM/M Douglas Campbell, $50, 1984, Sen. Armstrong. $50, 1984, Sen. Armstrong. $25, 1984, Cong. Kramer. M/M Eugene Fodor, none. M/M Arthur Davis III, none. Karen Davis, none.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and spouses names: Fred Davis, M/M Robert Davis, none.

7. Sisters and spouses names: M/M William Hatcher, $15, 1984, Rep. Party.

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Larry K. Mellinger, of California, to be United States Alternate Executive Director of the Inter-American Development Bank;

Hugh W. Foster, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of four years;

Gaston Joseph Sigur, of Maryland, to be an Assistant Secretary of State.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. LUGAR. Mr. President, as in executive session, I also report favorably two nomination lists in the Foreign Service which have previously appeared in full in the CONGRESSIONAL RECORD of January 27, 1986, and, to save the expense of reprinting them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of Senators.

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

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 2114. A bill to amend title XVIII of the Social Security Act to provide for research with respect to the outcomes of specific medical treatments and surgical procedures; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. ANDREWS, Mr. COCHRAN, Mr. DECONCINI, Mr. GARN, Mr. INOUYE, Mr. JOHNSTON, Mr. LEVIN, Mr. MATSUNAGA, Mr. MATTINGLY, Mr. RUDMAN, and Mr. SIMON):

S. 2115. A bill to recognize the organization known as the 82nd Airborne Division Association, Incorporated; to the Committee on the Judiciary.

By Mr. MELCHER (for himself, Mr. BURDICK, and Mr. FORD):

S. 2116. A bill to require the Board of Governors of the Federal Reserve System to make credit available for agricultural purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER:

S. 2117. A bill to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs and research capabilities in institutions of higher learning to meet critical national needs; and for other purposes; to the Committee on Labor and Human Resources.

By Mr ANDREWS (for himself, Mr. BURDICK, and Mr. PRESSLER):

S. 2118. A bill to provide for the distribution of funds appropriated to pay a judgment awarded to the Sisseton and Wahpeton Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. COHEN:

S. 2119. A bill to assure the provision of certain basic rights to residents in long-term care facilities; to the Committee on Labor and Human Resources.

By Mr. STAFFORD (by request):

S. 2120. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide interim financing and borrowing authority, and for other purposes; to the Committee on Finance.

By Mr. DURENBERGER (for himself and Mr. QUAYLE):

S. 2121. A bill to amend title XVIII of the Social Security Act to revise the method of payment to hospitals for capital-related costs under the Medicare program; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. HEINZ, Mr. MELCHER, Mr. BRADLEY, Mrs. HAWKINS, and Mr. BURDICK):

S. 2122. A bill to continue the current waiver of liability presumption for home health agencies and skilled nursing facilities under the medicare program in order to protect beneficiary access to home health and extended care services; to the Committee on Finance.

By Mr. NICKLES:

S. 2123, A bill to authorize road repair or reconstruction at Fort Gibson Lake, Oklahoma; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. BOREN):

S. 2124. A bill to guarantee that individuals responsible for defense procurement fraud are found liable and receive appropriate punishment; to the Committee on the Judiciary.

By Mr. WILSON (for himself and Mr. CRANSTON):

S. 2125. A bill to amend title 23 of the United States Code to increase the limitation on the amount of obligations from $30,000,000 to $100,000,000 for emergency relief projects in any State resulting from any single natural disaster or catastrophic failure occurring in calendar year 1986; to the Committee on Environment and Public Works.

By Mr. CRANSTON:

S. 2126. A bill to direct the Food and Drug Administration to conduct a study of the health effects of toxic contamination of fish in Santa Monica Bay, California; to the Committee on Labor and Human Resources.

By Mr. NUNN:

S.J. Res. 281. Joint resolution to designate the week of May 11, 1986, through May 17, 1986, as "Senior Center Week"; to the committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. HEINZ, Mr. PRYOR, Mr. DURENBERGER, Mr. MITCHELL, Mr. GRASSLEY, Mr. FORD, Mr. SARBANES, Mr. SIMON, Mr. BAUCUS, and Mr. MATSUNAGA):

S.J. Res. 282. Joint resolution to express the disapproval of the Congress with respect to the proposed rescission of budget authority for the general revenue sharing program; to the Committee on Appropriations.

By Mr. LUGAR:

S.J. Res. 283. Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985; to the Committee on Foreign Relations, pursuant to Public Law 99-83, not to be reported prior to eight days after the date of introduction, but in any case, it must be reported by the close of business on the 15th day after introduction.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATHIAS, from the Committee on Rules and Administration:

S. Resolution 353. An original resolution authorizing expenditures by committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

S. Resolution 354. An original resolution to pay a gratuity to Lee R. Schroer; placed on the calendar.

S. Resolution 355. An original resolution to pay a gratuity to Joan W. Persetic; placed on the calendar.

S. Resolution 356. An original resolution authorizing the printing of a revised edition of Senate document numbered 99-23, entitled "Senate Election Law Guidebook 1984" as a Senate document; placed on the calendar.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 2114. A bill to amend title XVIII of the Social Security Act to provide for research with respect to the outcomes of specific medical treatments and surgical procedures; to the Committee on Finance.

### HEALTH OUTCOMES RESEARCH

Mr. PROXMIRE. Mr. President, the bill I am introducing today is a revised version of legislation I introduced last month, S. 2001. This bill retains the mandate of S. 2001 that the National Center for Health Services Research and Health Care Technology Assessment undertake a program of research into health outcomes associated with medical and surgical procedures. It is my intention that the center give priority to those procedures most significant for the Medicare population in terms of cost, risk, frequency, and length of hospitalization.

But the bill I am introducing today also contains important changes from my earlier proposal.

First, it makes absolutely clear that the funds to be made available for this research from the Medicare trust fund cannot exceed $4 million per year for fiscal years 1987, 1988, and 1989—a total of $12 million.

My earlier proposal, S. 2001, would have permitted a much larger allocation of funds from the trust fund, far in excess of what was prudent or practical and far more than I should have proposed. That was a mistake and I intend this legislation to completely supersede S. 2001.

Second, in light of the reduced funding contained in the bill I am introducing today, I have deleted the requirement for the establishment of a national advisory council. The available funding is better allocated to conduct the research itself.

The National Center for Health Services Research has sufficient authority to consult experts in the field to provide guidance in the selection of these research projects and I expect them to do so. In addition, the National Center already meets informally with a number of agencies that I suggested for inclusion on the national advisory council and it is my intention that they include health outcomes research on their agenda so that related agencies are kept apprised of this research effort and can lend their expertise.

Finally, the bill includes a new section requiring the National Center for Health Services Research to report to the appropriate committees of the Congress on the results of this research and to provide, in cooperation with the appropriate medical specialties, for widespread dissemination of the results.

### WHAT IS HEALTH OUTCOMES RESEARCH?

Mr. President, it has long been recognized that the incidence of medical or surgical procedures vary from area to area.

This variation can occur for a variety of reasons: Differences in illness levels, differences in the age or gender composition of the population, differences in patient preferences, a physician's clinical intuition as well as his or her past training all can affect the number and type of surgical or medical procedures performed in an area. Environmental influences are also a factor: Lack of geographic or financial access to medical care, occupational hazards or simply living near sources of pollution.

For all of these reasons it is not surprising that there might be a variation in the matter of hysterectomies or prostatectomies or hospitalizations for a specific procedure in one community to another. There clearly will be differences between the urban ghetto, white suburbia, and the coal fields of Appalachia.

But in the last decade and a half a new field of research has developed—known as small area analysis—which

has looked very closely at these variations between communities and found very disturbing results. Pioneered by Dr. Jack Wennberg of Dartmouth, this research attempts to develop rates of medical and surgical procedures that are truly population-based; The researchers adjust for fluctuations that occur because of the age or gender composition of the population they are examining and also eliminate from the rate patients who live outside the area but were "referred in" to have a specific procedure performed.

Dr. Wennberg and his collaborators have made two astounding discoveries in the course of their work.

First, the sheer magnitude of the variations. In Maine, the rate of hospitalizations for pediatric pneumonia vary as much as twentyfold, not from one end of the State to the other but in communities just a few miles apart. Or consider hysterectomies, in some parts of Maine, 70 percent of the elderly women will have undergone a hysterectomy; in neighboring communities, the rate was 25 percent.

Or consider Iowa, another State Dr. Wennberg has studied. The rates of prostatectomies in 85-year-old males varies from 15 percent in some communities to 50 percent in others.

Even allowing for all of the factors that I outlined which affect the incidence of specific procedures, it is difficult to understand the reasons for such a phenomenal disparity.

Second, there appears to be a distinctive "surgical signature" pattern for each community they studied. In other words, the high rates in some communities persist over time and the low rates in other communities persist over time where there has been no change in medical personnel.

Both of these facts have lent new insights into the way medicine is practiced. And they raise a fundamental question: Do these vastly different practice styles affect the quality of care which patients receive?

For example, are patients who live in communities with a very high rate of prostatectomies or hysterectomies living longer, enjoying fuller lives, with less pain, less disability, fewer complications, or subsequent hospitalizations than patients living in communities with much lower rates of these procedures?

We simply do not know. And we cannot prejudge the answer. If patients in communities with lower rates of these procedures are enjoying longer, fuller lives, this data would provide the medical community with vital information to reconsider the rates at which these procedures are performed. But the studies might find the reverse: Some procedures which enhance the quality of patients' lives may not be utilized as frequently as they should be.

But in either case, this data is of great importance to the medical community and involves a scale of analysis beyond the ability of the individual clinician in his or her own practice. And because small area analysis is so new, we simply have no existing data base in this area.

My bill would take a small first step, with a very limited and prudent commitment of funds, to develop the information which will both increase quality of patient care and assure the cost-effective use of our Medicare trust funds.

THE PROXMIRE PROPOSAL

Mr. President, my proposal builds upon the excellent hearing record developed by the Senate Subcommittee on Labor-HHS-Education, when we examined small area analysis research on November 19, 1984. That hearing featured Dr. Wennberg's findings and I urge my colleagues and their health staff to review that record.

All of those who testified—representing practicing physicians [AMA], elderly patients [AARP], employer purchasers of health care [Washington Business Group on Health] and professionals involved in peer review [American Medical Care Review Organization]—concluded that we need to move beyond mere recognition of variations in medical practice patterns to the question of whether these differences actually affect the quality of care which patients receive.

My proposal does just that.

First, it provides $4 million a year, for 3 years, from the Medicare trust fund for health outcomes research. This research is expensive and it will not be unusual to find a single project costing as much as $1 million per year over a 3-year period. I would expect the funding contained in my bill to be sufficient to fund four projects over this 3-year period.

This is a modest beginning—far less than many advocates of health outcomes research might want—but a practical and prudent amount which will enable the National Center for Health Services Research to begin to develop the necessary expertise in this area and will allow time for development, and refinement, of the methodology.

Second, it directs the Center to work closely with the appropriate medical specialties in assuring the widest possible distribution of the findings throughout the medical community as well as to the Medicare and Medicaid programs and other consumers of health care.

CONCLUSION

Mr. President, it is crucial that we maintain a balance in our efforts to assure the most cost-effective use of our Medicare trust funds; a balance that requires as much attention to the maintenance of quality care as it does to cost containment.

The proposal I am introducing today will be an important first step in assuring that we give equal and even-handed attention to both.

And this proposal could not be more modest. It represents a small fraction of Medicare's costs—less than one seven-thousandth of Medicare's total $80 billion budget, less than one two-thousandth of Medicare's spending on surgical and medical procedures themselves.

But it is a wise investment of our trust funds to assure that our Medicare beneficiaries are receiving the highest quality health care possible.

I urge my colleagues to join me in seeking prompt enactment of this measure.

Mr. President, I ask unanimous consent that the text of my bill, S. 2114, be printed in the RECORD.

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

S. 2114

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 1875 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c)(1) The Secretary shall establish a program to provide for research with respect to patient outcomes of selected medical treatments and surgical procedures for the purpose of assessing their quality and effectiveness. In selecting treatments and procedures to be studied, the Secretary shall give priority to those medical and surgical treatments and procedures—

"(A) for which data indicates a highly variable pattern of utilization among beneficiaries under this title in different geographic areas; and

"(B) which are significant for purposes of this title in terms of utilization by beneficiaries, length of hospitalization, costs to the program, and risk involved to the beneficiary.

"(2)(A) For purposes of carrying out the research program under this subsection, there shall be available from the Federal Hospital Insurance trust Fund $4,000,000 for each of the fiscal years 1987, 1988 and 1989.

"(B) There are authorized to be appropriated such sums as may be necessary to fund the entitlement established under subparagraph (A).

"(3) Not less than 90 percent of the amount appropriated for any fiscal year shall be used to fund grants to, and cooperative agreements with, non-Federal entities to conduct research described in paragraph (1). The remainder may be used by the Secretary to provide for such research by Federal entities and for administrative costs.

"(4) The research program shall be administered by the National Center for Health Services Research and Health Care Technology established under section 305 of the Public Health Service Act (hereafter in this subsection referred to as the 'Center'). The Center shall establish application procedures for grants and cooperative agreements, and shall establish peer review panels to review all such applications and all research findings.

"(5) The Secretary shall make available data derived from the programs under this title and other programs administered by the Secretary for use in the research program.

"(6) The Center shall report to the Committee on Finance and the Committee on Appropriations of the Senate and the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives as soon as practicable with respect to the findings of the research conducted under the program established pursuant to this subsection and shall, in cooperation with appropriate medical specialty groups, disseminate such findings as widely as possible.".

(b) Section 1862(a)(1) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the semicolon at the end of subparagraph (D) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new subparagraph:

"(E) in the case of research conducted pursuant to section 1875(c), which is not reasonable and necessary to carry out the purposes of such section;".

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By Mr. THURMOND (for himself, Mr. ANDREWS, Mr. COCHRAN, Mr. DECONCINI, Mr. GARN, Mr. INOUYE, Mr. JOHNSTON, Mr. LEVIN, Mr. MATSUNAGA, Mr. MATTINGLY, Mr. RUDMAN, and Mr. SIMON):

S. 2115. A bill to recognize the organization known as the 82nd Airborne Division Association, Incorporated; to the Committee on the Judiciary.

82ND AIRBORNE DIVISION ASSOCIATION, INCORPORATED

Mr. THURMOND. Mr. President, I rise today, joined by 11 of my colleagues, to introduce a bill to grant a Federal charter to the 82nd Airborne Division Association.

The 82nd Airborne Division was originally activated as an infantry division which participated in three of the major campaigns of World War I: Lorraine, St. Mihiel, Meuse-Argonne. On May 27, 1919, the 82nd Division was inactivated. The division was reactivated on March 25, 1942, under the command of Maj. Gen. Omar Bradley and became the Army's first airborne division under the command of Maj. Gen. Matthew B. Ridgway. Deployed to North Africa, the 82nd made parachute and glider assaults on Sicily and Salerno. In a 2-year period during World War II, the regiments of the 82nd saw action in Italy at Anzio, in France at Normandy, where I landed with them, and at the Battle of the Bulge. Following the end of the war, the sky soldiers of the 82nd were ordered to Berlin for occupation duty where they became known as "America's Guard of Honor." The division saw action again in Santo Domingo in 1965 and in the I Corps section of Vietnam in 1968 and 1969 during the Tet counteroffensives.

Designed to move quickly to any part of the world and to be prepared to fight immediately upon arrival, the members of the 82nd Airborne have served with distinction for over 45 years. They have demonstrated a tireless commitment to our Nation's defense and ideals. Therefore, I can think of no other military association more deserving of the recognition given by Congress in the granting of a Federal charter. I urge my colleagues in this body to join me in cosponsoring this measure to grant such a charter to the 82nd Airborne Division Association.

I ask unanimous consent that a copy of the measure be printed in the RECORD.

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

S. 2115

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

CHARTER

SECTION 1. The 82nd Airborne Division Association, Incorporated, a nonprofit corporation organized under the laws of the State of Illinois, is recognized as such and is granted a Federal charter.

POWERS

SEC. 2. The 82nd Airborne Division Association, Incorporated, (hereinafter in this Act referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include—

(1) perpetuating the memory of members of the 82nd Airborne Division who fought and died for our Nation,

(2) furthering the common bond between retired and active members of the 82nd Airborne Division, and

(3) promoting the indispensable role of airborne defense in our national security.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the State or States in which it is incorporated and the State or States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. (a) Subject to subsection (b), eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the constitution and bylaws of the corporation.

(b) Terms of membership and requirements for holding office within the corporation shall not discriminate on the basis of race, color, national origin, sex, religion, or handicapped status.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) The corporation may not contribute to, support, or otherwise participate in any political activity or attempt in any manner to influence legislation. No officer or director of the corporation, acting as such officer or director, may commit any act prohibited under this subsection.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964, (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(71) 82nd Airborne Division Association, Incorporated.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101). The

report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND, ALTER, OR REPEAL CHARTER

SEC. 13. The right to amend, alter, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

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By Mr. MELCHER (for himself, Mr. BURDICK, and Mr. FORD):

S. 2116. A bill to require the Board of Governors of the Federal Reserve System to make credit available for agricultural purposes; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL RESERVE CREDIT FOR AGRICULTURAL PURPOSES

● Mr. MELCHER. Mr. President, today I am introducing together with Senators BURDICK and FORD, legislation to help relieve agricultural credit problems. My bill directs the 12 Federal Reserve banks, under supervision of the Federal Reserve Board, to provide commercial banks, production credit associations, and the Farmers Home Administration at least $36 billion in agricultural loans over the next 36 months at the Fed's discount rate, which is currently 7.5 percent. The banks and PCA's will have to add 1 to 1½ percent to that and the Farmers Home Administration a slight amount. Action is needed now.

To survive, farmers and ranchers need to be able to roll over existing loans as well as borrow new money. Today, they generally pay 13 to 14 percent interest rates. At these rates there will be continued failures of agricultural producers and supporting agribusinesses and more and more stress on agricultural lenders. This could well lead to the collapse of our entire agricultural economy.

One particular letter that was handed to me at a meeting on farm credit problems just before the end of the year expresses the situation best. It was from a rancher who started in 1946, just out of the service with $800 total capital. As he puts it:

With hard work and long hours we built up a ranch that we were proud of. We could have survived the 7 years of drought, the grasshoppers, the IRS and other minor calamities. But the thing that is driving our backs to the wall, and will probably bring our net worth back to $800 in a few years, is the outrageously high interest rates of the past 5 years.

He goes on to say:

We know of no business that can survive and furnish incentive to young people while paying interest rates that can very easily double your debt loan in 7 years or less. What incentive is there for young folks to go into business when every cent they make goes to interest payments.

This was not an isolated complaint. Farmers and ranchers are concerned about immediate, short-term survival.

We recently enacted a new farm bill and a bill to help shore up the Farm Credit System. But neither of these will do much good unless we take action to see that farmers and ranchers can survive the immediate problems they face because of the lack of adequate supplies of reasonably priced short-term credit.

The Federal Reserve System was created to meet this kind of emergency. They have the authority, under the Federal Reserve Act, to provide needed credit through their discount window at below market interest rates. Making credit available to intermediate agricultural lenders through the discount window could mean that agricultural borrowers could obtain credit at about 9 percent, rather than the 13- to 14-percent they now face. This could make the difference of survival for many farmers and ranchers during the period of adjustment to the new realities of our agricultural economy.

The Federal Reserve has authority to provide this kind of assistance. It was not uncommon for the Federal Reserve System to use the discount window in this fashion during its early years. They still use it on occasion, such as when they acted to bail out Continental Illinois Bank a couple of years ago.

Action is needed now. I urge my colleagues to join me in passing this legislation.●

● Mr. BURDICK. I am pleased to be sponsoring this legislation to bring some measure of relief to our farmers. The need out there in the heart of America cannot be overstated. Every day I hear from farmers in my State who do not have enough money to put their crops in this spring. They cannot get the money either.

This past January, I held a hearing on farm credit in North Dakota, and among the many messages I heard, one was that it is the interest that is killing our farmers. If we can reduce the interest costs, many of our farmers would be able to make a go of it when they otherwise would surely fail.

Our farmers just can't keep paying 12, 13, 14 percent on their loans and still make the grade. We have a genuine agricultural crisis on our hands. Affordable credit now could tip the scales in favor of many farmers and ranchers and allow them to weather these difficult times.

To top it off, the farmers' lender of last resort, the Farmers Home Administration, has used up all of its money in North Dakota for direct operating loans. And we're in the midst of the heavy lending season.

We just passed farm credit legislation at the end of last year. I almost didn't support that legislation because I didn't think it did enough for the farmers. It helped shore up the Farm Credit System and that was necessary. But there isn't much benefit trickling down directly to the farmers. That's why we need more legislation, and that's why we need this bill—and we need it now.

I applaud my colleagues, Senator MELCHER and Senator FORD, for their work in this area. I am pleased to be in their company, and I hope the remainder of my colleagues will give their support to this measure as well.●

● Mr. FORD. Mr. President, I am pleased to join my good friends, Senators BURDICK and MELCHER in introducing a bill that is aimed at providing much needed assistance in a prudent manner.

Our farm economy continues to be in a depressed state. The impact at the grassroots level, on individual farmers, is often tragic. The 1985 farm bill will do little to help a farmer during these difficult times.

The primary cost to the American farmer is interest on loans. The 1985 farm bill actually reduces farm income, lowering the earnings of farmers. I believe this is wrong. Unless something is done to help reduce a farmer's costs to offset reduced earnings, many more will be forced to abandon their land and seek a new livelihood.

The bill being introduced today calls upon the Federal Reserve System to provide commercial banks, production credit associations, and the Farmers Home Administration at least $36 billion in agriculture loans over the next 36 months at the Feds discount rate, which is currently 7.5 percent. This will be accomplished through the Fed's discount window. The exchange of paper will provide for lower rates to the individual lender which can be passed on to the farmer. All this will be accomplished at no cost to the taxpayer, and without the Federal Government assuming any additional liabilities.

A recent New York Times/CBS News Poll indicates that more than half of Americans polled believe the Federal Government should spend more money to help our farmers in their battle for survival. I am proud to say that this bill does not create new budget authority or create an expense to the Federal Treasury. It does provide much needed assistance.

Several recent pieces of legislation are designed to help deal with farm

credit problems. These bills have merit, but they serve only to shore up lending institutions without the individual farmer immediately feeling any relief. The farmer desperately needs assistance now. Passage of this bill will provide lower interest rates to the farmer, helping him survive by an improvement in his cash-flow position.

We are not requesting the Federal Reserve System enact a new program. In fact, the Federal Reserve System was created to provide this service, and this authority has been used in the past. It is the method that was used in the bailout of Continental Illinois Bank a couple of years ago.

If we can help a bank, and its investors, then we can help American farmers. The threat to our economy is even greater in this case. USDA studies have shown that almost half of the Nation's farm operations had negative cash flows in 1984. Final figures for 1985 show reduced exports and falling prices, with the short-term future not predicted to be significantly better.

Farm debt currently stands at $213 billion. Many farmers are having to borrow funds at 12, 13, even 14 percent. The tragedy in these numbers is their impact on the individual farmer. Use of the Federal Reserve window for obtaining funds at the discount rate means these lower rates will be passed on to the individual farmer. This lower rate could well be the difference in whether many farmers survive.

With spring planting about to begin, the lower loan rates, by helping to improve cash-flow, could also mean that many farmers will be able to obtain financing when they otherwise might not be able to do so.

A majority of Americans believe farmers should be helped, and that is what this proposal will accomplish. The best aspect of this proposal is that the goal will be achieved without expense to the Government.●

By Mr. PRESSLER:

S. 2117. To strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs and research capabilities in institutions of higher learning to meet critical national needs, and for other purposes; to the Committee on Labor and Human Resources.

STRATEGIC DEFENSE EDUCATION ACT

Mr. PRESSLER. Mr. President, I rise today to introduce legislation which will strengthen our colleges and universities and our national security—"The Strategic Defense Education Act of 1986."

The traditional research base in our colleges and universities is eroding. University research facilities and equipment desperately need renovation and modernization. The number of U.S. students pursuing graduate degrees in vital areas such as engineering and computer science is declining. Simultaneously, the strategic defense initiative [SDI] is rapidly developing into the largest research program in our history.

Education is a national security issue. This fact is best illustrated by the American reaction to the Soviet launching of Sputnik I in October 1957, which prompted Congress to enact the National Defense Education Act of 1958 [NDEA]. This massive education program was designed to encourage students to study in areas of national need such as engineering, science, and teaching. NDEA worked. Between 1958 and 1964 Federal funding at universities increased an average of 21.8 percent annually. The number of engineers and scientists engaged in research and development at universities more than doubled and the graduate student population more than tripled. The educational opportunities brought about by passage of the NDEA helped train the minds which shape our national security today.

Unfortunately, we have neglected our commitment to university research capabilities in recent years. New technology has been responsible for almost half of all U.S. productivity gains since World War II. However, our productivity growth record has been substantially worse than that of our major competitors. Only about seven out of every thousand American students receive a degree in engineering. In Japan, it is 40 per thousand.

The United States is experiencing a reverse brain drain situation in which fewer Americans are seeking graduate degrees in technological fields, while the number of foreign nationals studying in the United States has increased dramatically.

Since 1981, foreign nationals have received over one-half of the U.S. doctoral degrees in engineering. This is an increase of more than 100 percent since the time of the NDEA.

Since 1959, the number of foreign students studying engineering in the United States has increased tenfold and there are 70 times as many studying in computer science programs.

Many distinguished individuals and groups have documented this erosion of the university research base and the need for greater support. A recently released draft report of the White House Science Council on the health of U.S. universities and colleges stated, and I quote:

> The panel is unanimous in its view that the nation's demand for talent and for new knowledge will not be met without a substantially greater federal investment in university research—with much of the increase devoted to upgrading and strengthening of the university research infrastructure.

At the Senate Armed Services Committee's request, the Department of Defense published a report entitled "The Technology Base and Support of University Research." Published last March, this report states:

> In the post-World War II era, universities have conducted most of the fundamental research that has spawned the technological innovations on which much of our economy and national defense are based today.

This report also recommended that maintenance of future U.S. science and technology [S&T] capabilities will require additional funding in several areas, measures to correct a decline in the supply of scientists and engineers to perform necessary defense-related research, and an upgrading of university and in-house laboratory research instrumentation and facilities to assure high quality research.

In a recent article in Issues in Science and Technology, National Science Foundation [NSF] Director Erich Bloch, wrote:

> The U.S. research system lacks adequate mechanisms and resources to maintain its infrastructure. Comulative neglect has led to shortages of manpower, equipment, and facilities, in turn leading to policymaking and remedial action under crisis rather than to thoughtful planning for the future.

Mr. President, I ask unanimous consent that Dr. Bloch's article, "Managing For Challenging Times: A National Research Strategy," as printed in the winter 1986 edition of Issues in Science and Technology, be placed in the RECORD at the conclusion of my remarks.

In December 1983, the Graduate Education Subcommittee of the National Commission on Student Financial Assistance published "Signs of Trouble and Erosion: A Report on Graduate Education in America." Chaired by John Brademas, former Member of the House of Representatives, and currently the president of New York University, the subcommittee found "serious signs of trouble, signs of erosion, in the Nation's graduate capacity." It also found, and I quote:

> . . . the warning signs of trouble and erosion can be identified throughout the enterprise: in serious shortages of American doctoral talent in such critical areas as engineering and computer science; in the surrender of our preeminence in high-energy physics to scientists in Europe; in our university laboratories' obsolete instruments, described as 'pathetic' by knowledgeable observers . . .

Mr. President, I could go on and on. Numerous reports from the Department of Defense, National Science Foundation, the administration's White House Science Council, and countless pages of testimony before congressional Armed Services and Science and Technology Committees all agree that the problem exists. It is widespread. And, it calls for immediate action.

My bill seeks to revitalize our critical research base through a series of amendments to current law. This bill has five major sections.

First, it amends the Higher Education Act of 1965 to provide for increased graduate fellowship programs in areas of national need such as engineering, computer and methematical sciences, and language and area studies. This section is the companion legislation to H.R. 2199 introduced by Representative COLEMAN, and adopted in the House version of the Higher Education Amendments of 1985.

Second, to address the problem of outdated research facilities and equipment, my bill includes a Research Facilities Construction Loan Corp., providing guaranteed loans to universities for renovation of research facilities.

Third, my bill creates 10 additional engineering research centers within the National Science Foundation. Currently, six of these centers have been authorized, and many more are needed. Additionally, I will pursue the creation of similar science and technology centers.

Fourth, in fiscal year 1986, the university research initiative [URI] was incorporated into the Department of Defense authorization bill. I applaud this effort by DOD and Congress to provide support for university research. However, the fiscal year 1987 budget may threaten continuation of this program. My legislation mandates that in fiscal year 1987, at least $100 million must be authorized and appropriated for this valuable initiative. This is the same amount authorized in fiscal year 1986.

Fifth, an important part of the support for university research comes from the private sector. We must continue to provide tax incentives to encourage industry to provide this support. Therefore, an essential part of this legislation provides tax incentives for increased university research and private sector cooperation. This legislation:

Makes permanent the R&D tax credit; expands the credit for university basic research in areas of national need; provides a deduction for certain contributions of scientific and technological property for research in areas of national need; provides for an exclusion from gross income of certain scholarships, grants, stipends and provides for student loan forgiveness; and includes sense of the Senate language that tax-exempt treatment of private purpose State and local government bonds be maintained.

In closing, Mr. President, I applaud the administration's recent efforts to address this problem. The White House Science Council's report is an excellent example of the priority this administration has given to advanced science and research. We have a long way to go. But, if the Science Council's recommendations are implemented, it will be a move in the right direction. Our Nation's university research capabilities cannot rebuild by themselves. They require an investment. Such an investment will help us to maintain our position as the world's technological leader and strengthen our national defense.

As Robert Rosenzweig of the Association of American Universities told the National Student Financial Aid Commission:

A simple and clear prescription can serve as a guide to national policy with respect to graduate education. It is this: Attend to the education and training of the nation's best young minds or fall behind those nations that do.

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

MANAGING FOR CHALLENGING TIMES: A NATIONAL RESEARCH STRATEGY

(By Erich Bloch)

Prologue: Can the United States maintain its stature as the leader in science and technology? In this article Erich Bloch, director of the National Science Foundation, asserts that we cannot take an affirmative answer for granted. He describes the growing pressures on the country's system for conducting research, including new budgetary and political constraints, damage from cumulative neglect of the research infrastructure, and the changing nature and conduct of scientific research.

To cope with these challenges, Bloch calls for an ambitious national research strategy. Elements of this strategy include a 50 percent increase in support for nondefense basic research, and a doubling of the federal government's share; the redirection of funds from less productive research areas to more critical ones; and greater attention to the quality of undergraduate and graduate education in the sciences and engineering. Implementing such a research strategy, he cautions, will require difficult decisions and renewed self-discipline from scientists, the institutions engaged in conducting the research, and the federal government.

Before becoming the director of the National Science Foundation in 1984, Erich Bloch was vice president for technical personnel development at the IBM Corporation, which he joined as an electrical engineer in 1952. That year he also received his B.S. degree from the University of Buffalo. At IBM, Bloch was the engineering manager of the company's STRETCH supercomputer system in the 1950s and early 1960s and later headed their solid-logic technology program, which developed the mocroelectronic technology for IBM's System/360 computer. Bloch also served as chairman of the Semiconductor Research Cooperative and as a member of the board of the Semiconductor Industry Association. In 1985 President Reagan awarded Bloch the National Medal of Technology, in part for his work at IBM's System/360 computer.

The quality and diversity of U.S. research in science and technology remains unmatched by any other nation.[1] This success results from a unique combination of factors. Clearly, the magnitude of the federal commitment to basic research since World War II has contributed significantly. But the productivity of U.S. science and engineering owes an equal debt to the research community's adherence to standards of excellence and to institutional arrangements that have encouraged innovation. The close coupling of research and education in the university setting—a uniquely American invention—and the academic ethos of autonomy, integrity, and pluralism have provided a singularly stimulating climate for research.

However, the very success of this system—and the recognition that science and technology are vital to U.S. economic competitiveness and to national security—have thrown into sharp relief not only its accomplishments but also its weaknesses and the need for change. Some worrisome trends have surfaced, and as a result the national research system has become the subject of serious concern and close scrutiny. The House Science and Technology Committee has undertaken a two-year review of science policy, and several federal and professional organizations are examining the health of the research infrastructure.[2] Peer review and our ways of setting priorities among disciplines are being questioned, as is the appropriate balance of funding between basic and applied research and between large facilities and individual investigators.

Pressure for change in our research system comes from three sources: first, from problems relating to research infrastructure; second, from the larger budgetary, economic, and political environment for research; and third, from developments in the nature and conduct of research itself.

