SENATE—*Thursday, May 3, 1984*

(Legislative day of Monday, April 30, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable DAN QUAYLE, a Senator from the State of Indiana.

Mr. QUAYLE. The prayer this morning will be delivered by Dr. Elton Trueblood, president of the Yokefellow International of Richmond, Ind. He is sponsored by Senator LUGAR and Senator EAST.

PRAYER

Dr. D. Elton Trueblood, president and founder of Yokefellow International, Richmond, Ind., offered the following prayer:

Bow your heads reverently in prayer.

O Thou who hast brought our beloved Nation into existence, and who hast sustained it for so many years, help us to understand Thy purpose in this wondrous experiment. We are grateful that we have been enabled to endure through many dangers; we are glad to be part of a nation that is not ashamed to pray. Teach us to value the pattern of life which combines the secular and the sacred in a fashion that is truly unique. We are confident that Thy guidance will continue through all vicissitudes, so that we can pass on our heritage undiminished.

Give wisdom, we pray, to our President and to the makers of our laws that they may be faithful in this holy calling. Use us, unworthy as we are, as the instruments of Thy purpose, not merely for ourselves, but for all mankind. May this National Day of Prayer confirm our faith, establish our hope, and enlarge our charity. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 3, 1984.

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

Mr. BAKER. I thank the Chair.

WELCOME TO DR. TRUEBLOOD

Mr. BAKER. Mr. President, may I first welcome Dr. Trueblood to our midst. He is our guest Chaplain today, another in a distinguished list of guest Chaplains that occasionally grace this Chamber.

I was especially taken with the words in Dr. Trueblood's prayer about the unique combination of the secular and sacred. I believe that and I congratulate him on that observation. I think it is fundamental to the essence of our system. We are happy to have Dr. Trueblood.

I am also told by my staff—I hope this information is correct—that Dr. Trueblood is a professor emeritus at Earlham College in Indiana and that Senator JOHN EAST and his wife both attended that college. So we are doubly in Dr. Trueblood's debt for his prayer this morning and for his good training of our colleague from North Carolina, who does such an extraordinarily good job in the Senate.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today after the two leaders, the Senator from Wisconsin (Mr. PROXMIRE) will be recognized for 15 minutes, followed by morning business until 10:30 a.m. Then we shall be back on the pending business which is H.R. 2163. The Chiles amendment will be the pending question.

I hope, Mr. President, that we can finish that amendment today at a fairly early hour. I have no reason to hope that other than hoping it. We still have a lot to do and as Members know and the minority leader knows, for some days now, I have expressed my pining desire to see this bill finished today.

Mr. President, we still have a lot to do. We have this amendment and we have—I speculate that we have a medicare-medicaid sequence of one or more amendments to be offered, which were preserved and protected by unanimous consent when we were considering an earlier amendment to this bill. There will be one or more cap amendments and goodness knows what else.

I should say, Mr. President, that the Senate will be in late today and we shall do our very best to finish. If we do not finish, we shall be in on Monday on this bill, but I hope we can finish.

The Senator from Oklahoma reminds me that there is another package dealing with a minor CPI proposal. There are a number of those and similar amendments that will be offered as well.

THE SECRET

I urge Senators to consider that we should keep the number of amendments down as far as we can. I think we should resist the temptation to talk excessively. We should not say everything we know. I sometimes think I am the only man in town who still has a secret. It is not a very good secret, but it is mine, and I am going to keep it, because it has the unique status of being the only kept secret in Washington. That is another subject for another day.

For those of the press who are wondering about my secret, I have no secret at all; I only say that. That is the only way I can keep the secret.

Mr. President, I expect to ask the Senate to adjourn today until next week. I shall negotiate with the minority leader on the usual boilerplate language with which to accomplish an adjournment. I suppose that the Senate will convene on Monday at 11 a.m., but I shall refrain from making those arrangements until a little later. I do not expect the Senate to be in session tomorrow, as I announced on Monday.

THE PRESIDENT'S TRIP TO CHINA

Mr. BAKER. Mr. President, I would like to take this opportunity on the return of President Reagan and Secretary Shultz from China to commend the President for his historic visit from that country. It is apparent to me that the trip was an enormous success and a significant demonstration that the relationship begun by President Nixon 12 years ago with the world's most populous country continues to evolve in ways that serve the interests of both the United States and China.