Research Infrastructure. The U.S. research system lacks adequate mechanisms and resources to maintain its infrastructure. Cumulative neglect has led to shortages of manpower, equipment, and facilities, in turn leading to policymaking and remedial action under crisis rather than to thoughtful planning for the future.

We are short of advanced degree engineers to staff our universities and government and industry laboratories and our production of Ph.D. engineers has been declining since 1976.[3] Only now are there signs that this trend is reversing. Moreover, since 1981 foreign nationals have received over half of the U.S. doctoral degrees in engineering, an increase of more than 100 percent since 1959.[4]

The proportion of R&D scientists and engineers in this country has also dropped; while we were once far ahead of other industrialized nations, we now have only a slight lead over Western Europe and Japan. Both Japan and the Soviet Union produce proportionately more engineers than the United States.[5] Over the next decade this gap could widen as the size of the U.S. college-age population drops, unless a larger proportion of college students decides to major in mathematics, engineering, and the sciences.[6]

The shortage of university research equipment is also cause for concern. Meeting current requirements for new equipment would require approximately $4 billion, and some estimates run as high as $10 billion. Spending on academic research equipment and instrumentation, which declined 78 percent in constant dollars from 1966 to 1983, is now about $1 billion a year.[7]

A problem of similar proportions is the deterioration and absolescence of university buildings and laboratory facilities. A major conference on the topic, held in 1984, concluded that between $15 billion and $20 billion is now needed to build or renovate such facilities.[8]

Moreover, we have an adequate understanding of the true extent of these prob-

Footnotes at end of article.

lems, as the rough figures cited above indicate, and we lack a monitoring system to warn of impending problems in a timely fashion. This situation derives from the decentralized and fragmented nature of the federal system for research support that developed during and after World War II. We can manage the research system only if we systematically assemble information on requirements for people, equipment, and facilities and then take needed action.

Budgetary and Political Environment. We are also confronting major changes in the budgetary and political environment affecting research. For the past five years federal R&D budgets have fared relatively well, but there is little prospect of significant increases in the immediate or medium term. Meanwhile, the total R&D share of gross national product in the United States has fallen in comparison with every other industrialized nation. Twenty years ago we enjoyed a substantial lead; now other nations are drawing even. Moreover, the defense component of U.S. R&D, already larger than in other industrialized democracies, has been the largest beneficiary of recent increases in federal R&D spending. As a result civilian R&D in the United States now constitutes a smaller share of gross national product than in either West Germany or Japan.

While total federal spending for basic research has increased 48 percent in constant dollars since 1972, federal support for basic research at universities has grown only slightly more than the inflation rate. Despite sizable increases in total R&D funds during the current administration, for instance, the National Science Foundation (NSF) budget has remained essentially the same in constant dollars since the mid-1960s.

Meanwhile, demands on the civilian R&D budget for fundamental research have grown. Federal support has nourished university research establishments and has, sometimes deliberately (as in the institutional development programs of the 1960s and 1970s), increased the number of research universities competing for constrained resources.[9] Undergraduate colleges and institutions on the periphery of the research system are also demanding attention. Recently, for example, a group of liberal arts colleges joined in the so-called Oberlin Report, which pointed out their vital role in producing science and mathematics majors and urged greater recognition and financial support.[10]

In light of these trends and the deteriorating position of the United States in international trade, the nation's research priorities need reexamination. Defense, energy, and health applications will continue to occupy a prominent place among federal research priorities. We need to balance this emphasis with greater attention to the role of civilian basic research, including fundamental research and the training of scientists and engineers, in supporting these applications and expanding the knowledge base.[11]

The research system's political environment is also changing. As Don Price, former dean of Harvard University's John F. Kennedy School of Government, has pointed out, the research system is victim of its own successes.[12] As the public and its representatives realize that scientific discovery leads to practical benefits, political demands on science intensify. Over the past two decades state and local governments have come to see science and technology as a key to economic development. Following the example of California's Silicon Valley, Boston's Route 128, North Carolina's Research Triangle Park, and Austin's recent buildup in electronics, many states have adopted active, technology-based development strategies, and they are leading current efforts to improve the quality of public science and mathematics education.

Not surprisingly, members of Congress have been showing more interest in appropriations for university research facilities and in the geographic distribution of federal funds. Their interest has coincided with a new political activism among universities, which, in order to address their shortage of research facilities, are seeking funds directly from Congress, bypassing the traditional process of merit review. In the long run this activism could damage the research enterprise, whose success has been based on self-discipline within the scientific community and on willingness to compete in scientific arenas while remaining aloof from the scramble for political spoils. Political activism will likely persist, however, as will congressional interest in how federal research funds are distributed. This poses some serious questions as to how we can best ensure the quality and effectiveness of the nation's research.

Nature and Conduct of Research. Pressure for reassessment and change of our research system also stems from an evolution in the substance and practice of research. The traditional boundaries between scientific disciplines have become blurred, and research that crosses these boundaries has led to some of the most important recent advances. Attention and energy must be focused on these multidisciplinary developments, while protecting the viability of important basic disciplines.

The practice of research has changed in another way. Disciplines long dominated by single investigators in self-sufficient laboratories now require elaborate and expensive instruments that, by financial necessity, must be shared by many investigators. This trend is already familiar in high-energy physics. Its impact on other areas—for example, the reliance of mathematics on computer technology, particularly on supercomputers—is newer but equally significant. These new arrangements are altering the culture and social fabric of these disciplines in profound ways, still not fully understood.

Research is producing new knowledge at an accelerating pace, and the time lag between basic research and applied technology is becoming shorter. In response, cooperation between universities and industries is expanding in such areas as biotechnology, microelectronics, computer hardware and software, and new materials. These new cooperative arrangements benefit both parties but also cause strains within the research system. Private industry's concern over proprietary rights, for example, must be balanced against the importance to academia of unfettered communication.

A related change is that defense and civilian research are no longer as discrete and separable as they once were. Moreover, in dual-use technologies that have both military and commercial applications, the private sector, more often than not, provides the stimulus for their development and initial use. One result is that unclassified research at universities now has major military implications. Defining policies that appropriately accommodate national security considerations with concerns for academic freedom and scientific and technical productivity will require open minds and recognition of new realities.

To meet these needs and challenges, the scientific community must devise new strategies to manage our research enterprise and then get on with the job. In doing so, the following agenda must be addressed.

1. Allocate more of our R&D resources to basic research and to the science and engineering infrastructure. The administration has been shifting support from civilian applied R&D to basic research. Between 1980 and 1984 government support for nondefense applied R&D fell, but its support for civilian basic research rose 50 percent.[13] This moved us in the right direction, but not far enough. As the relevance of science and technology increases, the fraction of support devoted to basic research must also increase. Similarly, while industry's support for university research has grown in the last few years, more is needed.[14] Total national funding for basic research amounts to only about $13.3 billion, less than 12 percent of the national total for all R&D.[15] Total funds for basic research should be increased by at least 50 percent, and the federal government should double its share.

The case for this increase is compelling. The opportunities now available in science and engineering research are greater than ever before. Breakthroughs in instrumentation, computation, experimentation, and theory seem to be occurring in every discipline. Multidisciplinary research offers particularly exciting opportunities. Biologists, chemists, and physicists have made major advances in biotechnology, especially in genetic engineering. Materials research brings to bear the insights of physics, chemistry, and engineering to develop substances of high strength, corrosion resistance, or special electrical characteristics. Drawing on the talents of computer scientists, psychologists, and linguists, information science research is revealing a common theoretical ground that enriches all disciplines. The resulting knowledge provides new insights into both human and artifical intelligence.

We cannot afford to pass up these opportunities.

2. Reallocate funds from less productive uses to basic research and infrastructure support. Increased funding for basic research need not require an increase in the federal budget. Instead, some federal resources for the support of other R&D areas must be reallocated to basic research. This will require a determined leadership, willing to support new initiatives that will often have to be funded at the expense of programs that are still highly productive but of secondary priority.

Increased support for basic research could come from our national laboratories, which represent an annual federal investment of close to $18 billion. In pursuing the missions of sponsoring government agencies, the national laboratories have expanded scientific and technical frontiers. Recently, however, their vitality and productivity have been cause for concern. A White House Science Council panel, headed by David Packard, chairman of the board of Hewlett-Packard, found that many laboratories have lost a clear sense of their mission and that the quality of their research has declined.[16] The explicit ties between laboratory research programs and their sponsoring agencies have also built in a bias toward applied research and development, which may not result in the most productive use of the national laboratories.

We should recast or expand the missions of some national laboratories to enhance support for basic research and to provide better access for university and industry researchers to the laboratories' major instruments and facilities. In line with past experience, these laboratories should continue to focus on multidisciplinary activities, such as environmental, health, and nuclear research.

3. Rebuild the research infrastructure of trained scientists and engineers, instrumentation, and facilities. Several aspects of our research infrastructure require particular attention: the quality of undergraduate science and engineering education, the limited enrollment in both undergraduate and graduate science and engineering, and the state of university research equipment and facilities.

We need to improve undergraduate science and engineering education throughout the United States. Only a minority of our future scientists and engineers received their undergraduate training at the major research universities. These universities tend to provide incentives and foster attitudes that value research over teaching. The undergraduate institutions, which place the highest priority on teaching, are hard pressed to buy increasingly expensive research instruments and facilities. Such equipment and facilities are important, however, in attracting faculty to these institutions, in keeping faculty abreast of their teaching fields, and in exposing students to the process of research.

Enrollment in science and engineering will decline along with the size of the college-age population unless we attract a larger proportion of individuals to these disciplines. Women and minorities are a rich source of new talent and are underrepresented in the sciences and engineering. These groups need innovative programs emphasizing early exposure to science and engineering, continuous attention to necessary skills, and encouragement throughout their educational careers.

At the graduate level we must substantially raise the number of U.S. citizens receiving doctoral degrees in the sciences and engineering, reversing a long-term downward trend. We must reduce our overdependence on foreign nationals, whose availability can be seriously affected by foreign policy changes. An adequate supply of advanced degree scientists and engineers is a national imperative and must be so recognized.

The financing of R&D facilities must also be put on a realistic basis. The current shortage and obsolescence of research facilities and equipment arguably results from past shortsightedness. In the 1970s some universities apparently chose to defer building and renovation in order to subsidize tuition costs and so maintain student enrollment and faculty levels.[17] Recent steep increases in tuition reflect the universities' recognition that they cannot continue shortchanging their research infrastructure. The government, too, chose to ignore the true cost of replenishing these assets and now faces difficult short-term funding demands. These demands might have been avoided by a better balance of research support among research, equipment, and facilities, and by realistic depreciation and amortization charges—which still seem the only satisfactory long-term solution.

4. Leverage the effect of federal research resources by stimulating increased support from industry, state and local governments, and other institutions. The magnitude of the tasks outlined here and current constraints on the federal budget mean that responsibility for supporting research and the research infrastructure must be shared by all who stand to gain from them. Increasingly, the federal government will be a catalyst, instead of the sole provider, to facilitate research and lower its financial risk. We can use limited federal funds to help remove obstacles to cooperation between university researchers and industry, and to activate private support for research. We can then set research priorities by taking into account our aggregate national research assets.

Using federal funds as a catalyst may thus not only expand total resources for research but liberate federal funds for deserving projects less able to attract other sponsors. Programs that combine federal funds with matching resources from industry, such as the National Science Foundation's Presidential Young Investigator Awards, Engineering Research Centers, and Supercomputer Centers, have attracted additional funding from both industry and state and local governments.

Similarly, the enhanced federal tax deduction that encourages corporate equipment donations to universities has helped alleviate the shortage of university research instrumentation. Clearly, such techniques will also be an important policy tool for raising private funds to complement federal dollars for the construction and renovation of research facilities.

5. Reform the federal organization for research support. Effective support for science and technology requires improved coherence in federal policies and practices. Most support for science and technology now comes from the mission agencies (for example, the Department of Energy and the National Aeronautics and Space Administration), The National Science Foundation is the only agency charged with overall responsibility for the health of science and engineering.

An alternative proposed from time to time is a Department of Science and Technology. This department might share responsibility with existing mission agencies and complement their primary orientation toward applied research with more systematic attention to basic research and the overall health of the research system. As one recent study suggests, such a department could focus government activities more effectively; encourage interaction among government, industry, and academia; and improve the application of science and technology to national and international needs and issues.[18]

This proposal continues to receive conflicting evaluations both from Washington and from the scientific community. The wisdom of establishing such a department depends on the details of its organization and responsibilities and on whether efficiency and coherence could be gained without undue loss of flexibility and pluralism. The possible advantages of a more coherent federal organization for science must be balanced against these potential drawbacks. Reservations about the details of particular organizational reforms should not stop us from confronting and remedying management problems in the federal research establishment. Like other organizations, government agencies must adjust to new realities and priorities and modify their missions accordingly.

Effective management of the research enterprise requires leadership capable of enunciating coherent policy and preserving a long-term perspective. The president's science adviser and his Office of Science and Technology Policy are responsible for provding such leadership. This leadership can also come from single agency initiatives and from collaboration among agencies. One recent example is the joint Department of Energy and National Science Foundation plan under which the Argonne National Laboratory would make some of its resources and facilities available to university researchers. Another is the current effort involving the major federal research agencies to increase support for university instrumentation and equipment. More such activities are needed while we continue to consider the broader question of reforming the federal organization for research support.

6. Improve relations and communication among disciplines, institutions, and industries interested in research. How effectively we seize our scientific opportunities and redress deficiencies in the research infrastructure depends, in large part, on how well the nation's research community develops cooperative attitudes and relationships. Within and outside the government adversarial attitudes that block cooperation must be overcome—but without sacrificing our creative, competitive drive or the distinctiveness of individual institutions. We should continue building relationships among universities, industries, and governments to enhance the flow of people and research results, thereby raising the productivity of the research system.

This premise has prompted the National Science Foundation to devise programs that cross traditional institutional and disciplinary boundaries in such areas as biotechnology, materials science and systems engineering, and computational science and engineering. Arrangements bringing together a variety of actors are not new, although they used to be peripheral to the main research strategy. In the future such strategies will become central.

New technologies will also help break down institutional barriers. Electronic networking, in particular, will allow easy communication across geographic distances and institutional walls. The National Science Foundation is working with the Defense Advanced Research Projects Agency and the university community to plan a nationwide science network.

New roles for diverse institutions, and more cooperative and innovative relationships among them, will require alteration of some deeply ingrained political attitudes. Since these attitudes are frequently reflected in laws and regulations, some of them, too, will need to be changed. For example, until recently antitrust laws were construed as restricting industry collaboration in research. This was clarified by the Joint Research and Development Act of 1984, which promotes joint research ventures. The Mansfield Amendment to the 1970 Defense Authorization Act (which was incorporated the following year into the Military Procurement Authorization Act) also inhibits cooperative research by prohibiting DOD support for nondefense-related research at universities. It needs to be reexamined as well.

As universities and industries collaborate in technology-related research, intellectual property rights must be sorted out. Increased industrial investment in university research and collaboration between industry and university researchers, moreover, may cause some worry that the normally unfettered exchange of information among aca-

demic researchers could be curtailed and research priorities distorted. These concerns should not, however, cause us to underestimate the integrity of the universities and their commitment to their traditional role, or industry's appreciation that open academic inquiry is in the best interest of both the university and industry.

7. Enhance the responsiveness of the research enterprise to public concerns while maintaining the integrity and excellence of standards in research. Public demands on science and technology will intensify because of their increasing impact on the nation's economy and security and their influence on the public's work, health, and leisure.[19] The research community must persist in its resolve to sustain standards to scientific excellence in the face of heightened political interest. Failure to do so would squander resources and undermine research productivity. The research community must also exercise self-discipline and adhere to the ethic of excellence and merit competition. To date, its autonomy and freedom from political manipulation have been based on its neutrality and on the promise of an eventual payoff. These will continue to be the most effective bases for a relationship between the scientific community and the public.

In light of the greater expectations for practical results from our research system, scientists and engineers will have to be increasingly sensitive to the public and political environment. This will require a different type of political involvement than that motivated by the pursuit of research funds. As Daniel Yankelovich observed in an earlier issue of this journal, we hear much about how the public must learn about science, yet "little is said about what science must learn about the public."[20] The point is not so much to improve scientific public relations as to reduce the isolation of scientists from public attitudes and from political debates about science, technology, and their consequences.

The science and engineering enterprise has been called on in the past to address problems of extreme complexity and national importance, such as development of the atomic bomb during World War II and the Apollo program during the 1960s. Circumstances outside the research system drove the extraordinary scientific and engineering accomplishments in these instances. Today there are no such visible, compelling, and unifying issues.

Today's problems, such as economic competition, while strongly dependent on science and engineering for their solution, are more diffuse and less likely to lead to consensus and concerted action. Thus, the research community must construct its own rallying point to sustain the success of U.S. science and engineering. We dare not take our accomplishments for granted.

The agenda proposed here is ambitious but achievable. Our nation does not lack the material, organizational, or intellectual resources to secure the health and productivity of the research system. To bring those resources to bear and to manage them effectively, however, will require tough management, innovative policies, and vigorous leadership.

FOOTNOTES

[1] The author wishes to acknowledge the assistance of Marta Cehelsky in the preparation of this article.

[2] The debate ranges through a number of recent activities and publications. The most notable are: the science policy review by the Science Policy Task Force, established by Rep. Don Fuqua, chairman of the House Science and Technology Committee; the White House Science Council Task Force on Federal/University Relationships; the White House Science Council Panel on Federal Laboratory Review, which published an initial report in 1983 and a follow-up review on the implementation of its recommendations in July 1984; the National Science Board's February 1985 report on Excellence in Science and Engineering Education, which addressed the problem of direct congressional funding of research facilities; and the November 1984 Conference on Academic Research Facilities sponsored by the National Academy of Sciences; the National Science Board, and the White House Office of Science and Technology Policy. Sections of *Global Competition: A New Reality*, a 1985 report of the President's Commission on Industrial Competitiveness, also bear on research conduct in the United States.

[3] National Science Foundation, *Science Indicators 1982* (Washington, D.C.: National Science Board, 1983), 272. Testimony by Simon Ramo before the House Science and Technology Committee's Science Policy Task Force, July 25, 1985, contains a valuable review of manpower shortages in key areas of science and engineering and their implications.

[4] National Science Foundation, *Science Indicators 1982*, 228.

[5] National Science Board, *Science Indicators 1982*, 6.

[6] National Science Board, *Science Indicators 1982*, 78. See also David Davis-Van Atta, Sam C. Carrier, and Frank Frankfort, *Educating America's Scientists: The Role of the Research Colleges*. Report of the Oberlin Conference on the Future of Science at Liberal Arts Colleges, June 9-10, 1985 (Oberlin, Ohio; Oberlin College, May 1985), 7-8. Major reports on the declining quality of U.S. education include Department of Education, Commission on Excellence in Education, *A Nation at Risk: The Imperative for Educational Reform* (Washington, D.C.: U.S. Government Printing Office, 1983); and National Science Board Commission on Precollege Education in Mathematics, Science, and Technology, *Educating Americans for the 21st Century* (Washington, D.C.: National Science Board, 1983).

[7] Association of American Universities, National Association of State and Land Grant Colleges, and the Council on Government Relations, *Financing and Managing University Research Equipment* (Washington, D.C., Association of American Universities, 1985). 15. For recent trends, see also National Science Foundation, *National Academic Research Equipment in Selected Science/Engineering Fields, 1982-83* (Washington, D.C.; National Science Foundation, 1985).

[8] Conference on Academic Research Facilities, Washington, D.C., Nov. 22-23, 1984, sponsored by the National Academy of Sciences' Government, University, Industry Research Roundtable; the National Science Board; and the White House Office of Science and Technology Policy.

[9] NSF and the Department of Health, Education, and Welfare had the largest programs, although the National Aeronautics and Space Administration and the Department of Energy also provided some institutional development support for universities. The NSF programs peaked in 1966 and were eliminated by 1972.

[10] *Oberlin Report*, 9-13.

[11] See discussion of this point in the recent testimony by Lewis Branscomb, former National Science Board chairman, before the Senate Commerce, Science and Transportation Subcommittee on Science, Technology, and Space, May 2, 1985, especially p. 4.

[12] Don K. Price, "Endless Frontier or Bureaucratic Morass?" in Gerald Holton and William A. Blanpied, eds., *Science and the Public: The Changing Relationship*, Boston Studies in the Philosophy of Science, Vol. 33 (Boston: D. Reidel Publishing Co. 1976), 34.

[13] National Science Foundation, *Science Indicators, 1982*, 40.

[14] The United States had the lowest percentage of industry-funded R&D among the industrialized nations in 1970. By 1979 U.S. industry had increased its investment in R&D to 67 percent, second only to the French private sector investment in R&D of 71 percent National Science Foundation. *Science Indiators 1982*. 10.

[15] National Science Foundation, *National Patterns of Science and Technology Resources* (Washington, D.C.: National Science Board, in press).

[16] White House Science Council, *Report of the White House Science Council Federal Laboratory Review Panel* (Washington, D.C.: Executive Office of the President, Office of Science and Technology Policy, May 1983).

[17] Denis P. Doyle and Terry W. Hartle, "It Costs a Small Fortune," *Washington Post*, Sept. 1, 1985, Sec. C.

[18] The President's Commission on Industrial Competitiveness, *Global Competition: The New Reality* (Washington, D.C.: U.S. Government Printing Office, 1985).

[19] Public opinion surveys conducted over a number of years by NSF and the National Science Board and reported in *Science Indicators* indicate a steady increase in public awareness of science and technology issues.

[20] Daniel Yankelovich, "Science and the Public Process," *Issues in Science and Technology*, I (Fall 1984), 11.

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By Mr. ANDREWS (for himself, Mr. BURDICK, and Mr. PRESSLER):

S. 2118. A bill to provide for the distribution of funds appropriated to pay a judgment awarded to the Sisseton and Wahpeton Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes; to the Select Committee on Indian Affairs.

USE AND DISTRIBUTION OF CERTAIN INDIAN JUDGMENT FUNDS

● Mr. ANDREWS. Mr. President, I rise today to introduce with my distinguished colleagues, Senator BURDICK of North Dakota, and Senator PRESSLER of South Dakota, a bill to amend a 1972 act that provided for distribution of certain judgment funds awarded the Sisseton and Wahpeton Sioux Indians by the Indian Claims Commission.

The 1972 act provided for apportionment of the judgment award among the Devils Lake Sioux of North Dakota, the Sisseton-Wahpeton Sioux Tribe of South Dakota, the Assiniboine and Sioux Tribe of the Fort Peck Reservation in Montana, and the lineal descendants of the Sisseton and Wahpeton who were not enrolled with any one tribe. The funds subsequently were distributed to members of the various tribes in accordance with the 1972 act, but not to the lineal descendants. The lineal descendants' proportionate share has remained undistributed from some 14 years. This bill would authorize the distribution of the remaining funds to the governing bodies of the affected tribes. The tribes could then use their proportionate share for tribal programs purposes or request a limited per capita distribution based on certain conditions.

This bill was requested by the effected tribes and has the concurrence of their tribal councils. My colleagues and I are sponsoring this bill so that there may be a full and fair hearing on this matter which is of great concern to the effected tribes.

Mr. President, I ask this bill to be printed in full at the conclusion of these remarks.

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

S. 2118

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of sections 201 and 202 of the Act of October 25, 1972 (86 Stat. 1168), the funds appropriated by the act of June 19, 1968 (82 Stat. 239), for the award to the Devils Lake Sioux Tribes of North Dakota, the Sisseton-Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana in dockets numbered 142 and 359 before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expenses, which have not been distributed to "All other Sisseton and Wahpeton Sioux" in accordance with the apportionment established in section 202(a) of said Act of October 25, 1972 shall be distributed in accordance with the provisions of this Act.

SEC. 2. Subject to the provisions of section 3 of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall distribute the funds referred to in section 1 of this Act to the tribal governing bodies of the Devils Lake Sioux Tribe of North Dakota, the Sisseton-Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana. The distribution of such funds shall be apportioned as follows:

| Tribe or group: | *Percentage* |
|---|---|
| Devils Lake Sioux of North Dakota | 28.9276 |
| Sisseton-Wahpeton Sioux of South Dakota | 57.3145 |
| Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana | 13.7579 |

In the case of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body for purposes of the distribution of funds provided for in this Act.

SEC. 3.(a) Within one hundred and eighty days after the date of enactment of this Act, the Secretary, in accordance with section 3 of the Act of October 19, 1973 (87 Stat. 467), shall prepare a plan for the use or distribution of the funds referred to in section 1 of this Act.

(b) Any plan prepared pursuant to subsection (a) of this section shall not provide for a per capita distribution to individuals of any of the funds to be distributed except that, upon the request of the tribal governing body and in the same amount as the per capita distribution made to persons whose names appeared on the rolls approved by the Secretary pursuant to section 201(a) of the Act of October 25, 1972 (86 Stat. 1168), the plan may provide for a per capita payment to be made to persons entitled to be enrolled on such rolls but who, for whatever reason, were not so enrolled. If the tribal governing body of any of the tribes named in section 1 of this Act requests that a per capita distribution be made in accordance with the provisions of this section within one hundred and twenty days after the date of enactment of this Act, it shall submit to the Secretary the names of the persons for whom a per capita distribution may be provided in the plan prepared by the Secretary. The determination of the tribal governing body regarding the eligibility of any individual for any per capita distribution that may be made pursuant to this section shall be final.

SEC. 4. (a) Within one hundred and eighty days after the date of enactment of this Act, the Secretary, in accordance with sections 2(c) and 4 of the Act of October 19, 1973 (87 Stat. 467), shall submit to the Congress a plan for the use or distribution of the funds referred to in section 1 of this Act, *Provided,* That an extension of the one hundred and eighty-day period may be requested in accordance with the provisions of section 2(b) of such Act.

SEC. 5. The plan prepared by the Secretary shall become effective and shall be implemented in accordance with section 5(a) of the Act of October 19, 1973 (87 Stat. 467). If, under said section 5(a), either House adopts a resolution disapproving the plan, the Secretary, in accordance with section 5(b) of such Act, shall propose legislation for the use or distribution of the funds referred to in section 1 of this Act.

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act (42 U.S.C. Sec. 301 *et seq.*) or any other Federal financial assistance or benefit program.●

By Mr. COHEN:

S. 2119. A bill to assure the provision of certain basic rights to residents in long-term care facilities; to the Committee on Labor and Human Resources.

LONG-TERM CARE RESIDENTS' RIGHTS ACT

● Mr. COHEN. Mr. President, today I am introducing legislation designed to improve the enforcement of standards relating to the rights of residents in long-term care facilities.

The concept of patients' rights is not new. The American Hospital Association has had a suggested patients' rights statement since 1973. Last July, the full Senate approved legislation, the Protection and Advocacy for Mentally Ill Persons Act, to ensure that the rights of mentally ill persons living in residential facilities are protected. Similar protections are provided to the developmentally disabled in the developmentally disabled assistance and bill of rights law. In addition, 37 individual States have enacted their own laws guaranteeing a variety of residents' rights in institutions.

I first introduced legislation to guarantee the rights of nursing home patients in 1973, when I was a Member of the House of Representatives. I reintroduced similar legislation in the House in both the 94th and 95th Congresses, and again upon coming to the Senate in 1979. Many of the patients' rights delineated in these bills have been incorporated into the regulations governing long-term care facilities participating in Medicare and Medicaid.

Unfortunately, enforcement of these Federal regulations has been woefully inadequate. At present, the only sanction available for failure to comply is a total elimination of Federal funding. The Federal Government has been reluctant to resort to such drastic action since, in most instances, it would force the facility to close, sending its residents—many of whom have no alternative source of care—out into the streets.

As a result, there still are far too many residents of nursing homes and other long-term care institutions whose basic civil and human rights are regularly violated. For example, some nursing homes regularly discriminate against low-income elderly on Medicaid in favor of private-pay patients. The facilities claim that these discriminatory practices are justified because of the often below-market Medicaid payment rates and slow reimbursement process. However, the result is that many Medicaid patients are denied access to needed care, or are placed in nursing homes a great distance from their homes, increasing both the financial and the emotional burden on the family.

There are other instances where nursing homes have unnecessarily impaired the freedom of choice of their residents. Often when people are institutionalized, they are no longer viewed as capable of making choices about things as simple as what to wear, when to awaken, or what to eat. As a result, these decisions are often made for the convenience of the facility rather than the comfort of the patient.

It is therefore time to build upon and strengthen our past efforts by codifying long-term care residents' rights and giving them the force of law. In that way, they will not be subject to change depending upon administration policy. The legislation I am proposing today would set in law a national standard of rights for residents in institutions. These basic guarantees to compassionate care include, but are not limited to:

The right of the resident to be informed of his rights and the proper exercise of such rights under policies and procedures of the facility, and the procedures and remedies available to him whever those rights are denied.

The right to be informed regarding services available in the facility and the charges therefor, including any charges not paid for by an outside source.

The right to be considered for admission, and to be discharged or transferred, on a fair and equal basis, without regard to source of payment.

The right to be informed of his medical condition, of proposed treatments, and of alternative modes of treatment, participate in decisionmaking regarding his medical treatment, and refuse to participate in any experiment.

The right of the resident to choose his own physician and secure other health care services or items available from sources other than the facility.

The right not to be involuntarily transferred or discharged from the facility without notice and due cause.

The right to voice grievances, without interference or reprisal, when his rights as a resident of the facility or as a citizen have been violated.

The right to manage his personal affairs.

The right to be free from both mental and physical abuse and from both unreasonable chemical and physical restraints.

The right to confidential treatment of his personal and medical records and any other records which contain any personal identifying information.

The right to refuse to perform any services or chores for the facility.

The right to meet with, and participate in activities of social, religious, and community groups at his discretion, to communicate privately with persons of his choice, and to receive and communicate with visitors and to initiate, refuse or terminate a visit at any time.

The right to retain and use personal clothing and possessions; and

The right of privacy for married residents.

Additionally, every facility which participates in a Federal or State health care of health financing program would be required to provide all residents a copy of this "bill of rights," including a description of the enforcement procedures. Health care providers would develop a written plan and provide appropriate staff training to implement each resident right included in the statement. The obligations which participating long-term care facilities would assume under this act are intended to delineate the extent of their liability in assuring the proper exercise of these rights.

Further, the Secretary of Health and Human Services and the States would be directed to actively encourage the involvement of nursing home patient advocates and ombudsmen in promoting enforcement of resident rights. Perhaps the most successful effort the Federal Government has made to date to focus attention upon the problems of institutionalized persons has been the Ombudsman Program authorized under the Older Americans Act. The legislation I am introducing today draws upon the strength of the Ombudsman Program, as individually instituted in the States, to be the primary vehicle for the investigation and resolution or referral of violations of resident rights to appropriate civil or criminal officials.

Finally, a resident whose rights have been abridged would have recourse to a private right of action against the offending facility for damages in Federal court.

In the past few months, we have been engaged in debate over whether recent changes in Federal health policy made in the name of cost containment have undermined the quality of care available to Medicare and Medicaid beneficiaries. The protection of patients' rights is also a "quality" issue. Quality health care encompasses not simply medical treatment, but also a basic understanding and respect for the patient as an individual and a human being. We have all been appalled by reports of abuse and neglect of nursing home patients. Certainly we must take action to ensure the health and safety of residents of long-term care facilities and to protect them from such instances of abuse and neglect. However, I believe that it is equally imperative that we provide for the protection of the patient's basic human and civil rights.

A long-term care residents' bill of rights benefits not only the resident, but also the institution. A resident who is confident in the care he is receiving, who understands his medical condition and participates in the planning of his treatment, is generally far more cooperative and more responsive medically to the care he receives. For the predominantly elderly population in most nursing homes, the guarantees can help forestall the confusion and disorientation often initially experienced by the resident upon admission. They can also counteract the sometimes stupefying attitude of apathy and despair of those residents who believe themselves consigned to a facility where there is nothing left to do but await death. Such an attitude can defeat the efforts of the most understanding and hard-working health care personnel. It can frustrate the entire purpose of the nursing home which is to maintain and improve the mental and physical well-being of the residents to the greatest possible extent.

It should not be forgotten that, despite the many problems and horror stories we have heard, most long-term care facilities are administered and staffed by dedicated individuals who are truly concerned about providing quality care for their residents. Such providers generally agree that a residents' bill of rights makes good sense, and that it should not be a source of hardship for good nursing homes.

A bill of rights can, however, be of tremendous importance to residents of other, less adequate facilities helping to protect them from substandard medical or personal care. As demographics change and the older American population increases, both the numbers and the problems of the institutionalized are bound to increase. Therefore, it is important that we act now to ameliorate existing long-term care problems to ensure the quality of care in institutions for not just current but future generations. While in no way a panacea for all of the problems of the institutionalized, the Long-Term Care Residents' Rights Act does set forth in clear terms the rights of the residents and the responsibilities of the facility. I believe that the enactment of this legislation will do much to improve the quality of life for residents in long-term care institutions.●

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By Mr. STAFFORD (by request):

S. 2120. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide interim financing and borrowing authority, and for other purposes; to the Committee on Finance.

ONE YEAR EXTENSION FOR SUPERFUND

Mr. STAFFORD. Mr. President, I am today introducing a bill which would provide a 1-year extension of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, commonly called the Superfund law. This bill has been prepared and submitted by the administration and, as the chairman of the Committee on Environment and Public Works, I am introducing it on request.

Mr. President, when this bill was forwarded, it was accompanied by both a letter from EPA Administrator Lee Thomas and an explanation. I would ask unanimous consent that the bill, together with the letter and explanation, be printed in the RECORD at this point.

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

S. 2120

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Superfund Interim Financing Act of 1986".

SEC. 2. EXTENSION OF ENVIRONMENTAL TAXES.

Subsection (d) of section 4611 of the Internal Revenue Code of 1954 (relating to termination) is amended to read as follows:

"(d) TERMINATION.—The taxes imposed by this section shall not apply beyond such date as the Secretary determines that receipts deposited in the Response Trust Fund will be sufficient to repay the amounts advanced under subsection 233(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, together with interest as provided for therein."

SEC. 3. TERMINATION OF TAX ON HAZARDOUS WASTES.

Subsection (d) of section 4682 of the Internal Revenue Code of 1954 (relating to applicability) is amended to read as follows:

"(d) The tax imposed by section 4681 shall not apply after September 30, 1985."

SEC. 4. EXTENSION OF REPAYABLE ADVANCE AUTHORITY.

Subsection (c) of section 223 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(c) AUTHORIZATION OF REPAYABLE ADVANCE.—

"(1) IN GENERAL.—There is authorized to be appropriated, in the fiscal year ending September 30, 1986, to the Response Trust Fund, as a repayable advance, an amount not to exceed $861,300,000 to carry out the purposes of such Trust Fund.

"(2) REPAYMENT OF ADVANCE.—The amount advanced pursuant to this subsection shall be repaid with interest to the general fund of the Treasury. Such advance and interest shall be repaid as taxes imposed under sections 4611(a) and 4661(a) of the Internal Revenue Code of 1954 are collected. Such interest shall be at rates computed in the same manner as provided in subsection (b) and shall be compounded annually."

SEC. 5. TECHNICAL AMENDMENT.

Section 303 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is hereby repealed.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on April 1, 1986.

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ENVIRONMENTAL PROTECTION AGENCY,
*Washington, DC, February 18, 1986.*

Hon. GEORGE BUSH,
*President,*
*U.S. Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: Early in 1985, the President forwarded to Congress a proposal to expand and improve the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("Superfund"). This measure would have extended our program for cleaning up America's abandoned hazardous waste dumps for another five years and more than tripled the resources available to get the job done.

Since that time, we in the Administration have worked very hard to keep the Superfund program growing. Congress has debated the issue for more than a year. Although both the House and Senate passed new Superfund bills during 1985, the fact is that Congress still has not completed its legislative work. On September 30, 1985, the taxing authorities designed to fund the vital Superfund effort expired.

The Administration remains firmly committed to a five-year reauthorization of Superfund. But we have now reached a point where it may also be necessary for Congress to enact an interim funding plan to keep Superfund alive while debate over a final long-term extension of the program continues. Nearly all remaining funds available for cleanup actions will be exhausted by March 31, 1986.

With this letter, I am transmitting to Congress legislative language to enable the Environmental Protection Agency to continue implementing the Superfund program for another year, pending final enactment of a full five-year reauthorization. This interim measure would generate $861 million necessary to fund Superfund activities for a 12 month period. This amount reflects the level of appropriations passed by the Congress for Fiscal Year 1986 and is consistent with spending reductions mandated by the Gramm-Rudman-Hollings Act. This amount will allow us to operate the program at the accelerated level anticipated in our FY 1986 budget.

The interim measure would authorize Superfund to borrow funds from general revenue up to the level appropriated for Fiscal Year 1986. The amounts borrowed from general revenue would be repaid through a reimposition of the petroleum and chemical feedstock taxes, effective April 1, 1986, at the rates applicable under the original Superfund law.

This interim funding measure is not an answer to the complex issues which have prevented Congress from completing action on a long-term Superfund reauthorization. Rather, it is a means for accelerating the pace of the program to the appropriated level for one year, while the long-term issues are being resolved. To ensure a stable and aggressive program, I urge that any interim funding mechanism extend the program for at least one year.

This Administration remains fully committed to long-term reauthorization of Superfund. It is with reluctance that I submit this package outlining a means to keep the program operating on only an interim basis. I urge the leadership of Congress, and all members, to complete a full Superfund reauthorization on a priority basis.

The Office of Management and Budget advises that enactment of this proposal would be in accord with the President's program.

Sincerely,

LEE M. THOMAS,
*Administrator.*

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SECTION-BY-SECTION ANALYSIS OF THE SUPERFUND INTERIM FINANCING ACT OF 1986

SECTION 1. SHORT TITLE.

This section denotes the Act as the "Superfund Interim Financing Act of 1986" in order to stress the short-term nature of the legislation and the need for a full, five-year reauthorization of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA" or "Superfund").

SEC. 2. EXTENSION OF ENVIRONMENTAL TAXES.

This section, in combination with sections 5 and 6, provides new taxing authority for the Superfund by reimposing the environmental taxes set out in Chapter 38 of the Internal Revenue Code of 1954 at their original rates, beginning on April 1, 1986. The taxes are on petroleum and certain chemicals. The taxes are designed to repay the advance made to the Fund under the borrowing authority provided for in section 4 and will terminate when sufficient revenues have been raised to repay all borrowed funds, together with interest.

SEC. 3. TERMINATION OF TAX ON HAZARDOUS WASTES.

This section insures that the tax on hazardous wastes received at qualified hazardous waste disposal facilities, which supports the Post-Closure Liability Trust Fund under CERCLA, will not be reimposed pending a Congressional decision on whether to continue the Post-Closure Fund.

SEC. 4. EXTENSION OF REPAYABLE ADVANCE AUTHORITY.

This section amends the original authority to borrow under CERCLA by authorizing a repayable advance to the Response Trust Fund in Fiscal Year 1986 in an amount not to exceed $861,300,000. This section, together with sections 2 and 5, which enact new taxing authority to support the Superfund program, will provide funding sufficient to operate the program for a 12 month period at the appropriation level established for Fiscal Year 1986.

SEC. 5. TECHNICAL AMENDMENT.

This section amends CERCLA by repealing section 303, the expiration and sunset provision, so as to permit the imposition of new taxes under section 2 of this Act.

SEC. 6. EFFECTIVE DATE.

This section makes the provisions of the Act, including the taxes, effective on April 1, 1986.

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By Mr. DURENBERGER (for himself and Mr. QUAYLE):

S. 2121. A bill to amend title XVIII of the Social Security Act to revise the method of payment to hospitals for capital-related costs under the Medicare Program; to the Committee on Finance.

FAIR DEAL CAPITAL PAYMENT ACT

● Mr. DURENBERGER. Mr. President, I rise today to introduce the Fair Deal Capital Payment Act of 1986, S. 2121. The bill amends title 18 of the Social Security Act. It reforms the method that the Medicare Program uses to pay hospitals for capital expenses, including such expenses as depreciation of physical plant and equipment, rental costs, interest cost on borrowed funds, and return-on-equity capital for investor-owned hospitals.

Under current law Medicare pays an established fee for hospital services based on the average cost of treating specific illnesses. This prospective payment system [PPS] only covers hospital operating expenses. Medicare still reimburses hospitals for its share of capital expenses based on the actual allowable costs hospitals incurred. S. 2121 would incorporate the payment for hospital capital expenses into the PPS per illness rate structure.

I am joined in introducing this bill by my distinguished colleague from Indiana [Mr. QUAYLE]. Last summer he and I introduced S. 1559, our first Medicare capital payment reform proposal. The bill we introduce today is a refinement of that original proposal. S. 2121 reflects the comments and suggestions we received on S. 1559 from experts in the health care field and hospital community. It also incorporates guidance received from the Department of Health and Human Services [HHS] testimony before a hearing of the Health Subcommittee of the Finance Committee which I chaired on November 8, 1985. I appreciate this valuable input as well as the assistance of the staff of the Finance Committee in the preparation of S. 2121.

Mr. President, the new PPS adopted for Medicare represents a deal between the Federal Government and this Nation's hospitals. For the sake of the millions of elderly and disabled Americans who depend on hospital services under Medicare, it is critical that this be a fair deal.

The Congress did not include capital expenses in the PPS 3 years ago because we knew more research was required to develop the best method for incorporating capital expenses. Congress included a requirement, in the Social Security amendments, that HHS produce a report with recommendations on how we should proceed.

The Office of the Assistant Secretary for Policy and Evaluation at the HHS did that work. Before a hearing of the Subcommittee on Health, Dr. Robert Helms, Acting Assistant Secretary for Policy and Evaluation, outlined for the Congress the conclusions of his efforts and those of his staff. The sound and reasonable proposal described by Dr. Helms is reflected in S. 2121.

The proposal that was alluded to in Dr. Helms' testimony has unfortunately not been made public and will never see the light of day. Despite the fact that the hospital community generally viewed that proposal as fair, and that the proposal was consistent with the goals of PPS, HHS turned away from its own work.

Instead, HHS has had to buckle under to the Office of Management and Budget and redesign its approach. I strongly object to the fact that a process established by Congress to develop the best health policy for incorporating capital expense into PPS has turned into an opportunity for "meat cleaver" reform. The Medicare capital payment report HHS will eventually give the Congress will simply be budget policy under the guise of health policy.

The proposal revealed in the President's fiscal year 1987 budget proposes a 4-year transition from the current cost-based payment method to the incorporation of capital expenses in the PPS hospital fee. This proposal would be implemented by regulation and become effective on October 1, 1986. It would cut the cost of hospital capital expenses payable by Medicare by $4.2 billion over its first 3 years alone.

The purpose of PPS is to give cost-cutting incentives to hospitals, not to bankrupt them. Clearly, these regulations would have devastating effects on many hospitals. It would arbitrarily treat efficient and inefficient hospitals alike, based not on their business practices but on when the hospitals happened to finance their capital assets.

Savings to the Federal budget can be obtained through Medicare capital reform. But the savings called for under the President's fiscal year 1987 proposal cannot be obtained without undermining the entire PPS framework. The proposal makes a mockery of the notion that the PPS would give hospitals a fair deal for quality, efficient health services.

Mr. President, capital payment reform must be consistent with the goals of PPS and treat hospitals fairly. The Fair Deal Capital Payment Act of 1986, if adopted, would keep Medicare on the track toward health system reform. The bill offers the hospital community a fair transition of 7 years from cost-based to prospective payment for capital expenses. It acknowledges that it will take time for hospitals to restructure their capital commitments and weighs the transition in the early years to a hospital-specific proportion based on a hospital's actual capital costs. And, on the Federal side of the transition, it allows for a Federal payment based on the most recent available capital expense data with a factor for updating that data through the implementation of the transition based on a market basket of Medicare capital expenditures.

The proposal's Federal rate, however, while reflecting changes in the cost of capital and local construction costs, will offset interest expense with interest earned and exclude the return on equity paid to investor-owned hospitals. These changes have some policy grounding but are essentially needed to provide budget savings.

S. 2121, at the end of the transition, folds all capital expenses into the PPS rate. Thus, the operating and capital payments will be combined into one per case amount. This payment will be sensitive to the case-mix and Medicare admissions experienced by hospitals. It will reflect the appropriate share of capital expense Medicare should be paying as a prudent buyer. It will be relatively budget neutral with most savings coming from improved business practice rather than arbitrary cuts.

S. 2121 also eliminates section 1122 of the Social Security Act. This repeals the regulation of new capital commitments which current law makes mandatory for States by October 1, 1986. The new payment methodology mandated by S. 2121 is sufficient to contain inappropriate capital expenses. So, there is no justification for proceeding with regulation by the States or the Federal Government of the specific capital decisions made by hospitals. This is consistent with the proposals to redirect health planning which I have cosponsored with my colleague from Indiana [Mr. QUAYLE].

S. 2121 provides a sound and reasonable approach. I plan to conduct a hearing on the bill in the Health Subcommittee on March 14. I look forward to full discussion of the bill. It is my intention to follow up on the direction received at the hearing and other advice, make appropriate changes in S. 2121, and pursue inclusion of the substance of S. 2121 in the Finance Committee's fiscal year 1987 reconciliation measure.

Mr. President, I have guarded optimism that the budget process will proceed with appropriate speed this year. It is essential that fiscal year 1987 reconciliation succeed with deficit reduction where fiscal year 1986 reconciliation appears to have failed. We are dependent on that process as a vehicle for changes in Medicare law as regards capital payment policy. I want to put the HHS on notice, however, that I will support emergency legislation to forestall the implementation through regulation of the Medicare capital proposal imbedded in the President's fiscal year 1987 budget. I know that many of my colleagues on the Finance Committee and the Ways and Means Committee of the House of Representatives share my concerns over these HHS regulations.

The Congress set October 1, 1986, as its deadline for adopting a new Medicare capital policy. I believe S. 2121 provides a good starting point for the development of that policy by the Congress. The process of health systems reform is never simple, but we are beginning to see the fruits of our previous labors. These achievements can only be maintained if we develop policies which are fair, as well as cost saving.

Mr. President, before I conclude, I should also point out that new Medicare policy concerning capital expenses should not be made in isolation from tax reform. The House tax bill, H.R. 3838, would prohibit advance refunding of tax-exempt bonds issued by 501(C)(3) hospitals. This provision would greatly restrict the ability of nonprofit hospitals with tax-exempt bonds to restructure their capital commitments to adjust for Medicare capital payment changes.

I plan to bring this issue to the attention of the Finance Committee when it takes up the tax reform legislation in the upcoming weeks. It is totally unfair on the one hand to place limitations on capital payments by Medicare and on the other hand to remove the flexibility of hospitals to restructure their finances.

Mr. President, I ask unanimous consent that the text of S. 2121 appear at this point in the RECORD and be followed by a detailed description of the proposal and example of how the new payment methodology would be applied.

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

S. 2121

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Fair Deal Capital Payment Act of 1986".

AMENDMENTS TO SOCIAL SECURITY ACT

SEC. 2. (a) Section 1886 (g) of the Social Security Act is amended to read as follows:

(g) CAPITAL-RELATED COSTS.—

(1) Payments during 7-year transition period.—

(A) DETERMINATION OF AMOUNTS.—For each fiscal year beginning on or after October 1, 1986, and before October 1, 1993, the Secretary shall determine the amounts payable for capital-related costs for a subsection (d) hospital as follows:

"(i) Prior to multiplying the applicable average standardized amount computed under subparagraphs (A) and (B) of subsection (d)(3) by the appropriate weighting factor, the Secretary shall adjust such amount by adding to the nonlabor component of such

amount an amount equal to (1-P)(RN), where P is the transition factor determined under subparagraph (B) and RN is the national average standardized capital-related cost per discharge determined under subparagraph (C).

"(ii) The Secretary shall also add on to each national DRG prospective payment rate determined under subsection (d) an amount equal to (P)(RH), where P is the transition factor determined under subparagraph (B) and RH is the hospital-specific average capital-related cost per discharge determined under subparagraph (D).

"(B) TRANSITION FACTOR.—For purposes of this paragraph, P is equal to—

"(i) 0.95 for fiscal year 1987;

"(ii) 0.90 for fiscal year 1988;

"(iii) 0.80 for fiscal year 1989;

"(iv) 0.65 for fiscal year 1990;

"(v) 0.50 for fiscal year 1991;

"(vi) 0.30 for fiscal year 1992; and

"(vii) 0.10 for fiscal year 1993.

"(C) NATIONAL AVERAGE STANDARDIZED CAPITAL-RELATED COST PER DISCHARGE.—

"(i)(I) The national average standardized capital-related cost per discharge for fiscal year 1987 is equal to the average capital-related cost per discharge incurred by all subsection (d) hospitals, for cost reporting periods beginning in the most recent fiscal year for which adequate national data are available, for capital-related costs with respect to which payment was made under this title, standardized according to a methodology consistent with the construction of the nonlabor national standardized rates for payment of operating costs of inpatient hospital services under this title, updated as provided in subclause (II) and adjusted in accordance with clause (iv). In determining capital-related costs for purposes of this clause, return on equity shall be excluded and any capital-related interest expense shall be offset with interest income from any source.

"(II) The amount determined under subclause (I) shall be updated to fiscal year 1987 by a national capital market basket inflation factor determined by the Secretary to be appropriate for the period between the fiscal year for which such amount is determined and October 1, 1987.

"(ii) For each fiscal year beginning on or after October 1, 1987, and before September 30, 1993, the national average standardized capital-related cost per discharge for such fiscal year shall be such average cost for the preceding fiscal year, adjusted by the national capital market basket inflation factor determined by the Secretary to be appropriate for such fiscal year, and further adjusted in accordance with clause (iv).

"(iii) For each fiscal year beginning on or after October 1, 1993, the national average standardized capital-related cost per discharge shall be such average cost for the preceding fiscal year, increased by the same percentage increase as the standardized amounts are increased for such fiscal year pursuant to subsection (d)(3)(A), and adjusted in accordance with clause (iv).

"(iv) The Secretary shall adjust the amount determined under clause (i), (ii), or (iii) for a fiscal year for differences in local construction costs by a factor (established by the Secretary) reflecting the relative level of construction costs in the geographic area of the hospital compared to the national average construction cost level.

"(D) HOSPITAL-SPECIFIC AVERAGE CAPITAL COST PER DISCHARGE.—The hospital-specific average capital cost per discharge for a hospital for a fiscal year is equal to the average cost per discharge incurred by such hospital for such fiscal year for capital-related costs with respect to which payment would be made under this title to such hospital if the cost reimbursement principles which apply to hospitals which are not subsection (d) hospitals applied to such hospital.

"(F) TREATMENT OF NEW HOSPITALS.—In the case of a hospital which was not in operation for any complete fiscal year prior to October 1, 1986, the value of P for such hospital for a fiscal year beginning on or after October 1, 1986, and before October 1, 1993, shall be the value assigned to P under subparagraph (B) for such fiscal year.

"(F) USE OF ESTIMATES.—In applying this paragraph, the Secretary may, to the extent necessary, use estimates of costs and payments. Such estimates shall be readjusted as data becomes available, and payments to hospitals shall be readjusted accordingly.

"(2) PAYMENTS FOR CAPITAL-RELATED COSTS AFTER TRANSITION PERIOD.—For fiscal years beginning on or after October 1, 1993, the payment for capital-related costs for all subsection (d) hospitals shall be included in a single DRG payment rate. Such single payment rate shall be determined by adding the national average standardized capital cost per discharge (as determined under paragraph (1)(C)) to the nonlabor component of the applicable average standardized amount determined under subparagraphs (A) and (B) of subsection (d)(3) for such fiscal year, prior to multiplying the average standardized amount by the appropriate weighting factor under subparagraph (D) of such subsection.".

(b) Section 1886(a)(4) of such Act is amended by striking out ", with respect to costs incurred in cost reporting periods beginning prior to October 1, 1986,".

(c) Section 1886(d)(3)(C) of such Act is amended to read as follows:

"(C) ADJUSTMENT FOR CAPITAL-RELATED COSTS.—The Secretary shall adjust the standardized amount for each hospital (as computed under subparagraphs (A) and (B) for fiscal years beginning on or after October 1, 1986, to take into account capital-related costs in accordance with subsection (g).".

EFFECTIVE DATE

SEC. 3. The amendments made by section 2 shall apply to payments for operating costs of inpatient hospital services incurred on or after October 1, 1986.

REPEAL OF SECTION 1122

SEC. 4. Effective October 1, 1986, section 1122 of the Social Security Act is repealed.

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SUMMARY OF S. 2121—THE FAIR DEAL CAPITAL PAYMENT ACT OF 1986

BACKGROUND

The major elements of capital cost currently reimbursable under Medicare are: depreciation of physical plant and equipment, rental expense, interest expense on borrowed funds, and return on equity capital for investor-owned hospitals.

Current law provides that allowable capital-related costs incurred by hospitals in providing inpatient services to Medicare beneficiaries are reimbursable on a retrospective cost basis. These costs are excluded from Medicare's prospective payment system unitl October 1, 1986.

THE FAIR DEAL CAPITAL PAYMENT ACT OF 1986

Over a seven year transition period, Medicare hospital reimbursements for capital will consist of blended proportions of a hospital-specific capital payment pass-through, and a national standardized average capital payment amount.

The blending proportions over the seven year transition period are:

[In percent]

| | Hospital-specific proportion | Federal proportion |
|---|---|---|
| Fiscal year: | | |
| 1987 | 95 | 5 |
| 1988 | 90 | 10 |
| 1989 | 80 | 20 |
| 1990 | 65 | 35 |
| 1991 | 50 | 50 |
| 1992 | 30 | 70 |
| 1993 | 10 | 90 |
| 1994 | | 100 |

The hospital-specific capital payment amount is the Medicare portion of the allowable capital costs actually incurred by a given hospital during each year of the transition under existing Medicare reimbursement principles.

The national capital payment amount is the national Medicare standardized average capital cost per discharge for hospitals eligible for PPS payment.

The Federal proportion (as defined by the transition blending proportions) of the national capital payment rate will be added to the nonlabor-related standardized amount of the Federal portion of the PPS rate as calculated under the current PPS transition formula.

The base year for calculating the national capital rate will be the most recent fiscal year for which adequate national data are available.

The national standardized average capital payment rate will be adjusted to:

1. Offset interest expense with interest income;

2. Eliminate return on equity;

3. Reflect local construction costs associated with depreciation of physical plant.

4. Reflect changes in the cost of capital since the base year. From FY 1984 to the end of the transition (FY 1993), the national standardized average capital payment rate will be adjusted by an approporiate capital market basket inflation factor to be developed by the Secretary of HHS. For each year after 1993, the national standardized average capital payment amount will be adjusted by the PPS update factor.

For new hospitals, the Federal proportion of the national standardized average capital payment amount during the transition period shall be equal to the proportion applicable to the first complete fiscal year during which the hospital is operational.

Effective October 1, 1986, section 1122 of the Social Security Act is repealed.

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EXAMPLE OF HOSPITAL CAPITAL PAYMENT UNDER S. 2121, THE FAIR DEAL CAPITAL PAYMENT ACT OF 1986

The following example illustrates how the federal portion of the prospective payment rate would be computed for a particular discharge during the capital transition period. The values used in the example are approximations used to illustrate the way in which payments will be calculated for Medicare discharges and do not necessarily correspond to the actual values to be calculated and used by the Health Care Financing Administration.

Example:

After receiving an eye lens procedure, DRG number 039, John Jones was dis-

charged from a teaching hospital in Chicago, Illinois during October of 1986. The DRG number 039 has a weighting factor of 0.5739. In this example, it is assumed that the PPS transition will be completed as stipulated in law as of FY 1987; that is, the PPS payment for operating expenses is 100% federal.

1. $2,452.00 (the labor-related portion of the standardized amount for Chicago, Ill.) is multiplied by 1.2240 (the wage index for Chicago MSA) which equals $3,001.25.

2. $712.68 (the nonlabor-related portion of the standardized amount for Chicago, Ill.) is added to 0.05 (the federal capital payment proportion during FY 1987) times $300.00 (the national average standardized capital payment, adjusted for construction costs in the Chicago, Ill. MSA) which sums to $727.68.

3. $727.68 (the sum of the nonlabor-related amount and the federal capital payment amount) is added to $3,001.25 (the labor-related amount) which equals $3,728.93.

4. $3,728.93 is multiplied by 0.5739 (the weighting factor for DRG No. 039) which equals $2,140.03.

5. $2,140.03 is added to $450.00 (the hospital-specific portion of the capital payment, which is 95% of the hospital's actual average medicare-related capital costs for FY 1987) which equals $2,590.03, the prospective payment for the discharge.

6. Since this hospital has an approved medical education program, it is entitled to the additional indirect payment for medical education costs. The hospital's ratio of the number of full-time equivalent interns and residents to its number of beds is 0.10. Hence, the indirect GME payment for this discharge is .1159 (the allowable percent additional payment for the .10 ratio) multiplied by $2,140.03 (the federal portion of the prospective payment for this discharge) which equals $248.03.●

● Mr. QUAYLE. Mr. President, I am pleased to join my distinguished colleague from Minnesota [Mr. DURENBERGER], in introducing "The Fair Deal Capital Payment Act of 1986," legislation which will restructure payments to hospitals for capital costs under Medicare.

In 1983, Congress enacted the prospective payment system for hospital inpatient services under the Medicare Program which reimburses hospitals on the basis of prospectively determined specific amounts on a case-by-case basis, according to individual patient diagnoses. However, Congress made the decision not to incorporate all of the expenses previously reimbursed by Medicare on a reasonable cost basis into the prospective payment system. Present law provides that the capital-related costs (including depreciation, interest expenses, leases, and rentals and, in the case of for-profit hospitals, a return on equity capital) paid by Medicare be excluded from the prospective payment system until October 1, 1986. That date was selected to allow sufficient time for the development of an alternative proposal to deal with capital costs. Until then, these costs will continue to be reimbursed on a reasonable cost basis.

Last session, Mr. DURENBERGER and I cosponsored a bill designed to reform capital payments. At the time we introduced that bill, we noted that its purpose was to get the ball rolling on capital payment reform and to put this subject on the agendas of all parties involved—the hospitals, the administration, and the Congress. In that regard, I believe our original bill served its purpose. The bill we are introducing today represents a substantial revision of S. 1559 that was achieved after much work and consultation with the affected parties. I feel strongly that the bill is fair and equitable, particularly in light of the administration's extremely stringent proposal which it intends to implement through regulation.

S. 2121 modifies the current reimbursement system for capital by adding on a percentage for capital costs over a 7-year transition period with the majority of the transition taking place in the later years. Over the transition period, Medicare hospital reimbursements for capital will consist of blended proportions of a hospital specific capital payment rate and a national capital payment rate. The hospital specific portion will be the allowable capital costs actually incurred by a given hospital; thus, the hospital specific portion will continue to be passed through on its current cost basis over the transition period. This transition period should be sufficient to avoid serious financial disruption to those hospitals that are highly leveraged in capital investments when the proposal is implemented. At the same time, the transition is not so lengthy that it will impede the efficiency of the prospective payment system for operating costs.

This bill will provide incentives for all hospitals to behave more efficiently with regard to their capital expenditures. For the first time, strong incentives will be in place for hospital managers to minimize the overall costs of new investments by selecting the right financial mix and by making capital investment decisions that are sensitive to marketplace conditions.

It is important to remember that if Congress is unable to meet its own self-imposed deadline of October 1, 1986, for passing a capital bill, then section 1122 of the Social Security Act will become mandatory for all States. Section 1122 is similar to the current mandatory certificate of need program under the health planning law which requires the review and approval of capital expenditures proposed by health facilities. Currently, section 1122 provides for voluntary agreements between individual States and the Department of Health and Human Services to review and approve capital expenditures made under the Medicare Program. I think there is little doubt that neither certificate of need nor section 1122 have been successful in containing health care costs. If anything, both of these programs have acted as a disincentive to the development of a competitive health care marketplace. To put States in the position of having to participate in such a regulatory program would just repeat our previous mistakes by giving new life to failed policies of the past.

I urge my colleagues to join me in supporting this bill. The time has come for us to move forward on this issue and to stick to the deadline we set for integrating capital costs for part A reimbursement into Medicare's new prospective payment methodology. Hospital capital costs only represent approximately 7 percent of Medicare's hospital payments. However, it significantly impacts upon Medicare's expenditures for operating costs. It is now time for us to address this issue and to align the incentives for capital reimbursement with the prospective payment system.●

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By Mr. GLENN (for himself, Mr. HEINZ, Mr. MELCHER, Mr. BRADLEY, Mrs. HAWKINS, and Mr. BURDICK):

S. 2122. A bill to continue the current waiver of liability presumption for home health agencies and skilled nursing facilities under the Medicare Program in order to protect beneficiary access to home health and extended care services; to the Committee on Finance.

MEDICARE BENEFICIARY ACCESS PROTECTION ACT

Mr. GLENN. Mr. President, I rise today to introduce the "Medicare Beneficiary Protection Act of 1986." This bill will continue the waiver of liability presumption for skilled nursing facilities and home health agencies participating in the Medicare Program—a provision the administration has moved to eliminate despite strong congressional support for continuing the waiver of liability. I am pleased that Senator HEINZ, Chairman of the Special Committee on Aging, has joined me in introducing this bill, as have Senators MELCHER, BRADLEY, HAWKINS, BURDICK, reflecting bipartisan support for this issue. This legislation is a companion to H.R. 4065 which has been introduced in the House by Representative ROYBAL.

The waiver of liability provides a limited level of financial protection to health care providers who accept Medicare patients who may subsequently be denied coverage by a fiscal intermediary. Because the skilled nursing and home health care benefits under Medicare are paid retrospectively, providers are paid for services after they have been given. In some cases, a home health agency or skilled nursing facility will accept a Medicare patient whose care they have good reason to believe will be covered by Medicare, but find that reimbursement is subsequently denied by the fiscal interme-

diary. In these cases, the waiver of liability ensures, within specific limits, that the facility will be reimbursed for the care it has provided.

This form of "insurance," which is limited to 5 percent of claims for skilled nursing facilities and 2.5 percent for home health agencies, ultimately protects Medicare beneficiaries. Without it, many providers are unlikely to be willing to take the financial risk of accepting Medicare patients, especially those for whom coverage is the least bit questionable. Medicare represents a small portion of revenues for many providers; the elimination of the waiver may be an incentive for them to drop out of the Medicare Program entirely. Many States already have a serious shortage of Medicare participating nursing homes. Elimination of the waiver of liability will only further limit the elderly's access to needed health care—a need that is even more urgent since the implementation of the prospective payment system [PPS].

The PPS-initiated trend of earlier discharges of Medicare beneficiaries from hospitals is significantly increasing the demand for posthospital care services, such as home health and skilled nursing care. This increased burden was clearly documented in testimony before the Senate Special Committee on Aging, of which I am the ranking member, at our recent series of hearings on the Medicare PPS. Mr. President, the elderly clearly need greater access to posthospital services; HCFA's elimination of the waiver of liability will have the opposite effect.

In February, 1985, when HCFA issued draft regulations revoking the waiver of liability as a cost saving measure affecting providers only, Members of Congress, providers and consumers groups protested that it would be beneficiaries who would be harmed by revocation of the waiver. Senator HEINZ and I joined Chairman ROYBAL and the ranking member of the House Select Committee on Aging in sending a letter to the Secretary of the Department of Health and Human Services [DHHS] expressing our concern about the proposed regulatory changes.

Margaret Heckler, who was Secretary of DHHS at that time, convened an internal task force to reconsider the advisability of these regulations. Unfortunately, we did not receive satisfactory response to our questions, despite the Secretary's promise to address our specific inquiries "well before we are prepared to proceed with a final regulation." Furthermore, we were not apprised of the progress of HCFA's internal task force.

Congressional opposition to this effort by the administration is reflected in the conference agreement to the reconciliation bill which includes Senate-passed language to extend the waiver. The conference agreement extends the 2.5 percent waiver of liability for home health agencies from enactment until 12 months after the consolidation of claims processing for home health agencies. For skilled nursing facilities, the agreement extends the 5 percent favorable presumption until 30 months after enactment. Despite this congressional sentiment, the administration announced on February 24, 1986, a final rule to end the waiver of liability, effective March 24, 1986.

The language of the "Medicare Beneficiary Protection Act of 1986" is identical to that of the reconciliation bill conference agreement. It is my hope that the reconciliation bill will be passed this year, with the waiver of liability provision intact. The administration, however, does not appear to be interested in Congress' view on this matter. Therefore, I believe the bill we are introducing today is necessary to clearly impress upon the administration our intent to extend the waiver of liability.

While we are all committed to controlling escalating health care costs, Mr. President, it is vital that we do not allow cost containment to be, in reality, a guise for diminishing the elderly's legitimate access to needed health care. I urge my colleagues in the Senate to join us in this important effort to protect ill and vulnerable elderly Medicare patients.

Mr. HEINZ. Mr. President, I am pleased to join with my distinguished colleague, Senator JOHN GLENN, in introducing this legislation to maintain the waiver of liability for home health agencies and skilled nursing facilities under the Medicare Program.

I have been a consistent and longtime supporter of maintaining the waivers of liability for home health and skilled nursing providers under the Medicare Program. I pushed hard for inclusion of these provisions in the Senate Consolidated Omnibus Budget Reconciliation Act last year because of my commitment to ensuring that Medicare beneficiaries have access to high quality, affordable health care.