Obviously, the United States and China continue to have different perspectives on a number of issues. However, it is a measure of the maturity of the relationship that the President can travel to Peking, adhere to his

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

principles, speak candidly and forthrightly on issues of importance to the United States, be treated with equal candor by the leadership of China in return and still depart with the relationship amicably and realistically enhanced.

I would observe as well that the substantive accomplishments of the visit are important and add to the growing number of practical benefits of a bilateral nature. In addition to over 7 hours of formal meetings, the President's visit included agreement on such matters as peaceful nuclear cooperation, taxation, and cultural exchanges. These achievements clearly demonstrate that there is much on which the United States and China can cooperate. Although there are certainly limits to what we should expect and our expectations must be realistic, I am confident that these areas of cooperation will continue to expand.

Finally, Mr. President, having just returned myself from Japan, I am reminded of the incredible potential that exists in the aggregate among the nations in the Pacific Basin. It is becoming almost a cliche to say that the 21st century will be the "century of the Pacific," but it is no less true. For that reason alone, it was important that the President visit China, be exposed to the Chinese people, and have the opportunity to express to them the abiding friendship of the American people. I congratulate both the President and Secretary Shultz on the success of the trip and welcome them both back to Washington.

Mr. President, I believe that is all I have this morning. I thank the minority leader and all Senators. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

AFGHANISTAN: RECENT DEVELOPMENTS

Mr. BYRD. Mr. President, recently I addressed the Senate on the subject of the latest Soviet onslaught in Afghanistan. I noted at the time that the Soviet's massive ground attacks and their resort to heavy bomber assaults indicated a desperation after 4 years of unsuccessful occupation. The use of heavy bombers is particularly noteworthy because it seems to be the first time since World War II that Soviet planes attacked targets from bases within the Soviet Union.

These bombers are concentrating on civilian targets north of Kabul in the hopes of breaking the will of the Afghan people. This is part of the Soviet plan which includes destruction of crops and livestock. Taken together, these moves are calculated to force the Afghans to flee from their country. Since the Soviets cannot subjugate the freedom-loving Afghan people, they are trying to depopulate the countryside by a brutal and repressive policy.

This policy reflects a near total failure for the Soviet military after 4 years of occupation. The most recent drive into the Panjshir Valley north of Kabul marks the seventh attempt by the Soviets to establish themselves in the area of the Panjshir Valley, and there is some indication that they will fail for the seventh time. They have been unable to engage the resistance army headed by Mr. Massoud. That army waits to pick its targets and comes down from the safety of the hills only to plague the Soviets with night attacks and surprise raids. The Afghans continue to fight the massive Soviet military buildup by picking the terms of battle. The Soviet military has achieved a near stalemate after 4 years of this kind of warfare, and they are feeling the strain.

The events in the Panjshir Valley are documented in several recent reports. I ask unanimous consent that the article entitled "Afghan Rebels Said To Elude Soviets," which appeared in the Washington Post, May 2, 1984, and the article entitled "The Bear Descends on the Lion," appearing in the May 7 edition of Time magazine, be printed in the RECORD.

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

[From the Washington Post, May 2, 1984]

AFGHAN REBELS SAID TO ELUDE SOVIETS

(By William Claiborne)

NEW DELHI, May 1.—Soviet ground forces have pushed more than halfway north through the strategic Panjshir Valley in Afghanistan but, for the most part, have been unable to engage Afghan anticommunist guerrillas in battle despite the most aggressive spring offensive yet, according to western diplomatic reports from Kabul that reached here today.

Reports from two diplomatic missions in Kabul said that the Afghan guerrillas had withdrawn into side valleys and mountain hideouts, leaving a force of up to 15,000 Soviet troops and 2,000 Afghan government troops, supported by 400 to 600 tanks and armored vehicles, largely unopposed, except for hit-and-run attacks.

The Soviet and Afghan forces, according to the diplomatic sources, reached the town of Rokha, about halfway up the winding, 70-mile corridor northeast of Kabul, and were advancing toward the town of Bazarak. The Panjshir is the main supply link between Kabul, the Afghan capital, and the Soviet Union.

The diplomatic missions received unconfirmed reports that the Soviet force had reached Anjuman Pass, at the northern end of the valley, but had not yet attempted to enter any of the side valleys into which the rebels have retreated.