The waiver of liability provides skilled nursing facilities and home health agencies who accept Medicare patients with some protection for errors as they try to predict which patients qualify for posthospital coverage and which do not. The waiver of liability was first created by the Congress out of legitimate concern that providers entering the Medicare Program should not be held fully financially responsible for retroactive decisions made by the fiscal intermediaries that the care given would not be covered.

Today, the Health Care Financing Administration is arguing, 20 years after the program has been in operation, that these health care providers should know the rules and no longer need any room for error. Unfortunately, it just doesn't work that way. What should be objective, predictable decisions truly are best guesses in light of uncertain, unpredictable fiscal intermediary decisions that are based on nebulous and changing criteria.

This uncertainty is heightened by the administration's recent push to decrease the number of fiscal intermediaries that serve Medicare home health agencies. While I applaud this consolidation to only 10 intermediaries, down from more than 42, as a major step toward reducing the variance of the FI's, I am also aware that there will exist a period of time where many home health agencies will be dealing with FI's to which they have never before been exposed. Each fiscal intermediary's decisions are slightly different, depending on a variety of factors, not the least of which is the direction given it by the HCFA regional office.

For this reason, the Senate Finance Committee's langauge in the Budget Reconciliation Act extended the skilled nursing and home health waivers for limited periods of time until after both areas were given a chance to stabilize. I wholeheartedly endorse this approach.

Let's take a look at the bigger picture, as well. The Medicare prospective payment system is, often for better, sometimes for worse, causing Medicare beneficiaries to be discharged from hospitals sooner and sicker than in the past. The intent of PPS was to encourage use of the most costly setting—hospitals—only during the most intensive part of illness and encourage use of less costly settings—skilled nursing facilities and home health agencies—at the end of the illness. Unfortunately, by moving to eliminate the waiver of liability, HCFA seems to be trying to squeeze the balloon at both ends—the hospitals and the posthospital ends. This just can't be done without someone feeling the squeeze, and that someone is the Medicare beneficiary.

Retention of the waiver of liability for skilled nursing facilities and home health agencies will help maintain some degree of certainty and stability in an otherwise unpredictable situation.

I am pleased to be a part of this bipartisan effort that is being undertaken in both Houses of the Congress. I am confident that our colleagues will agree that the waiver of liability is a key element in ensuring that Medicare beneficiaries have access to affordable, high quality health care, and I urge their support.

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By Mr. NICKLES:

S. 2123. A bill to authorize road repair or reconstruction at Fort Gibson Lake, OK; to the Committee on Environment and Public Works.

REPAIR OF TOPPERS DIKE ROAD AND WHITEHORN COVE ROAD AT FORT GIBSON, OK

● Mr. NICKLES. Mr. President, I rise today to introduce legislation which would direct the Corps of Engineers to repair Toppers Dike Road and Whitehorn Cove Road at Fort Gibson, OK.

These two roads have been the sight of numerous accidents with at least one fatality. Because of the danger that these roads pose to drivers, I am dedicated to seeing to it that they are repaired and brought up to current Corps of Engineers design standards.

The legislation that I am introducing today is needed because, at the present time, the Corps of Engineers does not have the authority to repair roads that were constructed prior to the enactment of Public Law 86-645, the River and Harbors Act of 1960. This bill would modify section 9 of the 1946 Flood Control Act which provides the corp with the authority to repair roads that are considered to have been damaged by the operation of Army reservoir projects, to include the Toppers and Whitehorn Cove roads. The corps contends that these roads were not damaged due to reservoir operations, and therefore do not feel the obligation or authority to repair them. The corps, however, has inspected the roads and agree that they are extremely hazardous because of their steep embankments and lack of lateral stability on the surface of the roads. They state that maintenance is most difficult since there are no shoulders.

Mr. President, I introduce this legislation today out of deep concern. Government redtape is standing in the way of the much needed repair of these roads. While different governmental entities are denying the responsiblity to repair these roads, people are continuing to be hurt, and in at least one instance killed, because these hazardous roads are not repaired by today's safety standards. I therefore introduce this legislation today and urge its prompt consideration and passage.●

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By Mr. DODD (for himself and Mr. BOREN):

S. 2124. A bill to guarantee that individuals responsible for defense procurement fraud are found liable and receive appropriate punishment; to the Committee on the Judiciary.

INDIVIDUAL RESPONSIBILITY FOR FRAUD IN DEFENSE PROCUREMENT ACT

● Mr. DODD. Mr. President, our defense industry has recently been shaken by a whole series of disclosures about fraudulent claims, overpricing, unallowable costs charged to the Government, deliberate underbidding, and the like. This has shattered public confidence about how public funds are expended by our Government and eroded public support that is crucial for a consistent and enduring effort to maintain the strength of our military forces.

Beyond the dismay any citizen must feel over these scandalous revelations I was particularly troubled by several aspects of them. While the negative publicity about many defense contractors was probably well deserved, there was not enough discussion of two other causes of these abuses. One was the lax enforcement of accounting regulations by the Pentagon at the time these abuses were committed and the other was the lack of a consistent set of regulations, for example, on what were the unallowable costs in Government contracting.

Just as the responsibility for these abuses was somewhat misallocated, the applied sanctions were often way off target. I was often concerned about actions that penalized whole companies or divisions by suspensions or by canceling existing contracts. In many cases I failed to see what reasonable purpose was served by these suspensions. It was of no concern for the accused or indicted officials who, in some cases, were no longer with the company. What these suspensions did was to endanger the jobs of thousands of innocent workers, penalizing blue collar workers for white collar crimes and to upset delicate production schedules, thereby hurting programs important for the defense of our Nation. I decided that to preserve the integrity of our defense procurement process and to fight effectively the reoccurrence of the sleazy practices that were brought to light, we would be well advised to go after the guilty individuals themselves instead of penalizing those who had nothing to do with the transgressions. I was helped in formulating my position by several conversations I had with my friend and colleague Senator DAVID BOREN and the bill we are introducing today is the result of our mutual efforts.

This bill is a compilation of several provisions, all increasing the civil and criminal penalties for individuals who are responsible for defrauding the Government through contracts for the delivery of goods or services. Specifically this bill raises the existing civil penalty for the submission of false claims to $10,000, from $2,000, and three times the damage (from two times); makes the defendant liable for prejudgment interest; makes contractor personnel liable for a knowing concealment of an obligation to the Government; raises the bail amount in a civil action to $10,000, from $2,000, and three times the damage (from two times); establishes responsibility for a civil fine even if the false claim is not actually paid by the Government; raises criminal penalty for fraud and conspiracy to commit fraud to $1,000,000 fine, from $10,000, and 10 years' imprisonment (from 5 years); extends period during which an individual convicted of procurement fraud cannot be employed by a contractor to 5 years, from 1 year; makes officers, directors, or stockholders of a corporation personally liable for a false claim submitted by the corporation where they know that a false claim has been submitted but do not immediately rectify that action.

Mr. President, this bill, together with other pending legislation ought to send a powerful message for those who try to enrich themseives at the expense of the Public Treasury. In closing I want to pay tribute to the efforts of our colleague Senator GRASSLEY in this area. He provided valuable leadership for all of us as chairman of the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary.

Mr. President, I ask unanimous consent that the text of our bill be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

S. 2124

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Individual Responsibility for Fraud in Defense Procurement Act of 1986".

FALSE CLAIMS

SEC. 2. Section 3729 of title 31, United States Code, is amended to read as follows:

"§ 3729. False claims

"(a) A person is liable to the United States Government for a civil penalty of $10,000, an amount equal to 3 times the amount of damages the Government sustains because of the act of that person, pre-judgment interest, and costs of the civil action, if the person—

"(1) knowingly presents, or causes to be presented, to an officer or employee of the Government or a member of an armed force a false or fraudulent claim for payment or approval;

"(2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved;

"(3) conspires to defraud the Government by getting a false or fraudulent claim allowed or paid;

"(4) has possession, custody, or control of public property or money used, or to be used, in an armed force and knowingly delivers, or causes to be delivered, less property than the amount for which the person receives a certificate or receipt;

"(5) knowingly makes, delivers, or causes to be made or delivered, a document certifying receipt of property used, or to be used, in an armed force when such receipt is false;

"(6) knowingly buys, or receives as a pledge of an obligation or debt, or causes to be bought or received, public property from a member of an armed force who lawfully may not sell or pledge the property; or

"(7) knowingly makes, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government.

For purposes of this subsection, the term 'knowingly' means knew or, with the exercise of reasonable case, should have known.

"(b) Any officer, director, or principal stockholder of a corporation found to have committed a violation under subsection (a) shall be personally liable for the violation by the corporation if—

"(1) he has knowledge that the violation of subsection (a) is about to occur and does not immediately attempt to stop such violation; or

"(2) he has knowledge that such a violation has occurred and does not immediately attempt to rectify such violation.

For purposes of this subsection, the term 'knowledge' means actual knowledge.

"(c) For purposes of this section, there is no requirement that the false claim actually be honored by the United States.".

CIVIL ACTIONS FOR FALSE CLAIMS

SEC. 3. The third sentence of subsection (a) of section 3730 of title 31, United States Code, is amended by striking out "$2,000 and 2 times" and inserting in lieu thereof "$10,000 and 3 times".

CONSPIRACY TO DEFRAUD THE GOVERNMENT

SEC. 4. Section 286 of title 18, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$1,000,000".

FALSE, FICTITIOUS, OR FRAUDULENT CLAIMS

SEC. 5. Section 287 of title 18, United States Code, is amended by—

(1) designating the matter in such section as subsection (a);

(2) striking out "fined not more than $10,000 or imprisoned no more than five years, or both" and inserting in lieu thereof "fined not more than $1,000,000 or imprisoned not more than 10 years, or both"; and

(3) adding at the end thereof the following:

"(b) Any officer, director, or principal stockholder of a corporation found to have committed a violation under subsection (a) shall be personally liable for the violation by the corporation if—

"(1) he has knowledge that the violation of subsection (a) is about to occur and does not immediately attempt to stop such violation; or

"(2) he has knowledge that such a violation has occurred and does not immediately attempt to rectify such violation.

For purposes of this subsection, the term 'knowledge' means actual knowledge.".

PROHIBITION ON FELONS CONVICTED OF DEFENSE CONTRACT RELATED FELONIES AND PENALTY ON EMPLOYMENT OF SUCH PERSONS BY DEFENSE CONTRACTORS

SEC. 6. Subsection (a) of section 932 of Public Law 99-145 is amended by—

(1) inserting after "management or supervisory capacity" the following: ", including the capacity of service on the board of directors,"; and

(2) striking out "one year" and inserting in lieu thereof "five years".●

● Mr. BOREN. Mr. President, I join my colleague from Connecticut in introducing this legislation today to emphasize, one more time, that the message is strong and clear that there must be an end to defense procurement fraud.

During the last few years, many new attempts at control have been enacted by Congress, multiple new regulations have been written by the Department of Defense and numerous new reports of various kinds of fraudulent claims have surfaced.

In conversations with my good friend from Connecticut, he expressed the feeling, which I share, that workers on the assembly lines should not suffer from lost contracts while individuals responsible for the wrongdoing go unpunished. We feel that strong penalties on individuals could be a deterrent if officials knew they personally must suffer the consequences of illegal actions in the name of a corporation.

This bill, Mr. President, amends the civil and criminal codes by increasing monetary fines and prison sentences. There are provisions to clarify situations where individuals can be found civilly or criminally responsible and, therefore, personally liable.

Finally, action was taken last year in the defense authorization legislation to prohibit employment by the defense industry for 1 year of any individual convicted of procurement fraud. Our bill would increase this prohibition to 5 years.

Mr. President, in these trying times of deficit Federal spending where much harm is occurring to many Federal programs impacting heavily on our citizens, we can no longer condone fraudulent actions by persons in the Defense industry by not imposing harsh penalties on the responsible individuals in civil and criminal infractions.●

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By Mr. WILSON (for himself and Mr. CRANSTON):

S. 2125. A bill to amend title 23 of the United States Code to increase the limitation on the amount of obligations from $30 million to $100 million for emergency relief projects in any State resulting from any single natural disaster or catastrophic failure occurring in calendar year 1986; to the Committee on Environment and Public Works.

EMERGENCY HIGHWAY FUNDING

Mr. WILSON. Mr. President, I am introducing legislation this afternoon which will enable northern California to begin to repair its highways and roads following the devastating floods which have caused 28 counties to be declared Federal disaster areas.

Mr. President, there has been severe damage to the California highway system. Roads have been destroyed by mud slides and flooding, bridges havebeen washed out and some highways are still under water. Preliminary estimates by the State department of transportation, CalTrans, project that damage will be at least $50 million and could exceed $75 million.

This legislation will enable California and other States to receive up to $100 million in Federal emergency funds for the repair of our roads and highways. It is important to recognize that this legislation adds no new funds to the Highway Trust Fund, but merely increases the ceiling so that the various States in dire need of emergency highway assistance can begin the job of repairing and restoring their highway systems and roadways.

There are adequate funds in the highway trust fund to cover the damage; however, the existing $30 million ceiling will prevent sufficient funds to flow to those States where the emergency relief is needed. It appears at this time that, in addition to California, Nevada, Montana, Utah, Idaho, Washington, and Colorado have sustained major road damage as well, and may exceed the $30 million ceiling.

Mr. Chairman, this legislation is similar to legislation that I sponsored following the severe flooding that my State endured in 1983. It is my hope that the Environment and Public Works Committee will act quickly, so that those with real need can begin the task of rebuilding their highway systems.

Mr. CRANSTON. Mr. President, today I join my colleague Senator PETE WILSON in introducing legislation to increase emergency highway repair funds available to California—and other affected States—under the Federal Highway Program. The bill provides up to $100 million in emergency funds to repair roads and highways damaged by last week's torrential storms.

We hope for quick action by the House and by the Senate. The need is clear and urgent.The California Department of Transportation says repairs could total $35 to $50 million. More than 200 northern California locations have so far been reported as suffering damage, and damage assessment—now at $15 million—is far from complete.

The severe road damage to northern California includes washed-out bridges, mudslides, and highways under water—including part of Interstate 5. Some landslides are still moving and other highways are threatened.

The funds to repair these storm damaged roads are in the Highway Trust Fund. No additional dollars are needed. What is needed is to lift the ceiling on the emergency road repair fund so that the dollars that are available can be spent where they are so clearly needed.

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By Mr. CRANSTON:

S. 2126. A bill to direct the Food and Drug Administration to conduct a

study of the health effects of toxic contamination of fish in Santa Monica Bay, CA; to the Committee on Labor and Human Resources.

STUDY OF EFECTS OF TOXIC CONTAMINAITON OF FISH IN SANTA MONICA BAY, CA

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to direct the Food and Drug Administration to conduct a study of the health effects of toxic contamination of fish in Santa Monica, Bay, CA. The bill is identical to legislation sponsored in the House by Congressmen MEL LEVINE and HENRY WAXMAN.

The legislation requires the FDA to assess the level of contamination of edible fish caught in Santa Monica Bay, determine the rate of consumption of contaminated fish from the bay, and evaluate the health risks associated with the consumption of such contaminated fish. It also requires FDA to report its findings to Congress within 6 months from the date of enactment of the measure.

Today there is increasing concern about toxic contamination of fish from Santa Monica Bay. Studies have documented DDT residues and high levels of PCB's in white croaker. A Loma Linda University research team found that commercially sold fish caught in waters off southern California have the highest concentration of DDT found anywhere in the Nation. The concern has been sufficient for the California Department of Health to issue warnings on consumption of fish from the bay waters.

But not enough is known about contamination of other species found in Santa Monica Bay and the health risks associated with eating such contaminated fish. Actions to date by the Federal Government have been inadequate. It's critical that we learn as quickly as possible whether there are health threats to local residents and the millions of visitors to the area. My bill will help provide that essential information to the public.

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By Mr. NUNN:

S.J. Res. 281. Joint resolution to designate the week of May 11, 1986, through May 17, 1986, as "Senior Center Week"; to the Committee on the Judiciary.

SENIOR CENTER WEEK

● Mr. NUNN. Mr. President, I am pleased to have the opportunity to offer a Senate joint resolution designating the week of May 11 through May 17, 1986, as "Senior Center Week."

The month of May has traditionally been proclaimed as Older Americans Month, so it is fitting that a particular week in May be set aside as a special time to celebrate senior centers where millions of older Americans come together for services and activities which enhance their dignity, support their independence, and encourage their involvement in the community.

There are more than 8,000 senior centers in communities across America. They range from large complexes located in urban areas to gatherings in a small town church social hall. A senior center is a place to socialize, to paint or dance, to monitor health, to have a good meal, to discuss good books, to hear good music, and to learn about volunteer and employment opportunities. In addition, a center serves as a resource for information on aging, for training professional and lay leadership, and for developing new approaches to aging programs.

The first senior center opened in New York City as a place where older persons could meet and associate on a neighborly basis. The senior center of 1986 certainly differs from the original Hodson Community Center in New York, but the development of a sense of community among older persons is still a vital part of the senior center concept.

Funding for senior centers comes from memberships, private contributions, and a variety of public sources at city, county, State, and Federal levels. Civic and political leaders support senior centers because they clearly exhibit the community's interest in improving the lives of its older citizens. Federal funds, through the Older Americans Act, support senior center services which promote maximum independence and self-support for senior citizens.

The national theme of Senior Center Week in 1986 is "Senior Centers are Wellness Centers," and communities across the country will celebrate the important role of centers in promoting the physical and emotional well-being of older persons. By improving nutrition, monitoring physical health needs, and encouraging a sense of self-worth, senior centers enhance the quality of life of older Americans and help many of the more frail elderly to avoid placement in an institution. Often only a small amount of help is all that is needed to keep an older person active and independent.

I had the pleasure of sponsoring last year's Senior Center Week resolution, and I am honored to be asked to offer this measure once again. I commend the dedicated senior center staff and volunteers for their day-to-day efforts to promote the health and vitality of older Americans. I urge my colleagues to join me in supporting this joint resolution to recognize the important place that senior centers have in our communities.●

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By Mr. MOYNIHAN (for himself, Mr. HEINZ, Mr. PRYOR, Mr. DURENBERGER, Mr. MITCHELL, Mr. GRASSLEY, Mr. FORD, Mr. SARBANES, Mr. SIMON, Mr. BAUCUS, and Mr. MATSUNAGA):

S.J. Res. 282. Joint resolution to express the disapproval of the Congress with respect to the proposed rescission of budget authority for the general revenue sharing program; to the Committee on Appropriations.

DISAPPROVING PROPOSED RESCISSION OF BUDGET AUTHORITY FOR GENERAL REVENUE SHARING

● Mr. MOYNIHAN. Mr. President, today I rise with 10 of my colleagues to offer a resolution of great import to city, town, and county governments across the country.

The Administration's proposed Budget released on February 5, contained much unwelcome news for our local governments, including the proposal to rescind the fourth quarter fiscal year 1986 general revenue sharing payment of $760 million that our local governments had anticipated receiving.

I strongly disagree with the President's proposal. For over 20 years I have been a proponent of revenue sharing. Indeed, in 1964, I drafted the plank in the Democratic Platform calling for revenue sharing with State and local governments. In 1969, as Assistant President for Urban Affairs, I drew up the program and drafted the 1969 Presidential message calling for revenue sharing—a proposal which became law in 1972. Most recently, I introduced legislation to reauthorize the current program through fiscal year 1988.

Revenue sharing funds have been used for police and fire protection, schools, and hospitals. They help to maintain and repair roads and bridges. They are used to build jails and sewage and water treatment facilities. Many services to the poor and elderly, such as indigent health care and nursing homes, are also paid for with these funds.

Mr. President, the resolution we introduce today is simple and direct: it states that Congress should not approve the President's proposal to rescind the fourth quarter payment.

I urge my colleagues to support the resolution and to support the continuation of the General Revenue Sharing Program at currently authorized funding levels.●

● Mr. HEINZ. Mr. President, I rise today in strong support of this resolution opposing the proposed rescission of $760 million in budget authority for the General Revenue Sharing Program. This proposal reflects a complete disregard for the fiscal conditions and restraints facing many of our Nation's cities and towns today.

The need to reduce our Federal deficit has already forced our local governments to shoulder a steadily increasing number of programs and responsibilities previously supplied by the Federal Government. One program upon

which they have been able to depend to meet vital needs such as police and fire protection, education, highway maintenance, is general revenue sharing.

I would just like to say to my colleagues that I thought we had resolved this matter last October when the Senate considered the HUD and independent agencies appropriations bill. At this time, the Senate approved a 7.2-percent cut in general revenue sharing for fiscal year 1986. The House-Senate conference resulted in a final reduction of 8.3 percent, and stipulated that this entire reduction would take place during the fourth quarter of fiscal year 1986. The net effect of that decision was that municipalities would sustain a 33 percent cut in this October's installment. On top of that cut, payments in each of the three quarters remaining in this fiscal year will be reduced as a result of across-the-board cuts stipulated by Gramm-Rudman. In addition to these cuts, the administration's proposed rescission would eliminate the entire fourth quarter payment.

Mr. President, I believe that this proposal is unfair. Although we are all dedicated to fiscal restraint and we know there are hard choices to be made this year, we do not show fiscal courage by taking funds away from smaller units of government that are struggling to become more self-sufficient in the face of numerous other spending cuts, particularly when we have previously committed to fund the General Revenue Sharing Program through the end of this fiscal year. I urge my colleagues to support this resolution and convey the clear sense of the Senate that we do not approve of this $760 million rescission.●

● Mr. BAUCUS. Mr. President, last year Congress approved funding for the General Revenue Sharing Program through fiscal year 1986. We took that action after very careful consideration of the importance of this program to local communities and knowing full well that this year we would need to consider the much more important issue of whether to reauthorize General Revenue Sharing for future years.

Local communities have long ago set their own budgets under the assumption that the Revenue Sharing Program will continue at least through this year. To rescind $760 million, 3 full months of payments to local communities, as the administration is proposing in this year's budget, would cause a sudden disruption in the financial condition of local governments. Many communities would be hard-pressed to adjust to a rapid reduction in revenues, with consequences to these communities and their citizens that are nearly impossible to predict here in Washington.

I believe that budget policy should be made through a deliberative process. I do not believe that we should pull the rug out from under local communities in the middle of the year. Just as the Federal Government must take a long-term look at its own revenues and expenses, so too must mayors and town managers and county commissioners.

The Impoundment and Budget Control Act of 1974 authorized the President to propose rescissions of budget authority when the administration believes that Congress has hastily approved excess funds for a particular program that could not be spent prudently. I do not think that that is the situation with the Revenue Sharing Program for 1986. In fact, Congress lowered the funding level for this program. This is not an example of excessive spending that must cutback and there is certainly no evidence that local communities would not use the funds appropriated for this year in a prudent manner.

I hope that other Senators will agree that the future of the General Revenue Sharing Program should be made carefully, not in haste, and that the administration's proposed rescission of duly authorized funds for local assistance should be rejected.●

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By Mr. LUGAR:

S.J. Res. 283. Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985; to the Committee on Foreign Relations, per Public Law 99-83, not to be reported prior to 8 days after the date of introduction, but in any case, it must be reported by the close of business the 15th day after introduction.

ASSISTANCE TO CENTRAL AMERICA

● Mr. LUGAR. Mr. President, today I introduce a joint resolution approving the President's request (Presidential Message 116) for additional assistance for the democratic resistance in Nicaragua. An identical resolution is being introduced in the other body today as well.

These resolutions will be considered under very tight expedited procedures in both Houses. As a result, the President will have a decision from Congress on his request shortly. Indeed, the Committee on Foreign Relations begins its review of the request today with testimony from Secretary of State George Shultz.

Mr. President, I ask unanimous consent that the text of the resolution, together with the President's request, appear in the RECORD at this point.

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

S.J. RES. 283

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the International Security and Development Cooperation Act of 1985, notwithstanding section 10 of Public Law 91-672.

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REQUEST FOR ADDITIONAL AUTHORITY AND ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

Pursuant to the provisions of section 722(p) of the International Security and Development Cooperation Act of 1985 (P.L. 99-83) and section 106(a) of chapter V of the Supplemental Appropriations Act, 1985 (P.L. 99-88), I hereby request that the Congress approve additional authority and assistance for the Nicaraguan democratic resistance, as follows:

(1) That the sum of $100,000,000 appropriated by the Department of Defense Appropriations Act, 1986, as contained in P.L. 99-190, shall be available for transfer by the President to appropriations available for assistance to the Nicaraguan democratic resistance and shall be available for that purpose, subject to the terms and conditions of this request.

(2) That the funds transferred under paragraph (1) will include funds that have been made available for obligation beyond September 30, 1986, as provided by law: *Provided,* That not more than 25 percent shall be available for obligation upon the enactment of a joint resolution approving this request, and an additional 15 percent shall become available upon submission of each report to the Congress required by paragraph (6)(E) of this request, and no obligations may be incurred after September 30, 1987.

(3) That, of the funds transferred under paragraph (1), $30,000,000 shall be available during the period of availability of those funds for continuation of a program of humanitarian assistance to be administered by the Nicaraguan Humanitarian Assistance Office established by Executive Order 12530, of which at least $3,000,000 will be used exclusively for strengthening programs and activities of the United Nicaraguan Opposition for the observance and advancement of human rights.

(4) That, notwithstanding the proviso contained in paragraph (2) of this request, in the event of a peaceful settlement of the conflict in Central America during the period that the funds transferred under paragraph (2) are available for obligation, any remaining balance of such funds shall then also be available for purposes of relief, rehabilitation, and reconstruction in Central American countries, including Nicaragua, in accordance with the authority of chapter 4 of part II of the Foreign Assistance Act of 1961.

(5) That the approval by the Congress of this request be deemed to satisfy the requirements, terms, and conditions of section 105(a) of the Intelligence Authorization Act for Fiscal Year 1986 (P.L. 99-169) as well as statutory requirements for the authorization of appropriations (including section 10 of P.L. 91-672, section 502 of the National Security Act of 1947, and section 8109 of the Department of Defense Appropriations Act, 1986), subject to—

(A) all applicable provisions of law and established procedures relating to the oversight by the Congress of operations and departments and agencies; and

(B) the further terms and conditions specified in this request.

(6) That the approval by the Congress of this request be deemed to constitute the acceptance of the following undertakings:

(A) United States policy toward Nicaragua shall be based upon Nicaragua's responsiveness to continuing concerns by the United States and Nicaragua's neighbors about—

(i) Nicaragua's close military and security ties to Cuba, the Soviet Union, and its Warsaw Pact allies, including the presence in Nicaragua of military and security personnel from those countries;

(ii) Nicaragua's buildup of military forces in numbers disproportionate to those of its neighbors and equipped with sophisticated weapons systems and facilities designed to accommodate even more advanced equipment;

(iii) Nicaragua's unlawful support for armed subversion and terrorism directed against the democratically elected governments of other countries;

(iv) Nicaragua's internal repression and lack of opportunity for the exercise of civil and political rights that would allow the people of Nicaragua to have a meaningful voice in determining the policies of their government; and

(v) Nicaragua's refusal to negotiate in good faith for a peaceful resolution of the conflict in Central America based upon the comprehensive implementation of the September 1983 Contadora Document of Objectives and, in particular, its refusal to enter into a church-mediated national dialogue as proposed by the Nicaraguan democratic resistance on March 1, 1985.

(B) The United States will address these concerns through economic, political, and diplomatic measures, as well as through support for the Nicaraguan democratic resistance. In order to assure every opportunity for a peaceful resolution of the conflict, the United States—

(i) will engage in simultaneous bilateral discussions with the Government of Nicaragua with a view toward facilitating progress in achieving a peaceful resolution of the conflict if the Government of Nicaragua engages in a church-mediated national dialogue, as proposed by the United Nicaraguan Opposition; and

(ii) will take other positive actions in response to steps by the Government of Nicaragua toward meeting the concerns described in subparagraph (A).

(C) The duration of bilateral discussions with the Government of Nicaragua and the implementation of additional measures under subparagraph (B) shall be determined, after consultation with the Congress, by reference to Nicaragua's actions in response to the concerns described in subparagraph (A). Particular regard will be paid to whether—

(i) freedom of the press, religion, and assembly are being respected in Nicaragua;

(ii) additional arms and foreign military personnel are no longer being introduced into Nicaragua;

(iii) a cease-fire with the Nicaraguan democratic resistance is being respected; and

(iv) Nicaragua is withholding support for insurgency and terrorism in other countries.

(D) The actions by the United States in response to the concerns described in subparagraph (A), authorized by the approval of this request, are consistent with the right of the United States to defend itself and to assist its allies in accordance with international law and treaties in force. Such actions are directed to achieving a comprehensive and verifiable agreement among the countries of Central America, based upon the 1983 Contadora Document of Objectives, and internal reconciliation within Nicaragua, based upon democratic principles, without the use of force by the United States. The approval of this request shall not be construed as authorizing any member or unit of the armed forces of the United States to engage in combat against the Government of Nicaragua.

(E) The President will transmit a report to the Congress within 90 days after the date of approval of this request, and every 90 days thereafter, on actions taken to achieve a resolution of the conflict in Central America in a manner that meets the concerns described in subparagraph (A). Each such report shall include—

(i) a detailed statement of any progress made in reaching a negotiated settlement, including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(ii) a detailed accounting of the disbursements made to provide assistance with the funds made available pursuant to paragraph (1); and

(iii) a discussion of alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses.●

## ADDITIONAL COSPONSORS

S. 670

At the request of Mr. PELL, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 670, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, and to give to employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 837

At the request of Mr. GLENN, the names of the Senator from California [Mr. CRANSTON] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 837, a bill to amend the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that act.

S. 1290

At the request of Mr. MATHIAS, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1290, a bill to prohibit discrimination in insurance on the basis of blindness or degree of blindness.

S. 1427

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1427, a bill to prohibit the suspension of an employee's benefit accrued under a retirement plan solely because of age before accruing the maximum normal retirement benefit.

S. 1563

At the request of Mr. HELMS, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1563, a bill to amend the Federal Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

S. 1742

At the request of Mr. TRIBLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1742, a bill to improve the enforcement of the restrictions against imported pornography.

S. 1766

At the request of Mr. MATHIAS, the names of the Senator from Washington [Mr. GORTON], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Washington [Mr. EVANS], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1766, a bill to designate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park in honor of J. Glenn Beall, Sr.

S. 1787

At the request of Mr. MATHIAS, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1787, a bill to amend the Federal Election Campaign Act of 1971 to provide for the public financing of Senate general election campaigns.

S. 1817

At the request of Mr. TRIBLE, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1817, a bill to suspend temporarily most-favored-nation treatment to Romania.

S. 1848

At the request of Mr. HATCH, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1848, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish conditions for the export of drugs.

S. 1889

At the request of Mr. DENTON, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kentucky [Mr. MCCONNELL] 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.

S. 1917

At the request of Mr. BRADLEY, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Oklahoma [Mr. BOREN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 2031

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. LONG] was added as a cosponsor of S. 2031, a bill to authorize the Secretary of the Interior to release restrictions on certain property located in Calcasieu Parish, LA, and for other purposes.

S. 2043

At the request of Mr. MURKOWSKI, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2043, a bill to provide assistance benefits to dependent children of certain deceased members of flight crews of space flight vehicles of the National Aeronautics and Space Administration.

S. 2067

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2067, a bill to overturn the deferral of the fiscal year 1986 Urban Development Action Grant and Community Development Block Grant Program.

S. 2075

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2075, a bill to overturn the deferral of urban development action grant funds.

S. 2088

At the request of Mr. HELMS, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 2088, a bill to amend the Internal Revenue Code of 1954 to deny a taxpayer's personal exemption deduction for a child who lives temporarily after an abortion, and for other purposes.

S. 2090

At the request of Mr. PRYOR, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2090, a bill to provide that the Internal Revenue Service may not before July 1, 1987, enforce its regulations relating to the tax treatment of the personal use of vehicles, and for other purposes.

S. 2112

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2112, a bill to amend section 203 of the National Housing Act to reduce losses under the Single Family Mortgage Insurance Program.

SENATE JOINT RESOLUTION 112

At the request of Mr. PELL, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 143

At the request of Mr. GORE, the names of the Senator from California [Mr. CRANSTON] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize the Black Revolutionary War Patriots Foundation to establish a memorial in the District of Columbia at an appropriate site in Constitution Gardens.

SENATE JOINT RESOLUTION 205

At the request of Mr. MCCLURE, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Oklahoma [Mr. BOREN], the Senator from Alabama [Mr. HEFLIN], the Senator from Nevada [Mr. HECHT], the Senator from Nebraska [Mr. EXON], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 205, a joint resolution to designate March 21, 1986, as "National Energy Education Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. WALLOP, the names of the Senator from Nevada [Mr. LAXALT] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 262, a joint resolution to authorize and request the President to issue a proclamation designating June 2 through June 8, 1986, as "National Fishing Week."