Diplomatic sources described as false the claims by the Soviet-supported government of Babrak Karmal that the Panjshir guerrilla leader, Ahmed Shah Massoud, had been killed or captured. The sources said that Massoud, who had rejected Soviet moves to renew a 15-month truce in the valley, left Panjshir about April 18, three days before the Soviet offensive began, and was hiding in the vicinity.

Massoud's tactical withdrawal, the diplomatic sources said, followed the capture of an agent of Khad, the Afghan secret police, who had infiltrated the ranks of the *mujaheddin* guerrilla forces. The agent, the sources said, was a local commander and cousin of Massoud, and was believed to have already passed to the Soviet information about the guerrilla leader's movements.

The guerrillas' strategy, the diplomatic sources said, appears to be to remain sheltered in the mountains and peripheral valleys and engage the Soviet and loyalist Afghan troops only on the fringes of the Panjshir, and at night.

The diplomatic reports contrasted sharply with claims in the state-controlled media in Afghanistan that Soviet and Afghan forces were engaged in "mopping-up operations" in the Panjshir, and that the valley had been secured.

Because of the inaccessibility of the region it has been difficult to obtain current and accurate information about the Soviet ground thrust, dilomatic sources conceded, while also questioning the accuracy of claims by the rebels that thousands of Soviet troops have been killed in the latest battles.

One diplomatic source said that casualties of combatants on both sides were probably relatively low because of the guerrillas' tactical withdrawal, although civilian casualties are said to be high as a result of high-altitude bombing by Soviet TU16 Badger bombers and SU24 fighter-bombers for the first time in the Soviets' four-year occupation of Afghanistan.

The Kabul diplomatic missions said they had received reports that the advancing Soviet troops have been destroying crops and livestock as they have done in previous offensives in the Panjshir.

As recently as yesterday, the diplomatic sources said, guerrilla resistance in and around Kabul was intense, with frequent rocket and mortar attacks on Soviet and Afghan government installations south and west of the capital.

Soviet helicopter gunships were said to be staging nightly attacks on Mujahedin strongholds around Kabul, and conducting house-to-house searches for guerrillas.

In the western province of Herat, near the Iranian border, and in Kandahar, in the southern part of Afghanistan, heavy fighting was reported, along with frequent bombing attacks by Soviet warplanes.

[From Time Magazine, May 7, 1984]

THE BEAR DESCENDS ON THE LION

(By Pico Igee)

Ever since Soviet tanks rolled into Afghanistan on a cold day more than four years ago, the treacherous terrain of the Panjshir Valley has served local rebels as both sanctuary and symbol. The determined Mujahedin guerrillas have been nurtured by grain from its verdant hills, water from its mountain streams and shelter within caves in the shadow of its snow-capped peaks. Above all, the 70-mile-long valley has been the hideout and headquarters of Ahmad Shah Massoud, the charismatic 30-year-old Mujahedin leader who has united more than 5,000 squabbling resistance fighters

under his shrewd and well-organized leadership.

Known as the Lion of Panjshir, Massoud has established a local political and judicial system, organized his own tax system, instituted classes in the use of rocket launchers and heavy artillery, and even set up schools and bus services throughout the valley. His Mujahedin have also hounded their Soviet invaders. Recently they captured and reportedly killed 23 Soviet agents disguised as Mujahedin. By persistently ambushing military convoys traveling between Kabul and the Soviet border, they have caused a severe fuel problem in the capital, a mere 40 miles to the south. Only two weeks ago they compounded that shortage by blowing up four strategically vital bridges. Small wonder, then, that the Soviets have shattered their 13-month truce with Massoud and mounted their fiercest attack since the invasion of Afghanistan in December 1979.

The Panjshir Valley has already survived six punishing assaults, but never has it faced more men or heavier air strikes. As many as 100 Soviet Tu-16 Badger bombers and Su-24 Fencer fighters saturated the area with high-altitude carpet bombing. In their wake came some 80 Mi-24 Hind assault helicopters, more than 500 tanks and armored personnel carriers and, according to Western diplomats, more than 20,000 troops, almost a fifth of the entire Soviet force in Afghanistan. The target of this unprecedented show of force was not so much the rebels as the civilians, who have apparently been lending them support. "The Soviets," charged Karen McKay, director of the Washington-based Committee for a Free Afghanistan, "have launched a genocidal program that Genghis Khan would have admired."

Government-run Radio Kabul was soon trumpeting victory, and the offical Soviet news agency TASS implies that Massoud's men had been routed and their leader captured or killed. Noted one Western diplomat in Moscow: "They would hardly claim anything that specific unless it were at least partly true." Others were not convinced. Afghan resistance spokesmen in Paris acknowledged that two attempts had been made upon the Lion's life, including one by an undercover agent who took aim from only 30 feet away. But they also insisted that rumors of Massoud's downfall were as overblown as those put about by Kabul two years ago. "There are no casualty figures, no reports of capture of arms and no description of clashes," said a Mujahedin official in New Delhi. "That makes me very doubtful of the claims."

Shortly after Yuri Andropov succeeded Leonid Brezhnev as Soviet leader in November 1982, there was talk in Moscow of a face-saving pullout from the costly war of attrition. But Konstantin Chernenko, who replaced Andropov after that leader's death last February, seems uninterested in the notion. "We detected a hardening once Chernenko came to power," say Abdullah Osman, head of the Mujahedin-run Union of Afghan Doctors. Sure enough, Soviet troops recently stepped up patrols along both the southeastern border with Pakistan and the western border with Iran. "If the enemies of the motherland do not surrender," warned TASS, "the state will crush them, no matter where they are and on what reactionary and imperialist forces they rely."

But all that is easier said than done. What the guerrillas lack in modern equipment and medicine they make up for in fierce patriotism and fiery Islamic zeal. British authorities estimate that the 100,000 rebels have taken as many as 12,000 Soviet lives during the 52-month campaign. Time has also learned that U.S. officials received reports last week that the insurgents managed to shoot down at least one enemy bomber. Meanwhile, they remain in control of nearly all of the countryside. In the Panjshir Valley, Massoud's men had reportedly sustained a healthy economy through a clandestine trade in semiprecious stones, while keeping their strongholds well stocked with munitions and food.

By the time the Soviet troops arrived last week, the Mujahedin had evacuated all civilians and were hunkering down in the relative safety of their mountain redoubts. "If the Soviets really want to dominate Afghanistan," said a Pentagon official, "it will take a million men." In the absence of such forces, foreign observers suspect that this year's annual spring offensive may last through the summer, then peter out in the usual stalemate. Says a defense analyst in Washington: "The Soviet will kill a lot of people and get even more Afghans enraged with them. But in the end, the situation will remain pretty much the way it is."

SENATOR BUMPERS' REMARKS BEFORE THE U.S. CHAMBER OF COMMERCE

Mr. BYRD. Mr. President, we know our colleague, the senior Senator from Arkansas, to be among the most eloquent Members of this body. On Monday of this week, Senator BUMPERS delivered a very thoughtful and powerful speech before the U.S. Chamber of Commerce. I ask unanimous consent that his statement be printed in full in the RECORD so that our colleagues and those throughout the country who have the opportunity to peruse the CONGRESSIONAL RECORD might benefit from our colleague's persuasive and eloquent remarks.

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

ADDRESS OF SENATOR DALE BUMPERS BEFORE U.S. CHAMBER OF COMMERCE, WASHINGTON, D.C., APRIL 3, 1984

We Americans don't handle subtleties very well. We prefer clear, simple solutions, even when they're wrong, to subtle or complicated solutions which are either misunderstood, distasteful or alien to our experience. So it was that in 1980 every adversity in our personal lives was blamed on Government; every conceivable failure, from drought to floods was blamed on Government. And so when the now-famous question was put: "Are you better off now than you were four years ago?" The answer was a resounding no, and the question galvanized political thought and dealt the Democrats the most resounding defeat ever. We were left in disarray, and we are still not a cohesive party, with an agreed platform, but there are some things we strongly believe.

If I were to repeat the 1980 question now, the answer would probably be a resounding yes. But if I ask the more sobering question, "Do you believe your children and grandchildren's future will be better as a result of this past three and a half years?"—you surely pause before answering.

If someone had told you four years ago that the national debt would be doubled in the next four years, you would have insisted on a saliva test for that person. If I had asked you four years ago would you vote for Ronald Reagan if you knew your share of the national debt, as well as every American's share, would rise from $4300 to $7700 in just four years, the answer would unquestionably have been no. Can this situation have developed under a President the linchpin of whose entire public career has been fiscal responsibility and elimination of deficit spending? Now David Stockman says we can anticipate $200–300 billion deficits as far as the eye can see.

I'm not blaming the American people, because the message was simple, beautiful and reassuring. But the flesh and blood reality is that we are facing an economic apocalypse, and the avoidance of this nightmare will not be by rhetoric, but by bold and drastic action.