SENATE JOINT RESOLUTION 263

At the request of Mr. BOSCHWITZ, the names of the Senator from Louisiana [Mr. LONG], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Georgia [Mr. NUNN], the Senator from Idaho [Mr. MCCLURE], the Senator from Illinois [Mr. SIMON], the Senator from South Dakota [Mr. ABDNOR], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. HATCH], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 263, a joint resolution to designate the week of September 7-13, 1986, as "National Independent Retail Grocer Week."

SENATE JOINT RESOLUTION 266

At the request of Mr. DENTON, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of Senate Joint Resolution 266, a joint resolution to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month."

SENATE JOINT RESOLUTION 278

At the request of Mr. PACKWOOD, the names of the Senator from California [Mr. CRANSTON], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of Senate Joint Resolution 278, a joint resolution to designate March 16, 1986, as "Freedom of Information Day."

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. BYRD, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Concurrent Resolution 109, a resolution expressing the sense of the Congress that February 28, 1986, should be designated "National TRIO Day."

SENATE RESOLUTION 303

At the request of Mr. HEINZ, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Louisiana [Mr. JOHNSTON], were added as cosponsors of Senate Resolution 303, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 320

At the request of Mr. JOHNSTON, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Montana [Mr. MELCHER] were added as cosponsors of Senate Resolution 320, a resolution affirming, in part, and disaffirming, in part, the order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1986, and instructing the appropriate committees of the Senate to report certain changes in the laws within their jurisdiction.

SENATE RESOLUTION 339

At the request of Mr. BYRD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Resolution 339, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 344

At the request of Mr. HEINZ, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of Senate Resolution 344, a resolution expressing the sense of the Senate with respect to the proposed rescission of budget authority for housing for

the elderly and handicapped under section 202 of the Housing Act of 1959.

## SENATE RESOLUTION 353—AUTHORIZING EXPENDITURES BY THE COMMITTEES OF THE SENATE

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 353

*Resolved*, That this resolution may be cited as the "Omnibus Committee Funding Resolution of 1986."

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $43,597,366, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1987.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees of the committees who are paid at an annual rate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1986, through February 28, 1987, to be paid from the appropriations account for "Expenses of inquiries and investigations".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,263,379 of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of the rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,999,860, of which amount (1) not to exceed $135,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,097,190, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,613,364, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,873,857, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,217,690, of which amount (1) not to exceed $15,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,960 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as au-

thorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel.

(b) The expenses of the committee under this section shall not exceed $2,329,322, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,267,021, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,153,790, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,365,019, of which amount (1) not to exceed $6,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,313,488, of which amount (1) not to exceed $112,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interests, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, and talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

*Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1986, through February 28, 1987, is authorized, in its, his, or their discretion (A) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(4) All subpenas and related legal processes of the committee and its subcommittees authorized under S. Res. 85 of the Ninety-ninth Congress, first session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,125,039, of which amount (1) not to exceed $36,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,326,021, of which amount not to exceed $56,600 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,194,353, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $899,782.

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $861,749.

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,041,514, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,864,131, of which amount not to exceed $5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out its powers, duties, and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $790,797, of which amount not to exceed $15,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 22. Senate Resolution 85, as amended, agreed to February 28, 1985, is amended by—

(1) in section 2, strike out "$44,878,358" and insert in lieu thereof "$43,964,352".

(2) in section 6(b) strike out "$1,660,768" and insert in lieu thereof "$1,574,250".

(3) in section 8(b) strike out "$3,312,233" and insert in lieu thereof "$3,079,233".

(4) in section 9(b) strike out "$2,397,763" and insert in lieu thereof "$2,303,434".

(5) in section 10(b) strike out "$2,333,631" and insert in lieu thereof "$2,293,631".

(6) in section 12(b) strike out "$2,424,509" and insert in lieu thereof "$2,397,509".

(7) in section 13(b) strike out "$4,440,229" and insert in lieu thereof "$4,233,825".

(8) in section 14(b) strike out "$4,246,242" and insert in lieu thereof "$4,029,487".

## SENATE RESOLUTION 354—GRATUITY TO LEE R. SCHROER

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 354

*Resolved,* That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lee R. Schroer, widower of Jo Anne W. Schroer, an employee of the Senate at the time of her death, a sum equal to nine and one-half months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expense and all other allowances.

## SENATE RESOLUTION 355—GRATUITY TO JOAN W. PERSETIC

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 355

*Resolved,* That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Joan W. Persetic, widow of Raymond J. Persetic, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

## SENATE RESOLUTION 356—AUTHORIZING THE PRINTING OF SENATE ELECTION LAW GUIDEBOOK

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 356

*Resolved,* That there be printed a revised edition of Senate document numbered 99-23, entitled "Senate Election Law Guidebook 1984," as a Senate document, and that there be printed for the use of the committee additional copies of such document not to exceed the cost of $1,200.

## AMENDMENTS SUBMITTED

### URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE

### GORTON AMENDMENT NO. 1635

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 534) making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. . The Congress disapproves the proposed deferral of budget authority (Deferral No. D-85-48) for community development block grants set forth in the special message transmitted by the President to the Congress on February 5, 1986, under section 1013 of the Impoundment Control Act of 1974.

### TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

### DOLE (AND OTHERS) AMENDMENT NO. 1636

Mr. DOLE (for himself, Mr. BYRD, Mr. MATHIAS, Mr. ARMSTRONG, Mr. GORE, Mr. WILSON, Mr. DECONCINI, Mr. STEVENS, and Mr. METZENBAUM) proposed an amendment to the resolution (S. Res. 28) to improve Senate procedure; as follows:

In lieu of the language proposed to be inserted, insert the following:

"That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously, except for any time when the Senate is conducting a quorum call, or when a meeting with closed doors is ordered; and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking, clerks and the chaplain except during rollcall votes when the television cameras shall show the entire Chamber.

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

*Provided,* That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings, and copies thereof as requested by the Secretary under clause (4) of this subsection, of Senate proceedings, (3) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Secretary of the Senate copies of such recordings: *Provided,* That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and (4) if authorized by the Senate at a later date the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings and make such copies available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) receive from the Sergeant at Arms such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive-quality copies of such recordings.

SEC. 5. (a) Radio coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than May 1, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Television coverage of Senate proceedings shall go live June 1, 1986. The test period aforementioned shall end on July 15, 1986.

(c) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmitted between May 1st and June 1st, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recording of Senate proceedings shall be retained by the Secretary of the Senate.

SEC. 6. The use of tape duplications of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes. The use of tape duplications of T.V. coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. That Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise directs, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 10. That paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of Rule II or Rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?

"And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other mattter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours."

SEC. 11. That Rule XVII, par. 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SEC. 12. Rule IV, paragraph 1. (a) amended by adding after the words "the Journal of the preceding day shall be read" the following words "unless by non-debatable motion the reading shall be waived, the question being, "Shall the Journal stand approved to date?".

SEC. 13. Rule XXVIII, dealing with conference reports, is amended by adding the words "when available on each Senator's desk" after the words in paragraph 1 "shall always be in order".

SEC. 14. Provided, that if the Senate authorizes the permanent televising of the Senate pursuant to section 15, that radio and television coverage of the Senate shall be made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 15. Television coverage of the Senate and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on July 15, 1986, "Shall radio and television coverage continue after this date, and shall the rules changes contained herein continue?" There shall be six hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?" On this question there shall be one hour of debate, equally divided and controlled in the usual form. If this question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and shall the rules changes contained herein continue?".

SEC. 16. Provided, That official noting of a Senator's absence from committees while the Senate is on television is prohibited.

### JOHNSTON AMENDMENT NO. 1637

Mr. JOHNSTON proposed an amendment, which was subsequently modified, to amendment No. 1636 proposed by Mr. DOLE (and others) to the resolution (S. Res. 28), supra; as follows:

On page 2, strike out lines 1 thru 3.

On page 4, between lines 14 and 15 insert the following:

(2) Television broadcast coverage shall be provided only—

(A) when there is in effect a unanimous consent agreement providing for the allocation of time between specified Senators or their designees; or

(B) during consideration of any other matter for which unanimous consent for such television broadcast coverage is obtained.

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### WILSON AMENDMENT NO. 1638

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to the resolution (S. Res. 28), supra; as follows:

At the end of the amendment, add the following new section:

"SEC. . (a) That the Standing Rules of the Senate are amended by the addition of the following new Rule:

"'RULE XLIII

"'CONSIDERATION OF TRADE AGREEMENTS

"'1. The provisions of subsections (d), (e), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191), limiting the consideration in the Senate of an implementing bill as defined in subsection (b)(1) of section 151 of such Act, shall not be applicable to the consideration of an implementing bill approving a bilateral or plurilateral trade ageeement.

"'2. The provisions of subsections (e) and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191), limiting the consideration in the Senate of an implementing bill as defined in subsection (b)(1) of section 151 of such Act, shall not be applicable to the consideration of an implementing bill approving a multilateral trade agreement.'

"(b) The amendment made by subsection (a) of this section shall not be subject to section 15.".

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### LONG AMENDMENT NO. 1639

Mr. LONG proposed an amendment to the resolution (S. Res. 28), supra; as follows:

On page 1, line 7, insert "and" after the semicolon.

On page 2, strike out lines 1, 2 and 3.

On page 2, line 4, strike out "(3)" and insert in lieu thereof "(2)".

On page 10, between lines 9 and 10, insert the following:

SEC. 14. Rule XXXIII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

3. (a) Television broadcast coverage of Senate proceedings shall be provided only upon agreement of the Senate to a motion providing such coverage for a specific matter or specific time period under terms and conditions specified in such resolution.

(b) Television broadcast coverage provided by a motion agreed to as provided in subparagraph (a) may be terminated at any point upon agreement to a motion terminating such coverage.

(c) Debate on a motion under this paragraph shall be limited to two hours, to be equally divided between and controlled by the Senator making the motion and a Senator in opposition designated by the Chair, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion: *Provided, however,* That one motion to table shall be in order at any time. The time provided for consideration of a motion under this paragraph shall be reduced by the amount of time used to consider a motion to table.

(d) No television broadcast coverage of Senate proceedings shall be provided when a meeting with closed doors is ordered.

On page 10, line 10, strike out "(14)" and insert in lieu thereof "(15)".

On page 10, line 20, strike out "(15)" and insert in lieu thereof "(16)".

On page 11, line 9, strike out "(16)" and insert in lieu thereof "(17)".

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## IMPROVEMENTS TO RIVERS AND HARBORS OF THE UNITED STATES

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### LAUTENBERG (AND BRADLEY) AMENDMENT NO. 1640

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself and Mr. BRADLEY) submitted an amendment intended to be proposed by them to the bill (S. 1567) to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 118, line 3, strike out "and".

On page 118, line 6, strike out the period and insert in lieu thereof a semicolon.

On page 118, between lines 6 and 7, insert the following:

(78) Lower Saddle River, New Jersey: Report of the Chief of Engineers dated January 28, 1986, at a total cost of $36,850,000 (October 1985);

(79) Molly Ann's Brook, New Jersey: Report of the Chief of Engineers dated December 31, 1985, at a total cost of $21,860,000 (October 1985); and

(80) Ramapo River at Oakland, New Jersey: Report of the Chief of Engineers dated January 28, 1986, at a total cost of $6,610,000 (October 1985).

● Mr. LAUTENBERG. Mr. President, the Senate will soon consider badly needed legislation to authorize water resource development projects. Port dredging, flood control projects, beach erosion, and storm protection projects are all part of S. 1567, the Water Resources Development Act, reported by the Committee on Environment and Public Works.

As a member of the Environment and Public Works Committee, I supported this legislation to address long-delayed and vital projects across the Nation. The committee has endeavored to come to grips with both the fiscal and environmental realities of water resources development.

S. 1567 contains a number of flood control projects for New Jersey. These projects are vital to our ability to prevent the loss of life and property damage in future floods. The devastation of flooding was brought home to New Jersey in 1984 when massive flooding caused millions of dollars of damage. The area of northern New Jersey known as the Passaic River basin was particularly hard hit.

Earlier in this session of Congress, I introduced authorizing legislation for a flood control project along the Ramapo and Mahwah Rivers in Mahwah, NJ, and Suffern, NY. This project is one of a series of necessary projects examined by the Army Corps of Engineers along tributaries of the Passaic River. At the time I introduced the Mahwah and Suffern project, I indicated my interest in introducing legislation for other Passaic River basin projects as those projects received environmental clearance and approval of the Chief of Engineers for the Army Corps of Engineers.

Today I am introducing three additional Passaic River basin projects which have received favorable reports from the Chief of Engineers. These projects are: a $36.8 million project along the Lower Saddle River in Bergen County, NJ; a $21.8 million project along Molly Ann's Brook around the towns of Paterson, Haledon, and Prospect Park, NJ; and a $6.6 million project along the Ramapo River in the Borough of Oakland, NJ.

The Lower Saddle River, Molly Ann's Brook, and Oakland projects involve the modifications of channels to curb the overtopping of river banks during flood situations.

Mr. President, like the Mahwah and Suffern project, these projects meet the criteria set by the Environment and Public Works Committee for authorization. It is therefore my hope and expectation that these projects will be approved as part of S. 1567.●

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## TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

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### BOREN (AND LONG) AMENDMENT NO. 1641

Mr. BOREN (for himself and Mr. LONG) submitted an amendment to the resolution (S. Res. 28), supra; as follows:

Strike section 15 and insert in lieu thereof the following:

SEC. 15. Television coverage of the Senate shall cease at the close of business July 15, 1986, and television coverage of the Senate and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on July 29, 1986, "Shall radio and television coverage continue after this date, and shall the rules changes contained herein continue?" There shall be 12 hours of debate on this question, to be

equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?". On this question there shall be one hour of debate, equally divided and controlled in the usual form. If this question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and shall the rules changes contained herein continue?".

## NOTICE OF INTENTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. WILSON. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

The Standing Rules of the Senate are amended by the addition of the following new section:

"RULE XLIII

"CONSIDERATION OF BILLS IMPLEMENTING TRADE AGREEMENTS

"During consideration by the Senate of a bill implementing a trade agreement pursuant to the provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191), the limitations on amendments contained in subsection (d) of section 151 of such Act and the limitations on floor consideration contained in subsection (e) and paragraphs (2), (3), and (4) of subsection (g) of section 151 of such Act shall not apply to such consideration, except that the limitations on amendments contained in subsection (d) of section 151 of such Act shall apply to consideration of a bill implementing a multilateral trade agreement.".

## NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public a time change in a hearing scheduled before the Committee on Energy and Natural Resources in Washington DC. The hearing is an oversight hearing on the domestic and international petroleum situation and will take place Friday, March 14, at 10:30 a.m. In room SD-366 of the Senate Dirksen Office Building instead of 1 p.m. as previously announced.

Please note that a closed hearing on the same subject will take place Wednesday, March 12, at 2 p.m. in room SH-219 of the Senate Hart Office Building.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-358 Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Debbi Rice or Howard Useem at (202) 224-2366.

## AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 27, in closed session, to hold a hearing on the fiscal year 1987, intelligence authorization.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, February 27, to hold a hearing on DOD subcontractor kickbacks.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, February 27, in order to conduct an oversight hearing on the issue of white collar crime.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 27, to conduct a closed oversight hearing on Micronesia status.

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

SUBCOMMITTEE ON CONSUMER

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, February 27, to conduct a hearing on S. 1999, the Product Liability Voluntary Claims and Uniform Standards Act, and related reform proposals.

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

## ADDITIONAL STATEMENTS

### TV IN THE SENATE

● Mr. HECHT. Mr. President, 2 weeks ago I made known my firm opposition to allowing the proceedings of the Senate to be televised and stated my reason thus. Yesterday, we were faced with potential significant changes in the way the Senate conducts its business in anticipation, or what some may consider the eventuality, of a televised U.S. Senate. I want to reiterate my opposition not only to TV in the Senate, but also to what I consider would have been significant changes in the way we operate here in this body. I thought the proposed rules changes were misguided and not in the best interest of the United States.

Specifically, Mr. President, I opposed the proposal to limit to 2 hours debate on a motion to proceed to consideration of a particular bill. While my tenure in this great body is not so lengthy as that of many of my respected colleagues, it has nonetheless been my experience that the rules and general practice governing a motion to proceed have been in my best interest, and more importantly, in the best interest of the constituents I was elected to represent. Who among us would have hazarded the chance that we not be given ample time to debate the merits of initiatives which would affect the citizens of our respective States?

In the context of this proposal the argument was put forth that points of contention could still have been deliberated after a specific bill was taken up, however, I believe that all Senators are served by allowing for deliberation of a sufficient length on the motion to proceed. It was never fully demonstrated to me that such a rule change would not have endangered our charged duty of thoroughly weighing both sides of an issue. Moreover, Mr. President, concern was raised that such a modification would have encouraged all Senators to offer motions to proceed to consideration of particular legislation, knowing that debate on the motion could have been limited under the proposed change to 2 hours.

The other proposed rule change I objected to was that which pertained to the germaneness of amendments. Again in this instance my main concern was that such a provision would have served to inhibit the deliberative and procedural freedom we enjoy in this Chamber. As the proposal was written, this change would have provided that a motion requiring germaneness of amendments could have been introduced not only at the beginning of a legislative initiative's consideration, but also at any point during the initiative's consideration. Such an arrangement could have allowed that a certain number of nongermane amendments be considered, and then, if a three-fifths majority of Senators concurred, the proposal of additional nongermane amendments would have been precluded. I believe that this arrangement would not have adequately protected the interests of Senators in the minority on such occasions. Under current rules, aside from consideration of certain privileged types of legislation, unanimous consent must be ob-

tained to preclude the proposal of nongermane amendments to legislative vehicles. A modification such as that proposed here would have flown in the face of the customs and rights all Senators have used so well to this day.

Mr. President I was pleased that the provision which would have required that amendments be germane was struck down yesterday, and additionally, that the provision pertaining to motions to proceed to consideration was not brought up for consideration. In light of these developments, let me take this opportunity to simply reiterate my opposition to televising the proceedings of the Senate.●

## TRIBUTE TO SIDNEY L. BROWN

● Mr. CHILES. Mr. President, history reserves the term "founding father" for those who win elections. Sid Brown, the Senate Budget Committee's chief of budget review, is not an elected officeholder. Still, I think history will find a special place for him, perhaps as "first physician" to the budget process.

Sid has been with the committee from the very beginning. And in these past 11 years, he has nursed the budget process through countless long nights when it coughed and sputtered on the brink.

He has served the U.S. Senate as an authentic professional. A stranger to either personal ambition or the public acclaim, Sid has set a standard of quality, dependability, and trust that—whether he likes it or not—has put him in the forefront of public service.

It has been Sid Brown's job to comb the complexities of budgets produced by the President, and hammer together the framework of budgets fashioned by the Senate. He has always had the complete confidence of Senators on both sides of the aisle for his objective judgment, candor, and expertise.

Sid's reputation is a product of all those things, plus patience and hard work. When he prepared a budget figure, we could always count on him to explain and defend it, knowing his work was solid as a rock.

Some years ago, when Edmund Muskie was chairman of the Senate Budget Committee, we were in a particularly difficult conference. With temperatures running high, Chairman Muskie said, "Let's hear from Sid Brown. He's the best damn numbers man on the Hill."

Sid is certainly that. He's proven it time and time again with grace, good humor, and always with accuracy and excellence.

He leaves the Senate Budget Committee to join National Public Radio. It is not a change he sought. But then his career has always been a story of institutions in need, seeking him.

He is an honest and decent man who has made a substantial contribution to his country. For that, we thank him. For the years ahead, we wish him the very best.●

## RULES OF THE COMMITTEE ON FOREIGN RELATIONS

● Mr. LUGAR. Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask to have printed in the CONGRESSIONAL RECORD the rules of the Committee on Foreign Relations for the 99th Congress adopted by the committee on February 21, 1985.

The rules follow:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

[Adopted February 21, 1985]

RULE 1—JURISDICTION

(a) Substantive.—In accordance with Senate Rule XXV.l(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Acquisition of land and buildings for embassies and legations in foreign countries.

(2) Boundaries of the United States.

(3) Diplomatic service.

(4) Foreign economic, military, technical, an humanitarian assistance.

(5) Foreign loans.

(6) International activities of the American National Red Cross and the International Committee of the Red Cross.

(7) International aspects of nuclear energy, including nuclear transfer policy.

(8) International conferences and congresses.

(9) International law as it relates to foreign policy.

(10) International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

(11) Intervention abroad and declarations of war.

(12) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

(13) National security and international aspects of trusteeships of the United States.

(14) Ocean and international environmental and scientific affairs as they relate to foreign policy.

(15) Protection of United States citizens abroad and expatriation.

(16) Relations of the United States with foreign nations generally.

(17) Treaties and executive agreements, except reciprocal trade agreements.

(18) United Nations and its affiliated organizations.

(19) World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time. I83.

(b) Oversight.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) "Advice and Consent" Clauses.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no members shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than three subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving reporting expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Additional Meetings.—Additional meetings and hearings of the Committee

may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) Minority Request.—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) Public Announcement.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member and with the advice of the Chief Clerk. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings of the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee's staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) Staff Attendance.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) Testimony.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) Business.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure of recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member for each party.

(c) Reporting.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

RULE 6—WITNESSES

(a) General.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) Presentation.—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) Filing of Statements.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure to file such a statement.

(d) Expenses.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) Requests.—Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) Authorization.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) Return.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving two hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

RULE 8—REPORTS

(a) Filing.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) Supplemental, Minority and Additional Views.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) Rollcall Votes.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) Waiting Requirement.—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) Public Consideration.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) Required Data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the four preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) Foreign Travel.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee.

When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the Committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose.

(b) Domestic Travel.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) Personal Staff.—One member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

RULE 12—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides othewise. Transcripts of public hearings by the Committee shall be published unless the Chairman with the concurrence of the Ranking Minority Member, determines otherwise.

(b) Classified or Restricted Transcripts.—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, D.C. unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts:

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman;

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) Declassification—

(1) All restricted transcripts and classified Committee reports shall be declassified on a

date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the session or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee; and

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authozied staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the office designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered, shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff shall undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) Responsibilities.—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) Restrictions.—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group.

(ii) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(iii) Staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) Status.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) Amendment.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the Committee which are based upon Senate rules may not be superseded by Committee vote alone.●

## ADVANCEMENTS IN HEALTH CARE DELIVERY

● Mr. DURENBERGER. Mr. President, our Nation prides itself on innovations and discoveries that keep America on the cutting edge of science and technology. Advancements made in the biomedical research community are particularly valuable as they strengthen the foundation of knowledge needed to improve individual health and well-being.

This is a societal good. Providing the opportunities to achieve this good is a valuable purpose of the Federal Government and the highly respected National Institutes of Health [NIH]. As an article in yesterday's Washington Post described, the NIH, as part of its Small Business Innovations Research Program, has just awarded a $50,000 starter grant to a physician from Excelsior, MN, Milton Seifert.

Over the years, Dr. Seifert has developed his private practice into a unique business arrangement: he and his patients jointly manage his practice. This partnership between Dr. Seifert and his patient advisory council emphasizes joint responsibility for medical care, fee structures, and even determining how to deal with collections and complaints. As far as Dr. Seifert knows, he is the first such partnership in a private practice anywhere. The NIH recognized this as a model practice that deserves the opportunity to grow and should be marketed to other physician practices.

Dr. Seifert is an example of another Minnesotan at the cutting edge of advancements in health care delivery. I wish him success in marketing his practice model with the support of his grant from the NIH.

Mr. President, I ask that the text of the article be printed in the RECORD.

PUTTING THE PATIENTS IN CHARGE

(By Victor Cohn)

EXCELSIOR, MINN.—Picture this. A doctor who lets his patients help set his salary and fees. And whose income was only $20,000 last year, despite a roster of 3,000 patients.

This unusual physician is Dr. Milton Seifert of Excelsior, Minn., a half-flossy, half-worn lakeside suburb of Minneapolis, a bit of a cross between White Flint Mall and Lake Wobegon. Seifert's practice is a partnership between a doctor and his patients, one that emphasizes "joint responsibility"—Seifert's byword—for both medical care and managing his practice, including such delicate, normally top secret subjects as collections and complaints.

So far as Seifert has been able to find out, this is the first such partnership in a private practice anyplace.

Woefully, the practice has been suffering cut-throat competition from this area's many HMOs—prepaid, "we cover it all" health plans, luring away many patients, especially parents with ever-feverish children, with their promise of virtually all care for so much a month. In the last few years, this competition reduced Seifert's pay from its usual $40,000 or so—still at least $20,000 less than that of most family docs in his area—to its bare-bones 1985 level, less than his wife made a few years ago as a teacher.

No one was unhappier about this than the 50 members of his Patient Advisory Council, the volunteer group that meets regularly to help run his practice. As a result of his and their efforts, he reports, the practice is "coming back," collections are up and, a nice bonus, the Department of Health and Human Services in distant Washington has suddenly taken an interest in this hand-in-hand way.

As part of its new Small Business Innovation Research Program—thrust on it by Congress—the National Institutes of Health have just given Seifert a $50,000 starter grant to begin spreading the hand-in-hand gospel to other doctors and patients.

Milt Seifert, both a small-town pragmatist and an incurable visionary, would like to see a not-too-distant day when doctors and patients all over stop behaving like adversaries and start working together to seek better health care.

The scene is Excelsior Methodist Church, a handy, free meeting place. The time is a winter night. The temperature outside is 10 below, limiting tonight's Patient Advisory Council attendance to a brave dozen men and women.

The president of the council is Bill Heimbuch, a retired industrial engineer. He calls the quarterly meeting to what passes for order, since members speak up as they please and pop up now and then for refreshments.

The members and Dr. Seifert and his wife, Dorie, the practice's part-time bookkeeper, sit in a rough circle on sofas and hard chairs with their various papers and coffee or hot chocolate and cookies. Heimbuch is portly and bald, Seifert is solid and square-faced. The members, from their twenties to their seventies, sport everything from business suits to red and blue snow suits. The scene could have been painted by Norman Rockwell.

The meeting gets quickly to the nitty-gritty: the subject of bill collections. This is the province of a key Support Services Committee, which meets monthly to discuss fees and finances. The chairman is out of town, so the doctor makes the report.

It seems that the patients who left for HMOs were actually those best able to pay, leaving a disproportionate number of elderly, underemployed and plain poor. "Collections were getting very bad, and we were slipping behind in paying our bills," Seifert reports. So the committee, reluctantly, hired a collection agency last year to go after those who everybody knew could "manage to pay."

The agency seems to be doing a good yet low-pressure job. "I've not received any angry phone calls," says Dorie Seifert, and one man told the doctor, "I'll start paying that bill if I can just keep coming to you without any effect on my care."

"I told him, 'Fine,' " Seifert says. Later he explains that: "The first thing we do, of course, is try to collect the bill ourselves by polite letter. Often one of the members of the Patient Council calls and explains that the practice is a business and has to pay its bills and needs the money to keep going. That can have a lot more effect than my office calling."

Another subject; complaints. One woman complained about her bill, especially since "the doctor had to look things up in a book." Another woman said she called with a splitting headache and was "put off" by the office staff, rather than being told to come right in. She was justified in her complaint, Seifert concedes. "Looking back, she could have been having a stroke or hemorrhage."

"Sometimes," he adds, "we have part-time help who don't know all our procedures. We've decided to spell them out and put them on a plastic card by the phones so there'll be a routine for who gets in right away and who gets priority treatment, like anyone with terrible, unrelenting pain or a breathing problem."

Most complaints, however, are about a more mundane subject: waiting. Seifert, it seems, is a doctor who habitually decides to spend 45 minutes talking to some troubled patient, while a roomful cool their heels.

"We're always discussing this," says Bill Heimbuch, "but I don't think we're going to change Milt. Most of the older patients know they're likely to spend an hour or hour and a half before they get in. I usually make an appointment, then come about 45 minutes late, because I know I'll be early."

Now and then true enough, Seifert later concedes, "though I usually do better." He says he promises his patients "everything I can give them except perfect punctuality."

The meeting continues. Marion Johnson, a white-haired former physical therapist, reports for the Patient Services Committee. Patients—their own idea—offer each other transportation, baby-sitting and other help, including car seats for toddlers. Seifert is a dedicated preacher of prevention, "so when I tell a patient he has to cooperate in his care, one thing I ask is that he use his seat belt." And car seats for kids.

Next, Seifert reports on the rising cost of malpractice insurance and presents a possible patient-doctor compact, a document that he and obstetric patients in particular might sign. The patients would agree to submit any problems to a conflict resolution committee before taking legal action. This would not be legally binding, Seifert points out, but, since he has never been sued for malpractice, he hopes it may induce his insuror to reduce his rate.

"They already give us a 10 percent discount because of our council and our Grievance Committee," he says. "They told us, 'We believe your way of practice is safer.' "

As you might suspect, even were he not the creator of the Patient Council, Seifert is an unusual doctor.

His father was an Excelsior family doctor before him. He went to medical school, then joined the family practice.

"Then my father had a heart attack, and I suddenly became many patients' doctor. People began telling me things I'd never heard about before—strains in their homes, abuse, battles with their kids. Somehow I didn't know that these things were prevalent in Excelsior. The pain these people had dealing with them was worse than the broken bones and car accidents.

"I found I was inadequate to deal with these things. I was too young. So I'd sort of wing it and let them help me. I started to form partnerships with them to make them help figure things out. I'd help, but I wouldn't take the whole responsibility.

"And that, the partnership idea, is the way my whole practice has evolved. I can't take on the responsibility of a whole other person. But I can if they're willing to do their part."

For example: "I often read out loud as I write in the patient's record. I may say, 'This looks like flu, but I also think you could be healthier. Why don't you buy an exercise bike?' "

If the subject is intimate? "That's when I read it for sure, so you know what I'm putting down. Say, it's a problem of sexual abuse. I put it down but I also try to protect your privacy a little. I'll say, 'There has been some family disturbance, with some inappropriate activity.' Then we try to decide what to do about it."

He long ago began using helpers. Today he has a trained physician's assistant and four part-time "health educators," counselors used as needed for alcoholism, emotional disorders, marriage problems, drug abuse and the like. "I can say, 'I'm going to have you see a health educator. I can prescribe that instead of Valium.' "

He once put it this way: "I wait for the pressure points, the moments of drama in a life. That's when people have a heightened sensitivity, when they make changes in their life. That's when I can act as a catalyst."

He also believes that "curing isn't the only thing we can do." A young man with cancer may be referred to surgeons, radiologists, oncologists. "Then they'll finally send him back to me. And every day is a fight that he loses."

His prescription for patients like this is one he has borrowed from Alcoholics Anonymous and calls "possibly the most powerful concept of the 20th century": "Say 'I have today.' Live and use each day. Then at the end of the day, people feel they've made it through the day. They've won."

In 1973, trying to practice his time-consuming kind of care, he was having more and more trouble managing the business side of his practice.

"One day I did some thinking about what I did when I first came into practice, making the patient a partner in the examining room.

"I decided I'd let the patients help me with the practice, too. I sent out a post card

to the whole practice, asking, "Would you be interested in participating in a patient advisory council?' I got about 200 replies. I called a meeting and 50 people showed up. They had three reservations. 'This is kind of disrespectful to you . . . We're layment, what value do we have? . . . That's a lot of responsibility.'

"I said, 'It's the same as in the examining room.' "

Loose rules were established. Any patient could join the council for $5 a year to cover expenses. A president and committee chairmen were chosen more or less by consensus, or who was willing. Members float on and off the council. Seifert thinks that's better than a rigid structure, with a few people running things forever.

Council members never suggested that Seifert should limit his income, and felt his fees should be around the area standard. In fact, he says, "they always say, 'We'd like you to do better.' "

That he has not greatly prospered is surely a matter of the large amounts of time he often gives patients, rather than trying to see the maximum number possible. And probably a matter of some patients who want a punctual doctor and health insurors who don't compensate one on the basis of time.

His methods, he says, have resulted in a reduced number of hospital admissions for emotional problems and chemical—drug or alcohol—dependency. He has had no suicides in 14 years among disturbed patients who have used his counselors. So he believes the time spent pays off.

The insurors don't always agree, or take that into account.

The Patient Council hears Seifert report that the practice—and cash flow—are coming back up, and "people are coming back to us for personal care, the things they like about a small practice."

But a prepaid practice plan that he belongs to, one that covers 10 percent of his patients, claims he is costing them $30 more per patient per year than the average family physician in the Minneapolis-St. Paul metropolitan area.

So this plan, per its agreement with its member-physicians, last year fined Seifert $2,500, cash he had to fork over for his emphasis on painstaking probing and talk therapy. "This year they want to fine us $5,700," he tells the council. "I have a meeting with them, and I intend to tell them about the kind of practice we have—and about our NIH grant and the fact that someone thinks we are doing a good job."