The plan was doomed from birth. We were seduced into believing we could somehow cut taxes $750 billion, spend $1.8 trillion on defense in the same five-year period, and balance the budget. It was like the diet that promised a loss of weight by eating five chocolate sundaes a day. But we Democrats can't and shouldn't win by out-promising or offering simpler solutions than theirs.

If you believe the budget deficits can be remedied without a substantial tax increase, then you shouldn't vote Democratic. If you believe that cutting social spending is the only answer, don't vote Democratic because if you eliminate every single dime of social spending, from food stamps to the National Cancer Institute, from school lunches to immunization for children, we will still have a $60 billion deficit.

If you believe we can continue exorbitant and senseless spending on defense, 100 percent increases every four years, don't vote Democratic. The fight over defense spending is not between the patriotic and the unpatriotic, anymore than the school prayer fight was between the Godly and the ungodly. The fight is over whether we are growing stronger or weaker by buying every weapons system in sight—and encouraging waste and fraud by throwing such inordinate sums of money at an institution ill-prepared to spend it wisely.

If you believe it's fair to give people making over $80,000 per year an average tax break of $8,390 and those making $10,000 or less a $20 tax break, don't vote Democratic.

If you believe optimism is a substitute for reality and logic, don't vote Democratic.

The only honest promise to America now is for sacrifice, burdens, sweat and tears. It worked for New York City, it worked for Chrysler and it will work for us if we are bold and courageous enough to do it. But the equally important promise is that all the burdens be evenly shared. We must be tough enough to tell the truth, and we deserve your contempt if we try to seduce you with still more glittering promises than our opponent.

The President's down-payment proposal on the deficit is no down payment at all. If Congress passes his program to the letter, the deficit still goes up $20 billion to well over $200 billion in 1985 and more in '86 and '87. But White House aides wink and nod and hint that more drastic tax proposals are on the drawing boards, and the President can be persuaded in 1985. I don't argue with the politics of this, but economically it is devastating.

If this were a partisan Democrat saying these things—you would not be persuaded—but I speak for Gerald Ford, Marty Feldstein and Paul Volcker, George Will, Henry Kaufman and Milton Friedman.

As to our foreign policy, the President has indicated by suggestion, and the Secretary of State has said outright, that our policy in Lebanon failed because of Congress. How can that be? The President made the decision to deploy marines in Beirut without so much as a "by your leave" to Congress. Then when many of us spoke out and called it wrong-headed, a potential for disaster, and asked the President to invoke the War Powers Act, he said it was not Congress prerogative to meddle in this Presidential decision, and that the War Powers Act was unconstitutional anyway. Stung by this open rebuke, responsible Republican leaders in Congress, notably Howard Baker and Chuck Percy, but others also, warned the President that his position carried considerable risk in ignoring the law. And so he grudgingly agreed to allow Congress to invoke the War Powers Act, conditioned on the resolution giving him 18 months to accomplish the mission. The mission was (1) to bring political stability to the area and (2) to make certain all foreign forces were out of Lebanon.

First, the accomplishment of such a mission would have required not 1500 marines, but 200,000. But it was not Congress who forced our withdrawal within five months after the adoption of the resolution. It was a political decision to limit the political damage and to trust that the people of America have short memories. For whatever reason, I'm glad we're out.

Our involvement in Central America has already become a Hobson's choice between withdrawing and handing El Salvador to the Communists or becoming more deeply involved with money and men and probably losing anyway. We never seem to learn that dealing with oppressive dictators, such as Somoza, the Shah and others, is effortless and easy, but invariably costs us dearly. Now the Philippines are just ripe for a Communist take-over because of the now all-too-familiar conditions—intense poverty and oppression, while Imelda Marcos becomes one of the world's richest people.

I have never understood a foreign policy, the linchpin of which is the belief that every event in the world perceived to be adverse to us was hatched up in the Kremlin dining room; that every civil war, no matter how endemic, must become an East-West battleground with an American-imposed solution, usually military; and we never seem to learn that our weapons, sent so freely, last longer than our friendships. We left Vietnam the third most powerful nation militarily on Earth.

Finally, the threat of a nuclear apocalypse grows daily. While neither side negotiates, positions harden, and the rhetoric intensifies, the world waits for a terrorist, a computer malfunction or a madman to start the war that will end all wars. We Democrats favor a nuclear freeze, if nothing else, as a manifestation and simple affirmation that peace is preferable to war and life preferable to death. It is difficult to believe the President, who has roundly condemned all eight treaties we have ever signed with the Soviets, wants another one. Now he seeks a new Star Wars anti-ballistic missile system that will cost $25 billion just for the research; that will abrogate an existing, ratified ABM Treaty; that the Office of Technology Assessment and the most reputable scientists in the U.S. say won't work. It assumes that the Soviets will sit still and do nothing during the 15-20 year period of development and deployment. It assumes that cutting the decisionmaking time from 20 minutes to three minutes is not destabilizing, and as always, that this is the last hard strategic decision we'll ever have to make.

Congress is not anxious to approve this system, so you can expect a bipartisan commission to be appointed any day to study the pros and cons of the new Star Wars concept, and I'll save you the breathless anticipation now by telling you that the commission will report that there are indeed risks and that the costs will be great, but that we can't afford not to do it because the Soviets are well along with their system, etc., etc.

Bear one thing in mind: That if the system was 99 percent effective, 100 warheads would still get through—enough to begin the "nuclear winter" from which no plant life would survive and very little human life.

One of this Nation's most compelling problems is the indifference and apathy of our people toward our political system. Fed and nurtured by trendy, anti-Government rhetoric plus the always broken promises and lack of accountability, we are now to the place where only little Colombia in South America, of all the nations which allow their people to vote, votes a smaller percentage of its eligible voters than the United States. It is one of the most serious indictments of our society, and surely Jefferson must be weeping.

Why is it we exalt Government when it builds bombs and missiles, and condemn Government when it spends money to vaccinate children, provide health care to the poor and the elderly, fund crippled children's clinics and aid students who are bright and yearn for a college education but who come from families that can't possibly afford it. If this becomes an acceptable code of conduct, acceptable Government policy, if it becomes our national character, we will soon find, and maybe too late, that guns, tanks, planes and ships are only one element of our strength, and that our inner strength, equally important to our survival, has been sapped in order to bloat our military strength.

In 1980 Ronald Reagan said, "Government can't solve your problem, because government is the problem." It was the surest applause line of that campaign. I know how intrusive and inefficient and wasteful Government can be. But I also know how chaotic and unfair life would be without it. I know all the votes to cast and all the applause lines to use if my only goal is to be carried out of the Senate in a pine box. But I have already had more good fortune and more honors than I or anyone else could have hoped for in this life. Frank Church said one only need live with cancer all one's life to know that life is fickle and we will live to regret a value system that permits us to shave and hedge and rationalize.

Born poor, but to devout and loving parents, my father was a small-town merchant whose business was barely surviving when REA came to the rural southland. It enabled him to start selling electrical appliances to a new market.

In a small town where we choked on dust in the summer and bogged down in mud in the winter, where sewage ran down the ditches from overflowing outhouses and a few septic tanks, it was a caring Government in the 30's that gave us loans and grants to pave our streets and build a waste treatment facility.

And when I returned from three years in the Marine Corps following World War II, it was a thankful and magnanimous Government that allowed my brother and me to attend the best universities in this Nation on the G.I. Bill—without which I would not be standing here today.

And when Betty and I returned to our little hometown to begin my law practice and small business, and raise our beautiful children, we raised them free of the fear of polio and other childhood diseases that had been conquered because of vaccines developed with Government grants.

And it was a free and open political process guaranteed by the Constitution that allowed me, totally unknown, to run for Governor of my beloved State.

I believe in our economic system—even though like Government it can at times be abusive, inefficient, wasteful, and yes, repressive of small business. And while we Democrats believe that Government's role in the economy should be limited and selective, we also believe our national character as well as our cherished Judeo-Christian teachings demand that those of us at the top of the ladder must not step on the hands of those reaching for the first rung. This is not because we are tolerant or indolence and laziness, but because we believe we honor ourselves and strengthen our Nation when we honor the traditions that have made us great. If we would admit it, most of us who consider ourselves to have been rather successful have been so because of inordinate luck, a little help from Government, or because we chose our parents so well.

I believe in the politics of hope. This Nation's failures have invariably been caused by our leaders either deceiving us or manipulating us in order to conceal a hidden agenda; substituting rhetorical phrases as justification for broken promises. A constitutional amendment to balance the budget is no substitute for balancing the budget. A constitutional amendment, not to permit voluntary prayer in school, but to mandate "official" prayers, may be a dynamite election year campaign issue, but it polarizes us in an area we have always guarded most jealously, our religious beliefs and practices.