Though he is kind of pioneer and one with both conviction and courage, he is obviously not going to get rich. He is well regarded by fellow physicians. He has served on the important credentials committee of his county medical society and has nonsalaried teaching positions at two medical schools. A writer in an American Medical Association publication once said, "Compared to Dr. Seifert's practice, 'holistic,' 'humanistic' and 'behavioral' medicine, buzzwords of the '70s, seem curiously passe."

But "there's no fee schedule for caring," he has said.

At age 54, quickly using up his middle years, does he have any regrets about his choices?

"No," he answers immediately. "The things we've started have been very successful in producing medical care and practice management."

How can he call the management "successful" when his own income has dropped?

"Things are getting better," he insists. "And now that I've come this far, and though things got bad, I hate to give up the idea."

Besides, he says, "I'm so appreciative. I always wanted to be a doctor. I followed my dad around. I'm appreciative of being invited into the lives of other people and to feel really competent in that now."

A longtime patient and friend of the doctor's is Clifford Simak, a well-known writer of science fiction. He says of Seifert and his patients and his unusual council:

"We're so tied together, we're almost like brothers now. It's a funny thing. People used to put doctors on a throne. But now—it's friendship and competence and working together. And by God, the man's making it work."

KEEPING UP WITH THE PATIENT

Patients, and perhaps many doctors, can learn from Dr. Miltion Seifert, a struggling doctor in a small Minnesota town outside Minneapolis. He has a problem: He lavishes too much time on his patients for his financial well-being.

However, he has some interesting thoughts:

"We physicians talk a lot about keeping up with the medical literature. We never talk about keeping up with the patient."

"In the examinimg room, the more I know, the more likely I am to get the right diagnosis. And the less likely I am to do harm."

"The partnerships between doctor and patient are fun. And they're painful. It's like marriage. If we resolve them, it's a pretty nice way to live."

"The thing that makes people most hostile—if they feel you're rushing them."

"We doctors so often give you a lecture—to prevent any questions and keep us comfortable."

"I've developed something called the point of participation, the point where the patient and practitioner truly come together and share information. That's where the decisions are made. That's where the outcomes are determined. That's what we know least about."

"Every patient who walks through the door has both a mental and a physical problem. Every family doctor sees that. Some take the time to deal with it and some don't.

"People say to me. 'Oh, you're just interested in mental health.' I'm no more interested in mental health than I am in cancer or diabetes. But we've got to deal with emotions if we're going to do our job successfully."

"The two groups of people missing from the whole health care development now in this country are doctors and patients. The government is doing the paying, and business people are doing the organizing . . . Somehow we've got to reinvent doctors and patients."●

## RULES OF THE COMMITTEE ON RULES AND ADMINISTRATION

● Mr. MATHIAS. Mr. President, in accordance with rule XXVI of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of procedure for the Committee on Rules and Administration.

The rules follows:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted March 20, 1985)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 10 a.m., in room SR 301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 8 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 5 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath; provided, however, that once a quorum is established, any one members can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7 (b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.●

## METRORAIL FUNDING

● Mr. SARBANES. Mr. President, last December, I read with alarm the speech given by Ralph L. Stanley, the administrator of the Urban Mass Transit Administration, announcing that the administration is "virtually certain" to recommend cutting off all further funding for Washington's Metrorail System. Mr. Stanley's dire predictions have now unfortunately come true. Not only has the administration recommended no funding for Metro, but it has also sent the Congress draft surface transportation legislation which is an unmitigated disaster. Ending Federal funding of Metro is an incredibly shortsighted decision, which flies squarely in the face of solid support for Metro in the Congress and among the local jurisdictions which have provided so much of its funding. I will do everything I can to see that the Metrorail system is completed as originally envisioned.

We are now on a path which this administration has privately advocated for years. They have been looking for an excuse to end Federal support for Metro, and now with the advent of Gramm-Rudman they finally have it in hand. But they are proposing to move beyond even the ill-advised provisions of Gramm-Rudman. Mr. Stanley, in his comments, stated that $216 million in Metrorail funds appropriated last year still had not been released. This money has been available for over 1 year, and it has not been released to Metro, I believe, in hopes that Gramm-Rudman or some other convenient vehicle would come along to provide an excuse for impounding the money. Gramm-Rudman does not cover past fiscal years, and UMTA should release this funding immediately.

Not content simply to stretch Gramm-Rudman beyond its limits, Mr. Stanley has raised the issue of air safety to justify cutbacks in Metro funding. I have been a lifelong advocate of Federal programs to improve and to ensure the safety of this Nation's air travellers, but I would remind Mr. Stanley and this administration that there is approximately $7.5 billion in the aviation trust fund, which could and should be utilized for improving air safety. This is money which the travelling public has paid into a trust fund each time they fly which is to be used for the improvement of this Nation's air facilities and to enhance the safety of the flying public.

The wide support Metrorail enjoys in the Congress is, at least partially, based on the responsible approach to regional transportation taken by the jurisdictions in the Washington metropolitan area. Two years ago Mr. Stanley asked the Washington Metropolitan Area Transit Authority and the participating jurisdictions to develop a plan for the expenditure of the remaining Stark-Harris funding. This lead to the fourth interim capital contributions agreement [ICCA-IV], which has been approved by Mr. Stanley. This agreement carefully balances the interests of the eight participating jurisdictions. It is true that Metrorail is a "national" priority because it is built to serve the Nation's Capital; however, it is also a system that requires large investments from local governments. The actions just announced by the administration will, in essence, cancel this agreement so carefully and painstakingly worked out. Mr. Stanley approves the agreement and then announces that there will be no funds to implement it. This is simply irresponsible.

To make matters worse, Mr. Stanley has also given unsolicited advice to the Washington Metropolitan Area Transit Authority on which Metro lines to complete and to leave unfinished. As the Washington Post put it in its editorial of February 10, 1986, "* * * Members of Congress from both parties recognized the fiscal foolishness of wrecking long-planned completion of the national capital's 103-mile subway system."

Metrorail ought to be completed. It has been a great success in providing rapid rail service to the millions who live and work in this area, and in addition has assisted millions of American visitors to the Nation's Capital in making their stay in this beautiful city more pleasant. This administration has now moved to reduce funding or to terminate funding for programs it has opposed from the outset. Gramm-Rudman is the excuse, but the result is the same. Important transportation programs such as Metrorail receive no funding in the President's budget. This action is unwarranted and ought to be reconsidered and reversed. The Congress has authorized an additional $733 million after fiscal year 1986 for completion of Metro, and I will urge it to accept the challenge of finishing this important transportation system.●

## ACCESS TO HEALTH CARE

● Mr. DURENBERGER. Mr. President, we Americans often pride ourselves on being the richest nation on Earth, being on the cutting edge of technology, having the most advanced health care system in the world. In this country, we spend $1 billion a day on health care. This is a huge sum of money, and whether it is too much or too little depends to a great extent on the return we get from that investment.

In yesterday's Washington Post, I read a story that should put the proud to shame, and give those of us who know there are deficiencies in the health care system and are trying to make reforms, a clearer picture of the return this investment is actually generating.

A young woman, Linda S. Cohen, after returning from a trip to Asia, discovered she had malignant melanoma, a cancerous mole on her chest. Linda had quit her job to take her trip, and thus was without health insurance when her cancer was diagnosed. In the

article she explains the extreme difficulty she had in finally obtaining life-saving surgery and treatment. "Medical treatment was not accessible to me because I had no health insurance."

I submit to my colleagues and all Americans that in a country with $1-billion-a-day health care system, that this is unconscionable.

It is estimated that over 30 million people in the United States are uninsured. Legislation that I have introduced, S. 1620, would establish a National Council on Access to Health Care to determine just where we are as a nation in assuring access to needed health care. Linda Cohen's story, I believe, sends us a clear message of why the National Council on Access to Health Care should be established. I ask my colleagues to read the article that follows my statement and offer their support not only of S. 1620, but of finding a way to assure access to needed health services. We all will then receive a far better return on the investment of our health care dollars.

Mr. President, I ask that the text of the article be printed in the RECORD.

The text of the article follows:

[From the Washington Post, Feb. 26, 1986]

THE AMERICAN MEDICAL MAZE ALMOST COST ME MY LIFE

(By Linda S. Cohen)

In April 1984 I quit my job, took a year off and explored the continent of Asia as well as parts of the South Pacific. When I returned to Los Angeles in April 1985, it was discovered that I had a malignant melanoma, a cancerous mole on my chest.

Incredible as it may seem, in a country that boasts the most advanced medicine and technology, medical treatment was not accessible to me because I had no health insurance and very little money. Although this type of cancer is curable, it is fatal if left untreated, so I was urged to have immediate surgery.

In my case, nine centimeters around the tumor needed to be excised in case the cancer cells had jumped beyond the original site, which would require skin grafting from the thigh. I was 33 years old, and although not easily frightened, the thought of being left to face cancer to its bitter end chilled me. I had no choice.

My parents offered to take a loan out on my behalf since I could not obtain one on my own. I was broke from the trip. I hoped, though, to seek medical assistance for the first time in my life.

My cousin, a doctor, was required to sign a form for the hospital making him liable for expenses. Because I lacked the money to obtain the services of a plastic surgeon, a general surgeon who never had done this procedure in the chest area performed the operation. When asked how it would look, he could give me no real answer, which was not reassuring.

Even though this was a major operation and required hospitalization, especially since my left side was immobilized because of the grafting (I am left-handed), I could not afford to stay in the hospital and left immediately after the operation.

I stayed with a relative who worked all day, and I found it hard to cope. The day after the surgery found me sprawled out on the floor, dizzy with weakness after trying to prepare a meal. It was a frustrating and depressing time—trying to deal with the emotions of having cancer, the pain and taking care of myself. I longed to go home and be with my family, who could not afford to take the time off from work to be with me.

My skin graft healed slowly and, according to the surgeon, did not look right. I could not bear to look at the wound and kept it covered at all times. Even now, when it's not hidden by my clothes, I see people stare, unable to mask their true feelings.

I tried to obtain medical assistance from the state of California, where I had the operation, but was told I must possess a California driver's license. However, I was unable to drive a car because of the surgery, and besides, my car was in Maryland.

When I applied for medical assistance from Maryland, they claimed I was no longer a resident (even after paying Maryland taxes for the year I was abroad and after living in the area for 20 years). Maryland insisted I ask California to reimburse me for the operation My appeal to the Maryland Social Services Agency reversed the decision, but because the ordeal had dragged on for so long. I had already paid for the operation out of borrowed funds. Also, reciprocity of payment from Maryland to California did not seem to work, as I later found out with my anesthesiologist bill.

I am now considered "potentially"cured, but must be checked every three months, so I am enrolled in a cancer follow-up program at Georgetown University Hospital. I have tried to obtain health insurance for future treatment but have been told that any cancer-related services would not be covered. One company told me there must be a 10-month period of waiting before I could be considered for health insurance for my pre-existing condition, if I am accepted for coverage after review of my case. The monthly rates were quite high. I have opted for no health insurance.

My skin graft, unfortunately, is a ghastly sight, and recently I consulted a plastic surgeon who does cancer reconstruction. He said that the skin graft did not take well and did not know why. He recommended that it be removed and a biopsy done. A large incision, the length of my chest, would have to be made and then sewn together. This, he felt, required two questions.

Of course, without access to funds, and given my lack of health insurance, I would have to forgo the costly procedure in an operating room and would have the surgery in his office. I had scheduled the operation for the winter, but recently canceled it because I could not save the money in time; also, the memory of pain is still too clear in my mind and I cannot face it at the moment.

I find it shocking that people can die in this country from lack of medical aid if not properly insured or financially set.

While I was traveling in the mountainous jungles of Thailand, I burned an entire buttock when I upset a tea kettle full of boiling water, and walked for two days with blisters the size of my hand. Upon arrival in a town, I went to the emergency ward of a local hospital, where they scraped the burn and gave me morphine and pain medicine. Every day for two weeks I went to the hospital to have the wound changed and dressed without charge.

People were never turned away from this hospital, and the majority of the patients were very poor. Although the facilities lacked the sophistication and standards of the West, it was reassuring to know that I could seek medical aid in an emergency. Somewhere, I think, this country has lost sight of what medical facilities should provide; they have become a business accessible only to those who meet certain critieria.

At times now, I shudder to think what would happen if complications were to arise in my case, as I would not be able to seek medical aid. It is a frightening thought that has kept me awake many nights. I am currently working at temporary jobs to pay off my last operation and, I hope, gather funds for the next two. After cancer, the future is the present, since the ominous prospect of death seems less remote.●

## ROBERT PENN WARREN, POET LAUREATE OF THE UNITED STATES

● Mr. DODD. Mr. President, I rise to praise Robert Penn Warren, the first Poet Laureate of the United States. Connecticut has a longstanding and enjoyable relationship with Mr. Penn Warren, now a resident of Fairfield and previously a professor of English at Yale University in New Haven. Although, Mr. President, it indeed would be my honor and privilege to claim Mr. Penn Warren as a favorite son, I realize that his importance to the Nation supersedes any ties to one State. Mr. Penn Warren's concise, effective prose serves as a glimmering example of all that is enchanting and eloquent in literature, a figure and writing style that proves invaluable to present and, more importantly, future generations.

Mr. Penn Warren was an original member of the fugitive writers, arguably the most famed and distinctly American stylists in our country's history. Penn Warren, along with such noted authors as John Crowe Ransome and Allen Tate, assembled periodically and conducted readings and discussions on important topics in literature.

Growing up in Kentucky, the young Penn Warren spent many hours being indulged by his grandfathers, both Confederate soldiers, with tales of the old South. Mr. Penn Warren then ascended to Vanderbilt University in Nashville where, in the collegiate atmosphere, his career began. Although some literary critics claim Mr. Penn Warren's published material over the last 20 years has been his most notable accomplishments, most of us will remember him for his 1946 novel "All the Kings' Men"—the tale of Willie Stark, a fictionalized account of the life of Senator Huey Long of Louisiana.

Although this country has produced such noted poets as Robert Frost, Walt Whitman, and others, Penn Warren is the first to achieve the high distinction of being named the Nation's first Poet Laureate by the Library of Congress.

Upon being notified of this distinction, Mr. Penn Warren chose to expound on the differences between the

role of Poet Laureate here and in Great Britain. "That (the British system) belongs to the old system of things, it's part of the trappings of the monarchy—a kind of hired applauder, and I couldn't have any of that." How uniquely Penn Warren, how uniquely American.●

## PRESIDENT REAGAN'S SPEECH ON NATIONAL DEFENSE

● Mr. DENTON. Mr. President, last night President Reagan delivered a considered but firm explanation of the need for our Nation to continue its efforts to ensure the defense and security of the American people.

The President did not argue for a massive build-up, and he did not find Communists under every piece of furniture. He did point out that our Nation continues to face a serious challenge from the Soviet Union and from its surrogates, and that we must stay steady on course to ensure that we can respond effectively to it.

He also pointed out the evolution of our spending on defense since the time when John F. Kennedy was President, an example that I myself have used on this floor. He said, as I have said, that the proportion of our gross national product and of our Federal budget spent on defense has decreased substantially since Kennedy's time, although the threat has neither gone away nor decreased.

Finally, he pointed out that spending on defense is not the cause of the deficit in the Federal budget. Rather, the cause is to be found in Federal spending on other programs altogether.

Mr. President, the President is right on the key point. Last year the Congress agreed with him upon what we should spend on defense for fiscal years 1986, 1987, 1988. We agreed on 0 percent real growth for 1986, and 3 percent real growth for each of the following 2 years. We agreed on that, it was as we say here "a done deal."

We made a deal. We agreed to it. We must abide by it. The American people, the security of our country, deserve no less.

Mr. President, I ask unanimous consent that the text of the President's speech of February 26, 1986 be printed in full in the RECORD immediately following my remarks.

The text of the speech follows:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE NATION

February 26, 1986

My fellow Americans, I want to speak to you this evening about my highest duty as President—to preserve peace and defend these United States.

Before I do, let me take a moment to speak about the situation in the Philippines. We've just seen a stirring demonstration of what men and women committed to democratic ideas can achieve. The remarkable people of those 7,000 islands joined together with faith in the same principles on which America was founded—that men and women have the right to freely choose their own destiny. Despite a flawed election, the Filipino people were understood. They carried their message peacefully, and they were heard across their country and across the world.

We salute the remarkable restraint, shown by both sides, to prevent bloodshed during these last tense days. Our hearts and hands are with President Aquino and her new government as they set out to meet the challenges ahead. Today the Filipino people celebrate the triumph of democracy and the world celebrates with them.

One cannot sit in this office reviewing intelligence on the military threat we face, making decisions from arms control, to Libya, to the Philippines, without having that concern for America's security weigh constantly on your mind.

We know that peace is the condition under which mankind was meant to flourish. Yet, peace does not exist of its own will. It depends on us—on our courage to build it and guard it and pass it on to future generations.

George Washington's words may seem hard and cold today, but history has proven him right again and again: To be prepared for war, he said, is one of the most effective means of preserving peace.

To those who think strength provokes conflict, Will Rogers had his own answer. He said of the world heavyweight champion of his day: I've never seen anyone insult Jack Dempsey.

The past 5 years have shown that American strength is once again a sheltering arm for freedom in a dangerous world. Strength is the most persuasive argument we have to convince our adversaries to negotiate seriously and to cease bullying other nations.

But tonight, the security program that you and I launched to restore America's strength is in jeopardy—threatened by those who would quit before the job is done. Any slackening now would invite the very dangers America must avoid—and could fatally compromise our negotiating position. Our adversaries, the Soviets—we know from painful experience—respect only nations that negotiate from a position of strength. American power is the indispensable element of a peaceful world—it is America's last, best hope of negotiating real reductions in nuclear arms. Just as we are sitting down at the bargaining table with the Soviet Union, let's not throw America's trump card away.

We need to remember where America was 5 years ago. We need to recall the atmosphere of that time—the anxiety that events were out of control, that the West was in decline, that our enemies were on the march.

It was not just the Iranian hostage crisis or the Soviet invasion of Afghanistan, but the fear—felt by many of our friends—that America could not, or would not, keep her commitments. Pakistan, the country most threatened by the Afghan invasion, ridiculed the first offer of American aid as "peanuts." Other nations were saying that it was dangerous, deadly dangerous, to be a friend of the United Staes.

It was not just years of declining defense spending, but a crisis in recruitment and retention and the outright cancellation of programs vital to our security.

The Pentagon horror stories at the time were about ships that couldn't sail, planes that couldn't fly for lack of spare parts, and army divisions unprepared to fight.

And it was not just a one-sided arms agreement that made it easy for one side to cheat, but a treaty that actually permitted increases in nuclear arsenals. Even supporters of Salt II were demoralized saying, well, the Soviets just won't agree to anything better. And when President Carter had to abandon the treaty because Senate leaders of his own party wouldn't support it, the United States was left without a national strategy for control of nuclear weapons.

We knew immediate changes had to be made. So here's what we did.

We set out to show that the long string of governments falling under Communist domination was going to end. And we're doing it.

In the 1970's one strategic country after another fell under the domination of the Soviet Union.

The fall of Laos, Cambodia, and South Vietnam gave the Soviet Union a strategic position on the South China Sea. The invasion of Afghanistan cut nearly in half Soviet flying time to the Persian Gulf. Communist takeovers in South Yemen and Ethiopia put the Soviets astride the Red Sea—entryway to the Suez Canal. Pro-Soviet regimes in Mozambique and Angola strengthened the Soviet position in southern Africa; and finally, Grenada and Nicaragua gave Moscow two new beachheads right on the doorstep of the United States.

In these last 5 years, not one square inch of territory has been lost—and Grenada has been set free.

When we arrived in 1981, guerrillas in El Salvador had launched what they called their "final offensive" to make that nation the second Communist state on the mainland of North America. Many people said the situation was hopeless; they refused to help. We didn't agree; we did help. Today those guerrillas are in retreat. El Salvador is a democracy and freedom fighters are challenging communist regimes in Nicaragua, Afghanistan, Angola, Cambodia, and Ethiopia.

We set out to show that the Western alliance could meet its security needs, despite Soviet intimidation. And we're doing it. Many said that to try to counter the Soviet SS-20 missiles would split NATO because Europe no longer believed in defending itself. Well, that was nonsense. Today, Pershing and cruise missile deployments are on schedule, and our allies support the decision.

We set out to reverse the decline in morale in our Armed Forces. And we're doing it. Pride in our Armed Forces has been restored. More qualified men and women want to join—and remain in—the military. In 1980, about half of our Army's recruits were high school graduates; last year, 91 percent had high school diplomas.

Our Armed Forces may be smaller in size than in the 1950's, but they're some of the finest young people this country has ever produced. And as long as I'm President, they'll get the quality equipment they need to carry out their mission.

We set out to narrow the growing gaps in our strategic deterrent. And we're beginning to do that. Our modernization program—the MX, the Trident submarine, the B-1 and Stealth bombers—represents the first significant improvement in America's strategic deterrent in 20 years.

Those who speak so often about the so-called arms race ignore a central fact: In the decade before 1981, the Soviets were the only ones racing.

During my 1980 campaign, I called Federal waste and fraud a national scandal. We knew we could never rebuild America's strength without first controlling the exploding cost of defense programs. And we're doing it.

When we took office in 1981, costs had been escalating at an annual rate of 14 percent. Then we began our reforms. And in the last 2 years, cost increases have fallen to less than 1 percent.

We've made huge savings. Each F-18 fighter costs nearly $4 million less today than in 1981. One of our air-to-air missiles costs barely half as much.

Getting control of the defense bureaucracy is no small task.

Each year the Defense Department signs hundreds of thousands of contracts. So, yes, a horror story will sometimes turn up despite our best efforts. That is why we appointed the first Inspector General in the history of the Defense Department—and virtually every case of fraud or abuse has been uncovered by our Defense Department, our Inspector General. Secretary Weinberger should be praised, not pilloried, for cleaning the skeletons out of the closet. As for those few who have cheated taxpayers, or have swindled our Armed Forces with faulty equipment, they are thieves stealing from the arsenal of democracy—and they will be prosecuted to the fullest extent of the law.

Finally, we set out to reduce the danger of nuclear war. Here, too, we're achieving what some said couldn't be done. We've put forth a plan for deep reductions in nuclear systems; we're pushing forward our highly promising Strategic Defense Initiative—a security shield that may one day protect us and our allies from nuclear attack, whether launched by deliberate calculation, freak accident, or the isolated impulse of a madman. Isn't it better to use our talents and technology to build systems that destroy missiles, not people?

Our message has gotten through. The Soviets used to contend that real reductions in nuclear missiles were out of the question. Now, they say they accept the idea. Well, we shall see. Just this week, our negotiators presented a new plan for the elimination of intermediate-range nuclear missiles, and we are pressing the Soviets for cuts in other offensive forces as well. One thing is certain: If the Soviets truly want fair and verifiable agreements that reduce nuclear forces, we will have those agreements.

Our defense problems 5 years ago were immense, and drastic action was required. Even my predecessor in this office recognized that and projected sizeable increases in defense spending—and I'm proud of what we've done.

Now, the biggest increases in defense spending are behind us. That's why, last summer, I agreed with Congress to freeze defense funding for 1 year, and after that to resume a modest 3-percent annual growth. Frankly, I hesitated to reach this agreement on a freeze because we still have far too much to do. But I thought that congressional support for steady increases over several years was a step forward.

But this didn't happen. Instead of a freeze, there was a sharp cut—a cut of over 5 percent. And some are now saying that we need to chop another 20, 30, even 50 billion dollars out of national defense.

This is reckless, dangerous, and wrong. It's backsliding of the most irresponsible kind, and you need to know about it. You, after all, paid the bill for all we've accomplished these past 5 years. But we still have a way to go. Millions of Americans actually believe we are now superior to the Soviet Union in military power. Well, I'm sorry, but if our country is going to have a useful debate on national security, we have to get beyond the drumbeat of propaganda and get the facts on the table.

Over the next few months, you'll be hearing this debate. I'd like you to keep in mind the two simple reasons not to cut defense now. One, it's not cheap. Two, it's not safe. If we listen to those who would abandon our defense program, we will not only jeopardize negotiations with the Soviet Union—we may put peace itself at risk.

I said it wouldn't be cheap to cut. How can cutting not be cheap? Simple. We tried that in the seventies and the result was waste, enormous waste—hundreds of millions of dollars lost because the cost of each plane and tank and ship went up, often, way up. The old shoppers' adage proved true—They are cheaper by the dozen.

Arbitrary cuts only bring phony savings, but there's a more important reason not to abandon our defense program. It's not safe.

Almost 25 years ago, when John Kennedy occupied this office during the Cuban missile crisis, he commanded the greatest military power on Earth. Today, we Americans must live with a dangerous new reality. Year-in and year-out, at the expense of its own people, the Soviet leadership has been making a relentless effort to gain military superiority over the United States.

Between 1970 and 1985 alone, the Soviets invested $500 billion more than the United States in defense—and built nearly three times as many strategic missiles.

As a consequence of their enormous weapons investment, major military imbalances still exist between our two countries.

Today the Soviet Union has deployed over one-and-a-half times as many combat aircraft as the United States, over two-and-a-half times as many submarines, over five times as many tanks, and over eleven times as many artillery pieces.

We have begun to close some of these gaps, but if we are to regain our margins of safety, more must be done. Where the Soviets once relied on numbers alone, they now strive for both quantity and quality. We anticipate that over the next 5 years, they will deploy on the order of 40 nuclear submarines, 500 new ballistic missiles, and 18,000 modern tanks. My 5-year defense budget maintains our commitment to America's rebuilding program. And I am grateful that Secretary Weinberger is here to fight for that program with all the determination and ability he has shown in the past.

But my budget does not call for matching these Soviet increases. So one question must be asked: Can we really afford to do less than what I've proposed?

Today we spend a third less of our gross national product on defense than under John Kennedy—yet, some in Congress talk of even deeper cuts. Barely 6 percent of our Nation's GNP—that's all we invest to keep America free, secure, and at peace. The Soviets invest more than twice as much. But now strip away spending on salaries, housing, dependents and the like and compare. The United States invests on actual weapons and research only 2.6 percent of our Gross National Product, while the Soviet Union invests 11 percent on weapons—more than four times as much.

This is the hard, cold reality of our defense deficit.

But it is not just the immense Soviet arsenal that puts us on our guard. The record of Soviet behavior—the long history of Soviet brutality toward those who are weaker—reminds us that the only guarantee of peace and freedom is our military strength and our national will. The peoples of Afghanistan and Poland, of Czechoslovakia and Cuba, and so many other captive countries—they understand this.

Some argue that our dialogue with the Soviets means we can treat defense more casually. Nothing could be further from the truth. It was our seriousness about defense that created the climate in which serious talks could finally begin.

Now that the Soviets are back at the table, we must not undercut our negotiators. Unfortunately, that's exactly what some Members of Congress have done. By banning any U.S. tests of an anti-satellite system, Congress not only protected a Soviet monopoly, it unilaterally granted the Soviets a concession they could not win at the bargaining table.

So our defense program must rest on these principles.

First, we must be smart about what we build. We don't have to copy everything the Soviets do. We don't have to compete on Soviet terms.

Our job is to provide for our security by using the strengths of our free society. If we think smart enough, we don't have to think quite so big. We don't have to do the job with large numbers and brute force.

We don't have to increase the size of our forces from 2 million to their 5 million—as long as our military men and women have the quality tools they need to keep the peace. We don't have to have as many tanks as the Soviets as long as we have sophisticated anti-tank weapons.

Innovation is our advantage. One example: Advances in making airplanes and cruise missiles almost invisible to Soviet radar could neutralize the vast air defense systems upon which the Soviets—and some of their most dangerous client states—depend.

But innovation is not enough. We have to follow through. Blueprints alone don't deter aggression. We have to translate our lead in the lab to a lead in the field. But when our budget is cut, we can't do either.

Second, our security assistance provides as much security for the dollar as our own defense budget. Our friends can perform many tasks more cheaply than we can. That's why I can't understand proposals in Congress to sharply slash this vital tool. Military assistance to friends in strategic regions strengthens those who share our values and interests. And when they are strong, we are strengthened. It is in our interest to help them meet threats that could ultimately bring harm to us as well.

Third, where defense reform is needed, we will pursue it. The Packard Commission we created will be reporting in 2 days.

We hope they will have ideas for new approaches that give us even better ways to buy our weapons. We are eager for good ideas, for new ideas—America's special genius. Wherever the Commission's recommendations point the way to greater executive effectiveness, I will implement them, even if they run counter to the will of the entrenched bureaucracies and special interests. I will also urge Congress to heed the Commission's report and to remove those obstacles to good management that Congress itself has created over the years.

The fourth element of our strategy for the future is to reduce America's dependence on nuclear weapons.

You've heard me talk about our Strategic Defense Initiative, the program that could one day free us all from the prison of nuclear terror. It would be pure folly for the United States not to press forward with SDI when the Soviets have already invested up to 20 years on their own program. Let us not forget that the only operational missile defense in the world today guards the capital of the Soviet Union—not the United States.

But while SDI offers hope for the future, we have to consider today's world. For too long, we and our allies have permitted nuclear weapons to be a crutch, a way of not having to face up to real defense needs. We must free ourselves from that crutch. Our goal should be to deter, and if necessary to repel, any aggression without a resort to nuclear arms.

Here, again, technology can provide us with the means not only to respond to full-scale aggression, but to strike back at terrorists, without harming innocent civilians.

Today's technology makes it possible to destroy a tank column up to 120 miles away without using atomic weapons. This technology may be the first cost-effective conventional defense in post-war history against the giant Red Army. When we fail to equip our troops with these modernized systems, we only increase the risk that we may one day have to resort to nuclear weapons.

These are the practical decisions we make when we send a defense budget to Congress. Each generation has to live with the challenges history delivers. And we can't cope with these challenges by evasion.

If we sustain our efforts now, we have the best chance in decades of building a secure peace. That's why I met with General Secretary Gorbachev last year. That's why we're talking to the Soviets today, bargaining—if Congress will support us—from strength.

We want to make this a more peaceful world. We want to reduce arms. We want agreements that truly diminish the nuclear danger. We don't just want signing ceremonies and color photographs of leaders toasting each other with champagne. We want more. We want real agreements—agreements that really work—with no cheating. We want an end to state policies of intimidation, threats, and the constant quest for domination. We want real peace.

I will never ask for what isn't needed; I will never fight for what isn't necessary. But I need your help.

We've come so far together these last 5 years—let's not falter now. Let's maintain that crucial level of national strength, unity, and purpose that has brought the Soviet Union to the negotiating table, and has given us this historic opportunity to achieve real reductions in nuclear weapons and a real chance at lasting peace. That would be the finest legacy we could leave behind—for our children and for their children.●

## PRISONERS IN VIETNAM

● Mr. HATFIELD. Mr. President, all of us are encouraged by the thawing process now taking place in relations between the United States and Vietnam, for it provides hope in the decade-old quest for resolution of the MIA question.

Many of the compelling interests of the United States Government have been frustrated by the ice-cold atmosphere that has characterized United States-Vietnam relations. We have been unable to influence the course of affairs in Cambodia or in Laos, and to successfully protect those individuals particularly vulnerable to oppression in Vietnam: the Amerasian children.

Today I would like to bring to the attention of my colleagues a group of individuals who still languish in Vietnam and who often find themselves the "forgotten factor" in the resumption of dialog between the United States and Vietnam. I am referring to the approximately 8,000 reeducation camp prisoners who still suffer because of their political beliefs and their former association with our Government. Many of them are former soldiers who staked their lives in defense of the United States interests in Vietnam. While the United States has been able to resettle tens of thousands of these brave individuals, we cannot rest until our moral obligation is fully satisfied.

Anyone who wants to know if there are reeducation camp victims left can go to site 2 along the Thai-Cambodian border, a sprawling camp of 120,000 refugees, predominantly Cambodians. In a tiny sector of this camp, penned in by two thin strips of barbed wire, lives 4,300 Vietnamese who crossed Cambodia by foot and who now find themselves surrounded by their traditional enemies, the Cambodians. Fortunately, because all of the residents of the camp have a common trait—they have fled Vietnamese persecution—these "foot people" are able to exist with only isolated incidents of intimidation from their Khmer neighbors. The head of this small refugee delegation, Huynh Pham, spent 8 years in reeducation camp before he slipped out of Vietnam a couple of years ago.

Or go to Hong Kong, to the Argyle Transit Camp, and meet Bui Van Hoan who fled Vietnam by boat this past summer. In 1958, at the age of 18, he went to an officer's training school run by French and American military personnel. He was a captain in the Vietnam war and fought to the very end. But when that war ended, he was arrested and taken to reeducation camp, where he spent 3 years digging ditches, cutting wood, and enduring the harassment of his "reeducators."

Incredible as it may sound, Mr. Bui and Mr. Huynh are the lucky ones—they got out of Vietnam and both will be in the United States soon. But their stories serve to remind us that the United States has a responsibility which has not been fully discharged and will not be fully discharged until all of the reeducation camp prisoners are fairly dealt with.

For that reason, any resumption of United States-Vietnam relations must be contingent on an expedient resolution of the reeducation camp prisoner question.

Two very gifted writers present this case far more effectively than I have today. Roger Winter, director of the U.S. Committee for Refugees, and Jerry Tinker, counsel for Senator KENNEDY on the Immigration and Refugee Policy Subcommittee, recently submitted editorials on the subject of the plight of the reeducation camp prisoners.

Both of these men qualify as experts in the field of U.S. refugee policy, and both have a great deal to say on the subject of our "forgotten friends." I ask that the texts of both of these editorials be placed in the RECORD at this time, and I commend them to the careful consideration of my colleagues.

The editorials follow:

[From the New York Times, Jan. 27, 1986]

THE VIETNAMESE LEFT STRANDED MERIT CONSIDERATION

(By Jerry M. Tinker)

WASHINGTON.—Two weeks ago, senior officials from the State Department and Defense Department visited Hanoi to achieve greater progress on the issue of Americans missing in action from the Vietnam War. A Congressional delegation went to Vietnam for that purposes last week. All this is welcome news. As the son of an American seaman still missing in action from World War II, I share the hope of achieving as full an accounting of our M.I.A.'s as possible.

But there are other humanitarian issues remaining from the Vietnam War that have not received the same priority. Under the Reagan Administration, the missing-in-action issue has become the main preoccupation of our foreign policy toward Vietnam—certainly the only one that has received the sustained attention of our most senior officials. Yet the living whom we left behind in Vietnam deserve the same concern that we have given to the dead and the missing.

Two groups in particular merit our sustained attention. One consists of and estimated 5,000 to 10,000 Vietnamese political prisoners still confined to "re-education camps." The other consists of relatives of South Vietnamese who escaped to the United States and other countries at the end of the war. If they are to have any hope at all of being reunited with their families, they will require the same level of diplomatic intervention that we have given the M.I.A.'s. But since we have yet to provide such intervention, the Vietnamese must assume that political prisoners and divided families rank well down on our list of diplomatic priorities.

The Reagan Administration seems to have forgotten that in 1982 the leaders of the present Vietnamese Government offered to release political prisoners. But they heard nothing authoritative from our Government until 1984, when Secretary of State George P. Shultz belatedly accepted the offer. At that point, for reasons that are still not entirely clear, the Vietnamese got cold feet. But that was no reason for the United States to abandon the effort. Since then, we have sent relatively low-level delegations to meet with the Vietnamese on these and other humanitarian issues (usually in Geneva, not in Hanoi)—hardly a convincing signal of our interest.

In time, we should normalize our relations with Vietnam, beginning perhaps by asking

another government to represent our interests in Hanoi. But if that seems too abrupt or radical for the White House, at least we should ask our officials to raise these issues when they visit Hanoi. The number of individuals involved is not large, but their plight worsens every year.

America has a generous record of accepting Indochinese refugees over the past decade. The priority we have given the M.I.A. issue is not misplaced. But now we must include in our concerns those who have, in the words of the Refugee Act of 1980, some strong claims upon the "special humanitarian concern" of the United States—the civilian and military officials and families of the former Government in Saigon who accepted our assurances of support. We cannot fail to go the extra mile on their behalf.

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[From the Sun, Jan. 31, 1986]

VIETNAM'S OTHER MIA'S

(By Roger P. Winter)

WASHINGTON.—As it negotiates with Vietnam for information about American servicemen still listed as missing in action in Southeast Asia, the Reagan administration is neglecting another very important issue.

That is the issue of the "re-education" prisoners, people detained in Vietnam because of their political beliefs and former association with the U.S. They number approximately 8,000, including many former soldiers who fought on behalf of U.S. interests.

As is also true of missing Americans, they have families who cannot reach them and are wrenched by the uncertainty that surrounds their loved ones. The difference, though, is that while the existence of surviving American prisoners is speculative, the fate of the Vietnamese in re-education is known.

The MIA talks between U.S. and Vietnamese officials center largely on accounting for and returning the remains of men who have been dead for years; the re-education prisoners are alive and suffering in the camps where they have been held under harsh conditions ever since Saigon fell in 1975.

Unfortunately, the marginality of their lives in those camps is mirrored by that of the re-education issue in diplomatic circles. Even as relations warm between Vietnam and the U.S., the two countries which can end these prisoners' hell, the matter has generated scant attention.

For years, there was nothing but silence surrounding the issue. Then, Foreign Minister Nguyen Co Thach indicated in 1982 that Vietnam would allow the incarcerated freedom if the U.S. agreed to take them all. The U.S., too preoccupied with weighing the logistics of a release, responded slowly. Finally, in September 1984, over two years after the first "signal" from Hanoi shot westward, Secretary of State George Shultz announced that the U.S. was willing to accept and resettle Vietnamese detainees.

The Shultz announcement was welcomed, right, and appropriate, but the hopefulness it spawned didn't last. Subsequently and unexpectedly, Vietnam changed its release offer, demanding that the U.S. "guarantee" that freed prisoners wouldn't become anti-Hanoi subversives once they were resettled.

This new position emerged in the atmosphere of espionage trials in Vietnam, and appealed to hardliners there who regard those in re-education as war criminals. In the wake of the turnabout, the whole re-education issue was shuffled to the background.

The recent Hanoi talks between U.S. and Vietnamese officials on MIAs offered the perfect opportunity to revive the issue, and a revival of sorts occurred.

It was feeble, however. According to a State Department source, a discussion about the prisoners was "in the margins" of the American agenda in Hanoi. Reportedly, the Vietnamese responded negatively to an informal U.S. attempt to raise the issue, and the matter was quickly dropped. Though the Vietnamese should be faulted for their position, it is bothersome that the plight of the re-education prisoners seemed only of passing interest to the American side as well. The lack of emphasis doesn't seem consistent with the Shultz announcement of 1984, and significantly reflects that the prisoners lack two key things—advocates in Washington, and the personal interest of President Reagan.

Tragically, the incarcerated suffer the most from the failure of the U.S. and Vietnam to bring about their freedom. They are the ones who continue to break from years of hard labor, who still eat poorly, still have their illnesses go unattended, and still long for contact with loved ones.

What is doubly frustrating is that the U.S. is in a strong position to bargain for a release. Late last year, Vietnamese Premier Pham Van Dong (who had earlier personally endorsed the release of re-education prisoners if the U.S. would accept them) told an interviewer that economic development is his country's "prime task," and that Vietnam needs to broaden its economic relations beyond the Soviet bloc in order to undertake it.

The Indochinese nation is so desperate financially that it recently announced plans to liberalize its investment law in order to attract foreigners. As things stand now, though, no money can come from the country that the Vietnamese want to entice most of all—the United States. Federal legislation that reflects the legacy of the war years prohibits American trade with Vietnam.

The trade prohibition should be used as leverage. In no uncertain terms. American officials at the highest levels should tell Vietnam that the U.S. wants a prisoner release and that trade won't be forthcoming until one occurs. Though this suggestion may seem premature—trade relations usually stem from diplomatic relations, which are nonexistent between the U.S. and Vietnam—the ceaseless suffering of those in re-education, people who also are "ours," demands that it be adopted as soon as possible. Such action would be a very big first step toward ending the neglect that continues eleven years after the end of the war in Southeast Asia.●

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## THE SIZE OF THE PENTAGON STAFF

● Mr. GOLDWATER. Mr. President, during Tuesday's Senate session, I mentioned that since Senator NUNN and I presented the preliminary findings of the Senate Armed Services Committee Task Force on Department of Defense reorganization in the Pentagon, we have received innumerable calls from the Pentagon from people on the staff over there, questioning our motives. The reason for the great number of calls that we received has to do, in large part, with the size of the staffs of the military services in the Pentagon.

Earlier this week, I inserted in the CONGRESSIONAL RECORD the pages of the Pentagon telephone book which apply to the Marine Corps staff, which is the smallest of all the services, as illustrative of the size of the staffs of the various services relative to the force it serves.

Due to the problems of printing and the costs involved, I am going to forego printing any more pages of the telephone book, but I do want to use it as an example of how I feel the Pentagon staff has grown so large over the years.

During the recent Senate Armed Services Committee hearings concerning DOD reorganization, Senator SAM NUNN and Secretary Lehman of the Navy engaged in an animated discussion on this very subject, during which Senator NUNN pointed out that the Navy Department took up 58 pages of the Pentagon telephone book. Senator NUNN admitted that while this may not be an accurate measure of the size of the bureaucracy in the Pentagon, it certainly has to be an indicator.

In reviewing the pages of the Pentagon telephone directory that deal with the Army staff, you will find that those listings take up 28 pages or somewhere in the neighborhood of about 9,000 people, serving approximately 1.5 million active duty, Reserve and National Guard personnel. Then there is the Navy Department, which encompasses a total of 58 pages, six of those devoted to the Marine Corps, leaving a net total of 52 pages totaling somewhere in the neighborhood of 14,000 staff members in the Pentagon, with 710,000 active and Reserve personnel. The Department of the Air Force also covers 15 pages and has approximately 4,000 staff members serving a total force of 796,000 people, and, finally, the Defense Department itself and its other agencies with a total of 21 pages.

Now, as I mentioned before, this may be a simplistic way to measure the size of the bureaucracy in the Pentagon, but I feel that it certainly points out that we have too many people, both military and civilian, over there managing the forces that we now have serving our country.●

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## LIABILITY INSURANCE

● Mr. DANFORTH. Mr. President, the high cost and scarcity of liability insurance is a prevasive problem in America today; it is a safe bet that every Member of the Senate has heard from constituents expressing concern about finding affordable insurance. In order to learn more about this problem and to explore what action Congress might take to help ease the current crisis, the Senate Commerce Com-

mittee last week completed the first of 2 days of hearings on this important subject. The committee received testimony indicating that the shortage of liability insurance may be the result of several different factors, including a cyclical downturn in the commercial insurance market and the increased cost and unpredictability of the civil justice system.

While the complete record of the hearings will be made available after the hearings are concluded, I wish to share with other Senators the testimony the committee received from two insurance brokers, Dr. Robert Moore and Mr. Alan Page. Dr. Moore's testimony provides a good summary of the problem and its implications for the American economy. Mr. Page discusses what I consider to be one of the most sensible means of coping with insurance unavailability—encouraging the use of self-insurance alternatives to the conventional insurance market.

I ask that the statements be printed in the RECORD.

The statements follow:

TESTIMONY OF ROBERT H. MOORE, SENIOR VICE PRESIDENT, ALEXANDER & ALEXANDER SERVICES INC., ON BEHALF OF NATIONAL ASSOCIATION OF INSURANCE BROKERS

Mr. Chairman and members of the committee, thank you for the invitation to appear before you today.

I am here as president of the National Association of Insurance Brokers (NAIB), an organization of American brokers who, in 1985, were responsible for administering over $30 billion in premiums. Our members are large international companies as well as regional and local firms.

Clients of NAIB members include individuals and businesses of all sizes as well as municipalities and state governments, schools and universities, religious organizations and other non-profit entities. Their financial exposure ranges from thousands to hundreds of millions of dollars.

The brokers' primary responsibility is to protect clients' assets. We serve as intermediaries between insurance markets and the complex risk management needs of organizations and individuals. Our particular role in the insurance industry is to focus our specialized expertise, experience and resources to assist in managing financial exposures.

To meet these needs, brokers typically: Analyze a client's financial exposure; suggest methods for reducing risks; assess insurance needs; develop relevant coverages; explain payment options; advise on claims procedures; assist in handling claims.

Given these activities, we are particularly sensitive to how the current crisis in affordability and availability is affecting our clients—American consumers—and the businesses and organizations they work for.

Based on our experience in recent months, I am obligated to report that the current problems facing our clients are likely to continue through 1986 and well into 1987. While we believe that many of their problems will begin to be resolved over the next year or so, there will be substantial economic dislocation in the interim.

Quite frankly, Mr. Chairman, not only is this situation very bad for our clients; but, it is also harmful to the brokers' business and our industry generally.

A senior executive of one of our major members recently noted that the availability squeeze is forcing more buyers away from traditional insurance products and services. Driven by economic pressures, corporate and organizational buyers are finding alternative ways to insure risks. "Once these dollars are gone," from the traditional market, the executive reported. "they never come back."

My colleague, Alan Page, a vice president of Johnson & Higgins, will be commenting in a few minutes on some of the alternative methods brokers have used to meet our clients' insurance needs.

Mr. Chairman, your hearings are particularly welcome because the current debate shows signs of degenerating into a mad scramble to find the bad guys. If this happens, it will be a public policy travesty and a disservice to the American consumer.

There is no doubt that we have a severe crisis in the availability and affordability of liability insurance in this country, but we should avoid the good guy/dab guy syndrome. With all due respect to Mr. Nader and his colleagues, this syndrome is not a very helpful response to intricate problems.

The root causes of the liability insurance crisis are extremely complex and interrelated. In the best tradition of American pragmatism, we should work to understand the current crisis and then move to develop sensible, practical ways of responsing to it.

As one of your colleagues in the House said earlier this month, "Insurance can only exist where risks are relatively predictable and can be spread. That is not the case today. . . . We need better insurance, not less insurance or a pie-in-the-sky illusion that the Federal Government can somehow pay the tab for all the risks that no one else is able to cover."

Not only is the current situation harmful to the immediate needs of our clients and to our own industry, but it also has very troublesome implications for the international competitiveness of American goods and services. The declining availability and rising cost of liability insurance also undermine American industry's ability to produce new products and develop new technologies.

Anytime a business or organization is faced with substantial new costs of doing business, these costs influence the pricing structure of goods and services. In the current situation, the price of American goods and services are rising without a complimentary increase in their value to consumers.

While this morning's session is not an appropriate forum to thoroughly analyze the complex causes of the insurance crisis, let me mention briefly two leading contributors:

I. The most often-cited contributor is the remarkable explosion of litigation which the country has experienced in the last several years. While I am not here to render a judgment on whether or not our litigious society is a plus or minus for the body politic, it is certainly an extraordinarily expensive way for Americans to settle their differences.

As Chief Justice Warren Burger observed last year, "It is now becoming more and more clear" that in an increasing number of lawsuits "the total cost of the process is often equal to, or greater than, what finally goes to the pockets of the litigant seeking relief."

It is a cruel irony that in a country which prides itself on "equal justice under the law" that we have reached a point where legal fees and related transaction costs consume a very substantial portion of court awards.

I cannot improve on Justice Burger's declaration when he said that the time has "come for a careful, thoughtful, objective examination . . . of the whole litigation process under the common law system." Despite Justice Burger's exhortations and the well-known view of the insurance industry on this subject, the process of correcting even the most obvious abuses is likely to be frustratingly slow.

Despite the insurance industry's experience in this area, it must be candidly acknowledged that the industry cannot, on its own, bring about the needed reforms.

Despite the fact that one of America's leading insurance companies announced several weeks ago that it was taking a charge of $1.2 billion against its 1985 earnings, this will do little to bring about tort reform.

Despite the fact that the company publicly reported a substantial part of this loss was directly attributable to "the way in which today's court system interprets insurance policy liability and awards damages," statements such as these from the insurance industry will do little to bring about changes in the legal system.

Serious tort reform will only begin when a broad cross section of Americans come to understand that many of their goods and services are more expensive as a consequence of the costs generated by our present civil justice system.

Not only do these additional costs fail to produce added value, they result in the loss of jobs, undermine our international competitiveness and make the country more economically inefficient. These costs are creating severe economic pressures for particular industries and further eroding the trading position of U.S. firms in the world marketplace. These conditions will inevitably result in the withdrawal or consolidation of some markets.

When Americans ultimately come to recognize that the economic fallout from our present civil justice system may be too costly, then, and only then, will we have a serious effort at meaningful tort reform. And to be effective, such an effort will have to be led by a coalition representing labor, the legal profession, the business community, academia and others.

II. A second contributor to the current crisis is, regrettably, the underwriting practices of the insurance companies.

The chairman of my company, Jack Bogardus, has been speaking out about this issue for over a year. Mr. Bogardus has noted that for six consecutive years, from the late 70s until 1984, insurance companies competed frantically for business by cutting prices below adequate cost levels. Encouraged by high interest rates, underwriters abandoned their traditionally conservative underwriting practices and took up "cash flow" underwriting. Put very simply, companies discovered that they could underwrite at a loss and still make money through short-term investment of their premium income.

Although critics of the insurance industry do not seem to want to face this fact, these underwriting practices were, in the short-term, a boon for consumers. The facts are, consumers benefited from premium rates in just about every area of insurance. However, as with many bargains in life, it could not go on forever and obviously it hasn't.

Prices had to eventually go up and they have. And, because of the convergence of

various forces, when prices did turn, they did so with a vengeance.

III. In addition to the forces I have already discussed, other contributors to the current insurance crisis include: The ubiquitous role of reinsurance in this country and internationally; the insurance companies' problems with their own solvency; the insufficient staffing and inadequate funding which plagues many state insurance departments; the changing demographics of American society; the diminishing sense of community which characterizes much of American life.

I cite these additional factors to underscore a fundamental point. The current predicament in which our country finds itself will not be amenable to quick or simple resolutions. The interrelationship of these factors is too complex for any quick-fix—no matter how ingenious or draconian.

What the country needs is a thoughtful analysis of the complex and interrelated dynamics of the business of insurance. Your committee is rendering a considerable public service by recognizing this need and by asking the various concerned parties to give their views.

I believe the insurance industry can withstand a public examination. As with most human enterprises, the participants do not in their heart-of-hearts really welcome being scrutinized. However, they also recognize the inevitability of scrutiny and debate in a time of difficulty.

I believe the industry, its employees and its clients can ultimately be well-served by the public debate which you, your committee and others in Congress have begun.

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STATEMENT PRESENTED TO THE SENATE COMMERCE COMMITTEE, FEBRUARY 19, 1986, BY ALAN G. PAGE, VICE PRESIDENT, JOHNSON & HIGGINS

Mr. Chairman and members of the committee, I also thank you for the invitation to appear before you today.

I represent the insurance brokerage firm of Johnson & Higgins, a member of the National Association of Insurance Brokers. Johnson & Higgins is the country's third-largest insurance brokerage firm. In conducting our business, we represent a number of clients, both large and small, that are adversely impacted by the current insurance crisis.

As brokers, we act as intermediaries between buyers and sellers of insurance. In addition, our function is to find or help develop new insurance capacity or to provide alternative means for handling risk when conventional insurance markets cannot or will not respond to our clients' needs. It is in this latter role as organizers of new capacity or as originators of alternatives to conventional insurance, that I address you today, both on behalf of Johnson & Higgins and of other members of the National Association of Insurance Brokers.

The crisis that prompts this hearing has a particularly severe impact on commercial buyers of insurance, and liability insurance today is clearly the most stricken coverage with respect to pricing and availability. Clearly, there is diminished capacity within the conventional insurance marketplace to underwrite commercial liability insurance. This capacity shortfall has two dimensions: First, the capital necessary to support such underwriting is unavailable in sufficient quantities to lower prices and make coverage more widely available. Second, the willingness to underwrite such risks, even within those insurance companies that are well-capitalized, has decreased severely. This lack of willingness is due to dramatic decreases in support from reinsurers, both within and outside the United States, which view commercial liability insurance as being too risky at any price. Their reluctance to extend reinsurance support to U.S. insurance companies is based on their perception that the U.S. tort system is out of control, a point commented on by previous speakers at this hearing.

Reform of the U.S. tort system is the necessary solution to pricing and availability problems in insurance, but is at best long-range. A more immediate step would be to facilitate the entry of new risk capital and new insuring organizations to alleviate this crisis. The insurance industry currently has a number of regulatory restrictions, chiefly imposed by the states. These restrictions are part of the overall regulatory system administered by the various states. The fundamental purpose of the state regulatory system is to protect the public by regulating the solvency of the insurance companies. This purpose is achieved through restrictions on entry, minimum capitalization requirements, regulations on investments, regulations of policy forms and rates, limitations on the amount of premium that may be written (both overall and on a per-risk basis), and requirements for periodic reports and examinations. This regulatory structure is supplemented by insurance guaranty funds that protect insureds if insurance companies become insolvent. All of these measures are laudable with respect to protecting the public interest, but are obstacles in attracting new capital or new insurance companies to deal with the present insurance crisis.

We need to balance the objectives of solvency and the need to create new underwriting capacity. We propose that this balance be struck in favor of retaining the traditional system of regulation to protect consumers and employees primarily. However, that leaves a class of insureds, generally larger businesses and various professionals, which do not require the extensive protections given others. During periods of insurance unavailability such insureds have formed their own insurance facilities, usually "captive" insurance companies. Captive insurance companies have been formed under special legislation found in but a handful of states and in a greater number of offshore countries, such as Bermuda. Captive insurance company laws recognize that certain insureds do not need regulatory protection offered to the general public. Captive insurance company laws permit sophisticated buyers of insurance to form their own insurance companies with a minimum of regulatory oversight.

The Product Liability Risk Retention Act of 1981 made a statement on the part of the federal government that captive insurance company laws were desirable and needed, at least with respect to product liability insurance. The Risk Retentioin Act extended the writ of such companies by permitting them to cross state lines and to help solve product liability problems of their sponsors with minimal state regulatory intervention. The Risk Retention Act also exempted participants in risk retention groups from various securities laws that would otherwise hamper the flow of capital into their ventures.

In the comments which follow, I am expressing views which are widely held among national brokers and which reflect the position of my firm, Johnson & Higgins. However, these views have not yet been officially endorsed by the NAIB.

The Risk Retention Act is presently a valuable, albeit narrow, tool to assist buyers of insurance. We advocate that the Risk Retention Act be extended to cover other liability insurance lines. We support an expansion of the Risk Retention Act principally because if insurance needs can be met under its terms and therefore do not have to be met by the conventional insurance market, greater capacity will be available for consumer coverages and less-hazardous risks. As a result, consumers and small businesses who are presently affected by the insurance crisis will have more insurance capacity, relatively speaking, than before as hazardous commercial risks are insured by new companies covered by an expanded Risk Retention Act.

Specifically, we advocate expanding the Risk Retention Act to most forms of liability insurance, not limiting it primarily to products and completed operations liability as the Act currently reads. For example, we believe the Risk Retention Act ought to be broadened to include all professional liability insurance, including but not limited to insurance for accountants, architects and engineers, attorneys, and health care providers. In addition, specialty liability coverages such as fiduciary liablility, and directors' and officers' liability should be included. The Super Fund reauthorization bill passed by the Senate last year extended the Risk Retention Act to pollution liability only.

Apart from broadening the scope of the bill, we request that the exclusion on using offshore domiciles for risk retention groups be eliminated. Offshore domiciles for insurance companies continue to be the preferred home of captive insurance companies. In fact, the ratio of offshore to onshore insurance companies is in the order of 15 to 1. This preference is particularly true for association captive insurance companies or those owned by a number of insureds. The reason for their popularity offshore is because they can accumulate capital faster through retained earnings since federal income taxes are deferred on their profits until these profits are repatriated as dividends.

For example, A.C.E., an offshore company recently organized by Marsh & McLennan, also a member of the National Association of Insurance Brokers, provides liability insurance to large commercial enterprises. Under an expanded Risk Retention Act, it clearly would be a risk retention group that would enjoy the privileges of providing insurance without state regulatory roadblocks. The formation of A.C.E. has permitted new capital to flow into the insurance industry and has allowed conventional insurers to write additional business that is not insured by A.C.E. A.C.E. is but one solution, and we need more of them—and quickly.

The insurance industry does not require federal capital or federal guarantees to solve the insurance crisis. As organizers of new capacity, we only need the means to attract and proceed to use new capital to insure risks that are not readily insured by the conventional insurance industry. Insurance provided by companies acting under the Risk Retention Act, as we propose it be amended, will not be a hazard to the public or consumers. Rather, by allowing sophisticated buyers of insurance to meet their own insurance needs, we can preserve existing capacity for the public by providing new insurance protection for commerical buyers of liability insurance.●

## PEACE EFFORTS IN SRI LANKA

● Mr. KENNEDY. Mr. President, the Prime Minister of India, Rajiv Ghandi, and the President of Sri Lanka, J.R. Jayewardene, have been engaged in important negotiations aimed at achieving a peaceful resolution of the problems involving the Tamil groups in northern and eastern Sri Lanka.

Last week, President Jayewardene of Sri Lanka delivered an important report to his Parliament in which he described in detail the negotiations that have been underway over the past year between and among the Governments of India and Sri Lanka and the various Tamil groups. Prime Minister Ghandi and President Jayewardene are to be commended for their efforts to resolve these problems through negotiations and to find a political solution to a situation that has too frequently erupted into violence in the past.

In his speech, President Jayewardene outlined a series of initiatives that he and the members of his government have undertaken in their efforts to achieve a political settlement. The most important result was the drafting of "a comprehensive paper * * * covering all issues of importance and relevance" that will serve as the basis for future negotiations between the parties.

There is much more work to be done before a lasting solution can be worked out, but Prime Minister Ghandi and President Jayewardene are to be commended for their efforts to resolve these problems without further bloodshed or violence. Terrorism is totally unacceptable.

Our thoughts and our prayers are with President Jayewardene and with all the people of Sri Lanka as they work—together and with each other—to reach a lasting and just solution to the problems of the Tamil minority who have felt, for so many years, that their legitimate aspirations as an important ethnic group within Sri Lanka have not been respected.

I ask that the text of President Jayewardene's address to the Parliament of Sri Lanka on February 20, 1986, be printed in the RECORD.

The text follows:

STATEMENT BY PRESIDENT J.R. JAYEWARDENE

Hon. Members: Permit me to speak on the Government's attempts since 1977 to seek a political solution to the problems arising in the Northern and Eastern provinces.

Our first attempt to do so were outlined in the proposals mentioned in the United National Party election manifesto of 1977. These proposals were prepared in consultation with some of the Tamil United Liberation Front (TULF) Members of Parliament at that time. I have in my address to Hon. Members on the 23rd February 1984 outlined the steps taken to implement them, as follows: "Since 1977 the government has made Tamil a national language in the constitution, amended rules governing entrance to the universities and removed any racial bias governing those rules, removed the regulations prescribing racial considerations governing entry to the public services and promotion in the services.

District Councils have been created and District Ministers appointed. The TULF accepted them and worked them for two years and contested elections. Last year they withdrew from them as sufficient powers and finance had not been allotted to them."

The only other matter mentioned in the manifesto needing attention was the question of land settlement.

In my address on the 20th February 1985 I brought events up to date and dealt with the riots of July 1983 and its consequences, the All Party Conference of 1984 and its conclusion. I am tabling a note on the All Party Conference of 1984.

Since then the Central Government of India and its Prime Minister Rajiv Gandhi have been helpful in helping our delegates to meet delegations of the Tamil groups in Delhi and Thimpu (Bhutan).

Efforts to achieve a political solution after the All Party Conference of 1984 in New Delhi and Thimpu (Bhutan) in June, July, August 1985.

NEW DELHI—JUNE 1985

Though the talks had broken down the Government of Sri Lanka did not cease in its attempts to find political solutions to this problem. A major step was the decision of the Government to send a delegation of lawyers and jurists from Sri Lanka headed by Dr. H.W. Jayewardene in June 1985 to meet the Attorney General of India, Shri K. Parasaran, to discuss the legal and constitutional aspects of devolving legislative and executive powers appropriate units in Sri Lanka. Full and frank discussion on various legal and constitutional matters with due regard to the fact that Sri Lanka is by virtue of Article 2 a unitary state, and virtue of Article 3 that sovereignty is in the people and is inalienable, took place. A record of the discussions and agreed conclusions were submitted to the heads of the two governments.

THIMPU—JULY AND AUGUST 1985

The search for a political solution was the profound concern of the Government of Sri Lanka. It was this commitment to reach a peaceful solution to the problem that led Sri Lanka to take the unprecedented step on the part of any sovereign state of sending her accredited representatives to explore the possibility of reaching a settlement at two conferences held in Thimpu, Bhutan, from 8.7.85 to 13.7.85 and from 12.8.85 to 17.8.85 arranged with the Tamil groups through the good offices of the Government of India.

However, neither the TULF nor the groups who attended these talks showed any serious inclination to discuss any of the proposals placed before them by the Government of Sri Lanka. Their final response was an outright rejection of the Government proposals and an invitation to the Government of Sri Lanka to make new proposals which they enunciated, which were no more than a re-statement of the demand for Eelam.

On 13 July 1985 the six Tamil groups made a statement of the "four principles" on which they were working. On 12 August 1985 the leader of the Sri Lanka delegation, Dr. H.W. Jayewardene responded to it with a statement, on the four principles mentioned by the Tamil groups which is tabled. (Annexure B)

He dealt with the recognition of the Tamils as a distinct nationality, a separate homeland and self-determination for the Tamils, and linkage of the Northern and Eastern provinces as a reaffirmation of the demand for a separate state and could not be the subject of discussion and acceptance by the Sri Lanka Government.

The Sri Lanka delegation also submitted an outline of the structure of the sub-national units of a participatory system of government on 16th August, but this too was not considered by the Tamil groups though it indicated areas on which discussion and agreement was possible. The TULF joined the other groups and walked out from the conference under the pretext of a violation of ceasefire by the Government of Sri Lanka and refused to participate in the discussion. The Sri Lanka delegation remained at Thimpu for several days despite the breakdown of the talks in a bid to revive the efforts made to reach a peaceful settlement by getting the Tamil groups back to the conference table.

NEW DELHI—AUGUST 1985

Thereafter, Dr. H.W. Jayewardene, leader of the Sri Lanka delegation left for New Delhi to meet the Prime Minister of India whilst the rest of the delegation proceeded to Bombay from where they intended to return to Sri Lanka. After discussion with the Prime Minister and in order to comply with his request, the leader of the Sri Lanka delegation recalled the rest of the members of his delegation from Bombay and discussion was resumed with the Indian officials in New Delhi till 30th August when the draft terms of accord and understandings were initialled by the Secretary to the Sri Lanka delegation and the Deputy Secretary, Ministry of External Affairs of India, Mr. Ranjan Mathai. The leader of the Sri Lanka delegation then met the Prime Minister of India once again and informed him of the decisions of their discussion.

On the conclusion of these talks the Ministry of External Affairs of India issued the following press release on 31st August, on Dr. H.W. Jayewardene's visit to New Delhi.

*Press release of 31.8.1985 by the Ministry of External Affairs, India:*

"Dr. H.W. Jayewardene, leader of the Sri Lanka delegation to the Thimpu talks stopped in New Delhi on his way to Colombo at the invitation of the Government of India. Dr. Jayewardene was in New Delhi from August 23rd to August 31st. During his stay he called on the Prime Minister on two occasions.

"Dr. Jayewardene had detailed and constructive discussions with the Foreign Secretary Mr. Romesh Bhandari.

"A comprehensive paper has been drawn up covering all issues of importance and relevance. This detailed draft could serve as the basis for negotiations towards a mutually agreed accord by the parties concerned".

On the return of the delegation to Sri Lanka it was found necessary to amplify some of the matters in the draft accord. Three members of the Sri Lanka delegation together with the Sri Lanka High Commissioners, therefore, had discussions in New Delhi with senior officials of the Ministry of External Affairs from September 10 to 13. At the conclusion of these talks the Indian Ministry of External Affairs issued the following press release:

*Press release of 13.9.85 by the Ministry of External Affairs, India:*

"A three member delegation from Sri Lanka and the Sri Lanka High Commission-

er had intensive discussions with senior officials of the Ministry of External Affairs from September 10 to 13. They also called on the Foreign Secretary.

"The Sri Lanka delegation gave some amplification of certain issues which figured in the paper drawn up earlier during Dr. Jayewardene's visit to New Delhi. They also provided some facts and figures about how some of the proposals contained in the paper would work in practice. It will be recalled that the paper drawn up during Dr. Jayewardene's visit is to serve as a basis for further negotiations towards a mutually agreed accord by the parties concerned."

The Sri Lanka delegation returned to Sri Lanka with the full expectation that future discussions with a view to arriving at a solution of the problems would be on the basis of the draft terms of accord and understanding. The accord reached in Thimpu and New Delhi were to be the basis of any future discussions. Such discussion would not re-open the four principles mentioned earlier in any form whatsoever. This was the basis of all understanding of both the governments of India and Sri Lanka.

The question of citizenship of persons' of Indian origin in Sri Lanka was not a matter for discussion with these groups. It was a matter to be settled between the persons concerned and the Governments of India and Sri Lanka.

The terms of accord and understanding were to be forwarded to the representatives of Tamil groups by the Indian Government but all the efforts of the Sri Lanka delegation and the representatives of the Indian Government proved of no avail as these groups did not make any response to reach a settlement. It is not correct to suggest, therefore, that the Sri Lanka Government made no efforts to arrive at a political settlement.

TULF MEMORANDUM OF 1ST DECEMBER 1985

More than 3 months later, on December 1st, 1985, the TULF addressed Shri Rajiv Gandhi, Prime Minister of India and submitted proposals for consideration. They were by no means any attempt to discuss the draft terms of accord and understanding. These proposals were sent to the Sri Lanka Government (Annexure C) tabled, and the final "observations on the proposals of the Government" were dispatched to New Delhi on 30th January 1986 dealing in full with the proposals of the TUFL (Annexure D) tabled.

The TULF proposals are diametrically contrary to the draft terms of accord and understanding which were prepared and settled with the Indian Government and mentioned earlier.

Future discussions must be on the basis of the Draft Terms of Accord and Understanding initialled in New Delhi on the 30th August 1985.

CONDITIONS OF IMPLEMENTATION

It was also understood that the full implementation of any agreement will be conditional upon compliance with the following: (1) All persons engaged in the current dispute with the Government of Sri Lanka do accept, and acknowledge the validity of, the Constitution of the Democratic Socialist Republic of Sri Lanka and in particular the provisions dealing with the official language, the national language, the national flag and the national anthem, and will abandon the demand for the creation of a separate state of Eelam.

(2) All militant groups and persons engaged in acts of violence, unlawful or illegal acts will desist from such action, abjure violence in the future and disband their cadres and groups engaged in acts of violence, closed down training camps in Sri Lanka and abroad and will generally help in the process of restoration of peace and normalcy.

(3) All persons in unauthorized possession of arms, ammunition and other military equipment will surrender such material within a period of one month to the authorities specified by the Sri Lankan Government.

(4) As part of the process of normalisation, the security operations in the affected areas will be progressively reduced and the emergency lifted.

(5) As soon as action under paragraph 2 and 3 is completed, the Government of Sri Lanka will ensure that—(a) prosecutions against persons in cases under investigation and those pending before any court for offences in connection with ethnic disturbances during the period from July 1983 to August 1985 will be withdrawn, (b) persons convicted for such offences will be granted pardon and released, and (c) new persecutions will not be launched in respect to any such offence.

(6) All persons engaged in the current dispute will not obstruct the creation of the requisite conditions for the due and orderly conduct of the civil administration and law enforcement in the affected areas.

(7) All persons engaged in the current dispute will not obstruct the creation of conditions necessary for the return and resettlement in their original places of abode of all refugees, whether in Sri Lanka or abroad, and their rehabilitation.

(8) With the coming into force of this agreement, the Government of Sri Lanka will proceed to take steps as are necessary to eliminate all forms of terrorism and militant action in Sri Lanka.

(9) The Government will set up appropriate machinery for ensuring due compliance with the conditions set out in paragraph 2 and 3 above.

CONCLUSION

My government and I have tried our utmost to arrive at a political solution to the political problems that have arisen on this question. I must record our thanks to the Prime Minister and the Governments of India, particularly Prime Minister Rajiv Gandhi and his representatives, for helping us to arrange meetings for discussion of these problems. There are certain principles which we cannot depart from in arriving at a solution. We cannot barter away the unity of Sri Lanka, democratic institution's, the non-joinder of provinces. In any constitutional and administrative solutions, the right of every citizen in this country whatever his race, religion or caste to consider the whole island as his homeland, enjoying equal rights constitutionally, politically, socially, in education and employment, are equally inviolable.

We have agreed to place before parliament legislation creating provincial/district councils, the chief executive of each council which is the highest body in the province, who is the leader of the majority elected party being vested with the powers of a minister within his area of authority, once the government has agreed on the actual terms of devolution of authority.

While all these discussions were proceeding in Colombo, New Delhi and Thimpu, there has been a constant terrorist campaign of murder, arson and rape against the security forces and civilians of all races and sexes. The monthly figures of casualties, injuries and destruction are presented in parliament. We believe it is the inalienable right of a democratic state to require that illegal arms be surrendered, military training camps be closed, and that all methods of violent activity which are against the laws of the land should be given up before any political solution can be completed and implemented.

Non-violence is a creed of faith of the Government of Sri Lanka and of the founding fathers of India's freedom and constitution. The use of violence to achieve political goals is totally against the ideals preached by the great sons of India particularly Gautama the Buddha and Mahatma Gandhi. We in Sri Lanka have tried to follow these ideals.

We cannot compromise with violence. Whatever form of agitation is used to continue a program to attain political goals must be non-violent and follow the Buddhist and Gandhian method of Satyakriya or Satyagraha. A political agreement or lack of it cannot in any way minimize the necessity for the acceptance of these ideals.

It is said that Tamilnadu may imperil the unity of India if she is not permitted to have her own way in dealing with Sri Lanka terrorists living in her territory.

The unity of India and Sri Lanka are ephemeral. In the recorded history of our countries they have survived much longer as divided nations than as united ones. However, the heritage of India is universal and permanent. We in Sri Lanka are proud that even a shadow of this noble heritage has fallen on our land enabling us to share it even in a small degree. It is the heritage of "Ahimsa" non-violence handed down to us from time immemorial, from the Hindu Vedas and the Bhagvad Gita, from the Buddha Dhamma, the Christian gospels and the Muslim Koran, Mahatma Gandhi in his life-time personified these ideals and lived them in his life and teaching of truth, maithriya, inspiring also to follow him.●

## RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. HELMS. Mr. President, paragraph 2 of rule XXVI of the Standing Rules of the Senate requires that each committee of the Senate publish its rules not later than March 1 of each year.

Therefore, I submit for the RECORD the rules of the Committee on Agriculture, Nutrition, and Forestry.

The rules are as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the committee is actually present.

3. To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of se-

niority, all members have chosen assigments to two subcommittees.

4. Six members shall constitute a quorum for the purpose of transacting committee business: *Provided,* That for the purpose of receiving sworn testimony, a quorum of the committee and each subcommittee thereof shall consist of one member.[1]

## CASIMIR PULASKI DAY

● Mr. SIMON. Mr. President, on Monday, March 3, the State of Illinois will celebrate its first Casimir Pulaski Day. This is a victory for people of Polish-American heritage and we should all be proud of this great hero of the American Revolution.

Pulaski, a Polish soldier, joined Gen. George Washington's forces in the American Revolution and distinguished himself in the Battle of Brandywine. To reward him, Congress appointed him brigadier general in charge of cavalry. He is called "the father of the cavalry" for organizing an independent corps of cavalry and light infantry which became known as "Pulaski's Legion."

Pulaski and his men fought in the siege of Savannah where he was wounded on October 9, 1779. He died 2 days later.

Casimir Pulaski was a great Revolutionary War hero who paid the highest price for American freedom.

He was also freedom's champion in his beloved homeland. While in his twenties Pulaski led an unsuccessful revolt of Polish forces against Russia, which controlled Poland at that time. Pulaski was arrested and sentenced to death but fled to Turkey. He eventually reached France where he learned of the colonial revolt in America.

Casimir Pulaski was a man who understood oppression because he had experienced it. This experience led him to value freedom among his most precious possessions.

Like Washington's Birthday, Lincoln's Birthday, and Columbus Day, Casimir Pulaski Day reminds us of a courageous hero important to our American heritage. Casimir Pulaski fought for the freedoms we all enjoy, and the State of Illinois is honoring him for that.●

## THE PHILIPPINES

● Mr. MURKOWSKI. Mr. President, Americans are proud and pleased with the turn of events in the Philippines. When Mrs. Corazon Aquino won world recognition in less than 90 days as the nation's new President, the day belonged to the Filipino people—as it should. And Americans share in the pride of the supportive role we played in assisting in this historic event. The whole world observed the true democratic process in action.

For a woman who calls herself an average housewife, Cory Aquino demonstrated tremendous skill in capturing the spirit and loyalty of the Filipino people. She pulled together the various anti-Marcos political factions, and with the support of church leaders, military officers, the business community, and millions of citizens, toppled a 20-year dictatorship with minimal bloodshed and violence.

As we watched last week the hundreds of thousands of citizens surround the Aquino supporters in order to protect them from the soldiers backing Marcos, we witnessed democracy at its best. The Filipino people stood shoulder to shoulder, risking their lives against armed soldiers, to stand up for what they knew was right. And their determination and faith resulted in the change of government they wanted.

The United States had a role in the outcome, but it was not because we dictated conditions. President Reagan steered us on a rational course through an explosive situation, and our State Department, Congress, and national press supported the President's direction, thereby sending a unified message to the Filipino people.

After the assassination of Benigno Aquino, the United States began increasing pressure on President Marcos to initiate reforms and end human rights violations. We later urged Marcos to hold a Presidential election. Our concern was that the election be without fraud and be open for all Filipinos to participate. Even though we have a vital security interest in our own military bases in the Philippines, we made it clear that a democratic process for the people was more important to us than retaining our bases—and we let President Marcos know we were prepared to move rather than negotiate that principle.

President Marcos invited President Reagan to send a delegation to witness the February 7 election, which our President did. We went over there not to support Marcos, nor to encourage his ouster—but to ensure a free election. As a member of that delegation, I witnessed some irregularities during the voting process, but not outright fraud. It was not until the vote counting process began following the election that it became apparent that this was not an open and fair election, and as this fraud became more evident the United States took the position that Marcos should step down. We now have verified evidence of outright fraud involving hundreds of thousands and perhaps millions of votes.

After we took the position that the election results should be nullified, our concern focused on the safety of the people. As a nation we sent warnings to both sides to prevent bloodshed. I believe the unified messages we sent to our friends in the Philippines provided them with additional courage as they stood shoulder to shoulder to fight for democracy. And for that we too can be proud.

Now comes an even greater test for the Philippine nation. As Mrs. Aquino's brother-in-law, Paul, told me Thursday, taking over the Presidency was an easy task compared to the rebuilding challenge that lies ahead for Mrs. Aquino and the Filipino people.

Mr. President, the United States was expedient in recognizing Mrs. Aquino and her new government. In Congress, we are now looking at the ways we can help that nation rebuild. The future is bright, and we all feel good about that.●

## GOALS AREN'T QUOTAS

● Mr. SIMON. Mr. President, the February 25 Washington Post contained an excellent article by Harvard University President Derrick Bok. He capsulizes in a clear and concise manner the goals versus quota argument which is evidently raging within the Reagan administration in connection with Executive Order 11246. I am personally very supportive of the position taken by Secretary Brock, and a majority of his colleagues in the Cabinet. Executive Order 11246 has worked successfully in assuring affirmative remedies for the underrepresentation of minorities and women and assuring nondiscriminatory hiring and promotion practices among companies that do business with the Federal Government.

As President Bok points out "* * * the Justice Department has offered little evidence that goals are actually quotas in disguise."

Unfortunately, those opposed to advancing equal opportunity and eliminating employment discrimination have used the "quota" boogie man as an excuse for failing to vigorously enforce title VII of the Civil Rights Act of 1964, the Equal Pay Act, and the Age Discrimination and Employment Act. I believe President Bok makes a persuasive argument for retention of Executive Order 11246 and a powerful case for distinguishing between goals and quotas. I urge my colleagues to read the February 25 article.

I ask consent that the article be inserted in the RECORD.

The article follows:

[From the Washington Post, Feb. 25, 1986]

GOALS AREN'T QUOTAS

(By Derek Bok)

In recent weeks, we have heard much talk of the debate within the Reagan administration over the efforts of Attorney General Edwin Meese to jettison the use of goals and timetables under affirmative action programs. Meese asserts that goals often turn into quotas and hence discriminate unfairly against better qualified whites. His oppo-

[1] For further restrictions with respect to proxies and quorums in the reporting of measures and recommendations, see rule XXVI, paragraph 7, of the Standing Rules of the Senate.●

nents counter that goals are not quotas, only voluntary targets that help employers focus their efforts on improving their record in hiring women and minorities.

Thus far, Meese's opponents have the better of the argument. While the Justice Department has offered little evidence that goals are actually quotas in disguise, civil rights advocates have pointed to studies showing that employers who fail to meet their goals have not been penalized by the government. At the same time, supporters cite Labor Department reports heralding the success of affirmative action by showing that companies subject to its mandates have increased their employment of minorities and women more rapidly than firms not covered by the program.

Although the debate has produced some useful statistics, there is more to the problem than the arguments offered by either side.

As president of a large affirmative action employer, I feel sure that without goals and timetables we would never have been as aware of our deficiencies or had as much motivation to overcome them. As a veteran of repeated reviews under four administrations, I have never seen federal officials treat our goals as quotas even when my university failed to meet its targets. The most substantial pressure to hire more minorities and women has come not from the government but from private sources both inside and outside the university. If federal officials have erred, it has been through bureaucratic overkill that has forced my colleagues to spend too much time preparing reports and statistics and too little time trying to identify promising candidates whom we might hire.

But goals have a subtle effect on employment decisions that civil rights advocate do not acknowledge. Many judgments about whom to hire or promote are hard to make objectively. We are simply not that skilled in evaluating people and predicting their performance. Of course, some candidates are obviously better than others, but it is often unclear which of several candidates is the very best. Under a quota, an employer may be forced to hire even from among the applicants who are plainly less qualified. With a goal, one need not go that far. Yet, if minority or female applicants exist with qualifications reasonably comparable to the best alternative candidates, conscientious employers are likely to choose them in an effort to meet their targets.

Is this practice unfair? On balance, no. Minorities and women as a group benefit at the expense of white males as a group if they consistently get the nod in close cases. Nevertheless, this is not the reverse discrimination that the attorney general deplores. Any unfairness that exists is much less clear-cut and more diffuse than it is when a firm hires minorities or women whom it knows to be less qualified than white male candidates it passes over. Moreover, any unfairness against white males as a group is likely to be more than offset by the unfair advantages they receive through habits of discrimination and oversight that persist to the detriment of women and minorities in many firms and sectors of the economy.

Even if we can justify the mild advantages conferred by goals, some critics still argue that affirmative action stigmatizes those it purports to aid and undermines their self-respect by suggesting that they cannot succeed without government help. This is a view advanced with particular force by my colleague Glenn Loury, who speaks with daunting credibility as a black who grew up on the South Side of Chicago.

One cannot deny the risk of stigma any more than one can ignore the subtle preferences implicit in the use of goals. Yet despite Loury's concern, a recent Harris poll reports that 86 percent of blacks oppose administration efforts to weaken affirmative action. And well they might. Black unemployment is still more than twice that of whites. Jobless rates exceed 40 percent for black teen-agers. Over one quarter of all black men between the ages of 20 and 24 have dropped out of the economy entirely. This situation is above all a tragedy for blacks and other minorities who must endure the deprivations of living without work. But it is also a problem for all of us that takes its daily toll through added crime, welfare payments, unemployment compensation and urban decay.

Faced with existing unemployment rates and the persistence of discrimination in parts of the economy, one cannot brush aside the Labor Department's findings that firms subject to affirmative action have increased their minority employees more rapidly than firms outside the government's program. Granted, it would be better to find a way of attacking the problem of economic inequality that did not involve even the faintest sort of preference or the slightest threat of stigma.

In time, we may reach that happy state through better programs of housing, early education and training as well as greater self-help efforts within minority communities. Yet, we do not see enough progress of this kind today. Community-based programs are often underfunded, and federal programs have been cut and seem destined to be cut again.

Meanwhile, poverty rates for minorities have risen in the 1980s, and full-time female employees still earn only 63 percent as much as males. In these circumstances, until alternative programs are funded and working well, I, for one, will continue to set goals gladly, buoyed by the realization that they may at least make some contribution to diminishing an enormous problem for us all.●

## RULES OF PROCEDURE COMMITTEE ON GOVERNMENT AFFAIRS

● Mr. ROTH. Mr. President, pursuant to rule XXVI, section 2 of the Standing Rules of the Senate, I am submitting today the publication in the RECORD a copy of the rules of procedure adopted by the Committee on Government Affairs.

The material follows:

RULES OF PROCEDURE ADOPTED BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates.* The committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. *Calling special committee meetings.* If at least three members of the committee desire the chairman to call a special meeting, they may file in the offices of the committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special committee meeting will be held, specifying the date and hour thereof, and the committee shall meet on that date and hour. Immediately upon the filing of such notice, the committee clerk shall notify all committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. *Meeting notices and agenda.* Written notices of committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all committee members at least three days in advance of such meetings. In the event that unforeseen requirements or committee business prevent a three-day notice, the committee staff shall communicate such notice by telephone to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. *Open business meetings.* Meetings for the transaction of committee or subcommittee business shall be conducted in open session, except that a meeting or portions of a meeting may be held in executive session when the committee members present, by majority vote, so determine. The motion to close a meeting, either in whole or in part, may be considered and determined at a meeting next preceding such meeting. Whenever a meeting for the transaction of committee or subcommittee business is closed to the public, the chairman of the committee or the subcommittee shall offer a public explanation of the reasons the meeting is closed to the public. This paragraph shall not apply to the Permanent Subcommittee on Investigations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

E. *Prior notice of first degree amendments.* It shall not be in order for the committee, or a subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the committee or subcommittee unless a written copy of such amendment has been delivered to each member of the committee or subcommittee, as the case may be, and to the office of the committee or subcommittee, at least 24 hours before the meeting of the committee or subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the committee.[1]

F. *Agency comments.* When the committee has scheduled and publicly announced a markup meeting on pending legislation, if executive branch agencies, whose comments thereon have been requested, have not responded by the time of the announcement

[1] Amended October 1, 1975.

of such meeting, the announcement shall include the final date upon which the comments of such agencies, or any other agencies, will be accepted by the committee.

RULE 2. QUORUMS

A. *Reporting legislation.* Seven [2] members of the committee shall constitute a quorum for reporting legislative measures or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. *Transaction of routine business.* Five members of the committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.[3]

For the purpose of this paragraph, the term "routine business" includes the convening of a committee meeting and the consideration of legislation pending before the committee and any amendments thereto, and voting on such amendments.[4] (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. *Taking sworn testimony.* Two members of the committee shall constitute a quorum for taking sworn testimony: *Provided however,* That one member of the committee shall constitute a quorum for such purpose, with the approval of the chairman and the ranking minority member of the committee, or their designees. (Rule XXVI, Sec. 7(a)(2), Standing Rules of the Senate.)

D. *Taking unsworn testimony.* One member of the committee shall constitute a quorum for taking unsworn testimony. (Rule XXVI, Sec. 7(c)(2), Standing Rules of the Senate.)

E. *Subcommittee quorums.* Subject to the provisions of sections 7(a) 1 and 2 of Rule XXVI of the Standing Rules of the Senate, the subcommittees of this committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. *Proxies prohibited in establishment of quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* No vote may be taken by the committee, or any subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting legislation.* No measure or recommendation shall be reported from the committee unless a majority of the committee members are actually present, and the vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken (Rule XXVI, Sec. 7(a) (1) and (3), Standing Rules of the Senate.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the committee, or any subcommittees thereof, except that, when the committee, or any subcommittee thereof, is voting to report a measure or recommendation, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the committee and filed with the chief clerk thereof, or to the chairman of the subcommittee and filed with the clerk thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the committee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. *Announcement of vote.* (1) Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or recommendation, the results thereof shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or recommendation. (Rule XXVI, Sec. 7 (b) and (c), Standing Rules of the Senate.)

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent ten minutes after the scheduled time set for a meeting or hearing, the senior Senator present of the chairman's party shall act in his stead until the chairman's arrival. If there is no member of the chairman's party present, the senior Senator of the committee minority present shall open and conduct the meeting or hearing until such time as a member of the majority enters.[5]

RULE 5. HEARINGS AND HEARING PROCEDURES

A. *Announcement of hearings.* The committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. *Open hearings.* Each hearing conducted by the committee, or any subcommittee thereof, shall be open to the public unless the committee, or subcommittee, determines that the testimony to be taken at that hearing may (1) relate to a matter of national security, (2) tend to reflect adversely on the character or reputation of the witness or any other individual, or (3) divulge matters deemed confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

C. *Radio television, and photography.* The committee, or subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the committee, or subcommittee, may impose (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

D. *Advance statements of witnesses.* A witness appearing before the committee, or any subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member, following their determination that there is a good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

E. *Minority witnesses.* In any hearings conducted by the committee, or any subcommittee thereof, the minority members of the committee shall be entitled, upon request to the chairman by a majority of the minority to call witnesses of their selection during at least one day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

RULE 6. COMMITTEE REPORTING PROCEDURES

A. *Timely filing.* When the committee has ordered a measure or recommendation reported, following final action the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. *Supplemental, minority, and additional views.* A member of the committee who gives notice of his intention to file supplemental, minority or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part, thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. *Notice by subcommittee chairmen.* The chairman of each subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such subcommittee and is ready for consideration by the full committee.

D. *Draft reports of subcommittees.* All draft reports prepared by subcommittees of this committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the committee at the earliest practicable time.

E. *Cost estimates in reports.* All committee reports, accompanying a bill or joint resolution of a public character reported by the committee, shall contain (1) an estimate, made by the committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five years thereafter (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a

[2] Amended March 28, 1985.
[3] Amended February 4, 1977.
[4] Amended November 7, 1973.
[5] Adopted December 9, 1974.

statement of the reasons for failure by the committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly established subcommittees.* The committee shall have six regularly established subcommittees. The subcommittees are as follows:

*Permanent Subcommittee on Investigations*

*Intergovernmental Relations*

*Governmental Efficiency and the District of Columbia*

*Civil Service, Post Office, and General Services*

*Oversight of Government Management*

*Energy, Nuclear Proliferation, and Government Processes*

B. *Ad hoc subcommittees.* Following consultation, with the ranking minority member, the chairman shall, from time to time, establish such ad hoc subcommittees as he deems necessary to expedite committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member, of the committee, the chairman shall announce selections for membership on the subcommittees referred to in paragraphs A and B above.

D. *Subcommittee meetings and hearings.* Each subcommittee of this committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the committee.

E. *Subcommittee budgets.* Each subcommittee of this committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the committee, not later than January 10 of that year, its request for funds for the 12-month period beginning on March 1 and extending through and including the last day of February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification; addressed to the chairman of the committee, which shall include (1) a statement of the subcommittee's area of activities, (2) its accomplishments during the preceding year; and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding year, (b) the funds actually expended during that year, (c) the amount requested for the current year, and (d) the number of professional and clerical staff members and consultants employed by the subcommittee during the preceding year and the number of such personnel requested for the current year. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a mominations, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information Concerning the Nominee.* As a requirement of confirmation, each nominee shall submit on forms prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination; and

(3) Copies of other relevant documents requested by the committee, such as a proposed blind trust agreement.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee Inquiry.* The committee shall conduct an inquiry into the experience, qualifications, suitability and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including any professional activities related directly to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the three years preceding the time of his or her nomination, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, and the designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, including the Federal Bureau of Investigation, whose report shall be reviewed by the chairman and the ranking minority member. The committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be submitted to the chairman and the ranking minority member. The report shall detail any unresolved or questionable matters that have been raised during the course of the inquiry. Copies of all relevant documents and forms, except any tax returns, submitted pursuant to subsection (B) shall be attached to the report. The report shall be kept in the committee office for the inspection by members of the committee.

E. *Hearings.* The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: the nominee has responded to pre-hearing questions submitted by the committee; and the report required by subsection (D) has been submitted to the chairman and ranking minority member, and is made available for inspection by members of the committee.

F. *Action on Confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the committee in reaching a recommendation on confirmation, the staff shall make an oral presentation to the committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their fulltime service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time advisory basis.●

## ECONOMIC SANCTIONS AGAINST LIBYA

● Mr. DECONCINI. Mr. President, Libyan leader Mu'ammar Qadhafi recently described himself by saying, "I am a terrorist." His self-assessment sounds right on the mark to me. The longstanding involvement of Qadhafi and his government in international terrorism—in particular, its support for the terrorist PLO—has been well-documented. As far back as 1972, it should be recalled, Libya provided sanctuary to those PLO members who carried out the murders of the Israeli athletes at the Munich Olympic games.

Qadhafi has threatened to send his squads to kill Americans in the United States and has publicly advocated and supported the elimination of the State of Israel—what he calls the Zionist enemy. Indeed, Qadhafi's government not only bankrolls the terrorist PLO, but has publicly admitted to abetting and supporting the PLO's most violent element, the notorious Abu Nidal gang. That gang's most recent success was its bloody terrorist attacks last December at the Rome and Vienna airports, attacks which resulted in the deaths of 19 innocent civilians—including five Americans—attacks which Qadhafi immediately hailed as heroic. Let it be firmly said: there is nothing heroic in killing innocent civilians or in supporting others to do so. Such support for terrorism is atrocious, and it, along with the terrorist act, must be deplored.

Two recent newspaper articles enumerate this connection with terrorism and discuss the meticulous methods in which Libyan students are trained in rocket launching, hand grenade tossing, and machine gun assembly. Judith Miller, a writer for the New York

Times, visited a Libyan high school in January 1986. She reported that students are routinely trained to plot and fire rocket launchers. The range, trajectory, and direction are calculated by young students prepared to die for their cause. The target they plotted was clearly marked on their maps. It was marked with a symbol—the Star of David.

Mr. President, this is abominable preparation and an atrocity. This only proves the Libyan proclivity for heinous acts of violence. If this is not reason enough for our European allies to support economic sanctions against these international terrorists, I would like to list twenty more reasons.

Mr. President, I request that the following article from the Wall Street Journal be printed at this point in the RECORD. This article boldly documents Libya's participation in world terrorism in Europe, the United States, and the Middle East. I would only encourage our friends in Europe to seriously consider this litany of evil and act accordingly in supporting economic sanctions to future Libyan terrorism.

The article follows:

[From the Wall Street Journal, Jan. 3, 1986]

LIBYA'S BAND OF THUGS

This is excerpted from comments to a United Nations committee Nov. 29 by the U.S. delegation's Joseph V. Reed, formerly Washington's ambassador to Morocco. (A related editoral appears today.)

Libya's acts in the international arena have been and are an atrocity. Libya's leader is a dictator—an agent of hateful and evil acts. Libya's strongman is a modern day Barbary pirate. . . .

The litany of Libya's involvement in terrorist activities is unbelievably long, yet it continues to grow. Libya provided sanctuary to the perpetrators of the murders at the Olympics in Munich. Earlier this year, Col. Qadhafi called for the cutting off of our president's nose. That's quite a span of time from 1972 to the present in acts and words of hate.

London, April 11, 1980: A free-lance Libyan journalist was assassinated by two gunmen outside the Isiamic center mosque. The gunmen were arrested by Scotland Yard. Two additional suspects characterized by Libyans were detained the following day.

Rome, April 19, 1980: A Libyan businessman was assassinated in a cafe. The assailant was apprehended a short distance away—a Libyan. Why had the businessman been killed? The assassin said the victim had been murdered because he was "an enemy of Col. Qadhafi."

London, April 25, 1980: A Libyan lawyer was shot and killed at an Arab legal center. The gunman and another man asked for their victim by name, walked into his office and fired several shots, killing him as other employees watched. The assassins were believed to be members of Libyan death squads that are assassinating opponents of the Libyan strongman.

Rome, May 10, 1980: A Libyan businessman was assassinated. The victim was lured to a hotel for an appointment and, following a few minutes of talk with two men, was shot twice in the head by one of them. The pair disappeared in a crowd at a nearby railroad station. Police arrested a Libyan suspect of being involved in the assassination.

Bonn, May 10, 1980: A Libyan businessman was shot to death in Bonn's city center. The former diplomat had received death threats prior to his assassination by a Libyan who had arrived in West Germany at the end of April.

Athens, May 21, 1980: A young Libyan was found dead in his apartment. Local authorities said the victim was known as an outspoken critic of Col. Qadhafi.

Fort Collins, Colo., Oct. 14, 1980: A Libyan graduate student was shot and wounded by an individual who had come to his home. The victim was known as an opponent of the Libyan regime.

Ogden, Utah, July 17, 1981: A body believed to be that of a Libyan student was found in the trunk of his car. A Libyan national, also a student, suspected of the murder was arrested at O'Hare International Airport in Chicago as he was deplaning from a flight from Utah. He was carrying a large amount of cash and tickets for travel to where? Tripoli.

Lebanon, December 1982: Libya sent armed contingents to north Lebanon to carry out attacks against the multinational forces in an effort to increase unrest in the zone.

Tripoli, February 1983: In a series of resolutions adopted in the Tripoli People's Congress, Libya's charlatan body politic called for spending part of Libya's oil wealth on arms for "all the revolutionary forces in the Arab and Islamic worlds." The resolution called for "suicide squads" to be formed to press attacks inside Arab territory occupied by Israel and against the symbols of treason in the Arab arena who "follow the imperialist camp headed by the United States, the leader of world terrorism."

Switzerland, April 1983: The Swiss government expelled the Libyan charge d'affaires for supplying weapons to two convicted Swiss terrorists.

Germany, April 1983: Libya took eight German technicians hostage in order to blackmail West Germany into releasing Libyans charged with violent crimes.

Jordan, June 1983: The Libyan envoy to Jordan defected. The ambassador revealed Col. Qadhafi's plan to use missiles to destroy the aircraft carrying King Hussein.

Sudan, March 1984: A Libyan bomber invaded Sudanese airspace and attacked a radio-TV station.

Chad, February 1985: The government lodged a complaint in this house of peace, the United Nations, claiming Libya had attempted to assassinate President Hissen Habre in September 1984. Photographs of the attache-case bomb that was to be used in the attack were provided as evidence.

Chicago, February 1985: At a convention of members of the Nation of Islam headed by Louis Farrakhan, Col. Qadhafi, speaking over closed-circuit television, called for black Americans "to immediately leave the military and fight with his support for an indpendent black state. We are ready to give you arms." he proclaimed.

The U.S. May 1985: Our government uncovered a Libyan plot to assassinate anti-Qadhafi Libyans in the U.S. As a result, a Libyan diplomat at the U.N. was declared persona non grata.

Bangladesh, June 1985: A Libyan-trained Bangladeshi national who had received Libyan support in an earlier coup attempt was arrested for plotting to kill President Hossain Mohammad Ershad.

The plotting to assassinate modern Arab leaders has been going on since the '70s. Libya's plans to kill American ambassadors in several Middle Eastern countries and at least one European capital have been uncovered. What does the world think? Libyan "hit squads" have been sent throughout the world to murder exiled Libyans in an overall effort to intimidate dissidents. Libyan hit squads have reached out and attacked exiled Libyans in Italy, England, West Germany, Lebanon, Greece and the U.S. Where next? The dictator's efforts to use terrorism to eliminate dissidents whom he regards as a danger is a constant. The regime and its representatives are terrorists.

May 1985: Col. Qadhafi threatened a terrorist campaign against "his enemies" by stating: "I am a terrorist. I would, if I could, behead the rulers of other Arab nations that oppose me."

November 1985: A group of armed Libyans were arrested by Egyptian authorities for again attempting the assassination of former Prime Minister Abdel-Hamid Bakoush. . . .

When Libyan officials at the People's Bureau in London opened fire on peaceful demonstrators, killing a British policewoman assigned to protect that diplomatic establishment, it graphically pointed out the fact that the present Libyan regime and its diplomatic representatives have rejected all. I repeat all, international treaties and laws. Libya has in effect left the family of nations and has set itself apart from civilized governments. As a result of this position taken by the Libyan strongman, governments throughout the world are taking necessary precautions to protect their citizens and there overall national security against Libya's band of thugs masquerading as diplomats.●

## ORDERS FOR FRIDAY

RECESS UNTIL 11 A.M. TOMORROW

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Friday, February 28, 1986.

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

RECOGNITION OF SENATOR PROXMIRE

Mr. SIMPSON. Mr. President, following the recognition of the two leaders under the standing order tomorrow, I ask unanimous consent that there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

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

ROUTINE MORNING BUSINESS TOMORROW

Mr. SIMPSON. Mr. President, following the special order for Mr. PROXMIRE, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 11:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

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

## PROGRAM

Mr. SIMPSON. Mr. President, at the conclusion of routine morning business tomorrow, the Senate will proceed to the consideration of committee funding resolutions and any other calendar items that can be cleared for action. Therefore, rollcall votes could occur during the day on Friday.

I thank the minority leader.

I think he knows there has been progress with regard to nominations with regard to the polling procedure, and I believe that is very beneficial to us. I concur in that.

## RECESS UNTIL 11 A.M. TOMORROW

Mr. SIMPSON. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until the hour of 11 a.m. on tomorrow, February 28, 1986.

The motion was agreed to, and at 8:34 p.m., the Senate recessed until Friday, February 28, 1986, at 11 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate February 27, 1986:

EXECUTIVE OFFICE OF THE PRESIDENT

Michael A. Samuels, of the District of Columbia, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

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.