We can talk of peace while we double our defense budget and stonewall arms control.

We can make it an acceptable code of conduct to ignore or be insensitive to the less fortunate, or just dismiss those who care, as bleeding heart liberals. But our children will pay a high price for our indifference.

Democrats must quit being reticent about entitlements. No part of the budget can be sacred, and a tax system which has lost America's confidence must be overhauled—but it must be fair and perceived to be fair.

We can and we must remove the cancer of deficits, which left unattended will surely kill us. They can and must be eliminated by the end of this decade.

The people, as always, not the politicians, are the ones prepared to be realistic. We can argue forever about who has been worst in the past. I feel sure I would lose that argument to this audience. But that argument doesn't resolve anything either. It is the future that we must debate. The challenge we must accept is one that bodes well for both the weakest and the strongest among us; one that will provide the greatest hope for freedom, happiness and peace.

WEIRTON, W. VA. STEEL MILL—LARGEST ESOP

Mr. BYRD. Mr. President, the May 7, 1984, issue of U.S. News & World Report carries an article about one of the largest 100 percent employee-owned stock-ownership plans or ESOP in the world, the steel mill in Weirton, W. Va. The success of this heroic and, at the time, risky undertaking by the employees to save the plant and preserve their jobs has, according to the workers, far outweighed any drawbacks that have been encountered. This venture is a tribute not only to American ingenuity, but also to the spirit and determination of the West Virginians who continue to take pride in the mill's reputation for quality steel production. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

WHEN EMPLOYEES RUN THEIR OWN STEEL MILL

In this gritty, old steel town along the Ohio River, an experiment in employee ownership is trying to pump new life into one of the nation's most troubled basic industries. It is not easy.

By buying the sprawling 400-acre Weirton Steel plant here 3½ months ago, 9,000 workers hope to save their jobs and make a go of a shaky business. At a time when many big steelmakers are withdrawing from the industry, Weirton is betting it can succeed by making workers into owners.

"With the foreign competition we're facing, it's simply not possible for us to earn enough profit in the steel industry to pay the kind of wages we as American workers expect and also take care of stockholders," says Weirton Executive Vice President Carl Valdiserri. "Here, we're combining the two groups to have enough to go around."

Early result of the venture are encouraging. The company recently reported a profit of 9.7 million dollars in the first quarter of 1984—its first since 1981—and steel shipments are expected to exceed 2 million tons this year, up from 1.7 million tons in 1983.

Another payoff is a change in attitude. In their new role as owners of the mill, workers identify more closely than before with the day-to-day business of making a profit, company officials say. Notes Valdiserri: "We're 10 times more interested in doing the job. Welders who used to throw a welding rod away when it got down to 4 inches now wait until it's 2 inches."

Success is not coming cheap, however. To make a buyout possible, the 7,900 workers now actively employed at the mill and the 1,100 awaiting recall took a 20 percent cut in pay and benefits when they bought the mill from National Steel Corporation in January for 386 million dollars. They also agreed to a freeze on general wage increases for six years.

Not acquiring the plant would have cost them more. National, citing Weirton's deteriorating profitability, planned to convert it into a smaller finishing mill and trim its work force to no more than 1,500 employees. Most of Weirton's 26,000 residents expected National eventually to close the plant entirely—an act that would have wiped out the town's single biggest employer and devastated the community.

"The alternative to employee ownership was nothing at all," says Walter Bish, president of Weirton's Independent Steelworkers Union.

Even with the mill running at 80 percent of capacity, as it is now, the plant payroll is thousands of jobs below peak levels and unemployment in the area tops 12 percent. Many residents worry about the community's ability to provide steady employment in the years to come.

Father Charles Schneider, pastor of St. Joseph the Worker Roman Catholic Church, says young people, unlike their parents, no longer look to the plant for work after graduation from high school. They are fleeing Weirton for other parts of the country, where jobs are more plentiful and of greater variety.

Of 10 couples recently enrolled in premarriage classes at the church, three will be moving to Rhode Island, where the men found work as welders, while three others will make their homes in Louisiana, Texas and Arizona.

Workers see the change inside the mill. "I'm one of the youngest guys there now," says 29-year-old laborer Frank McMahon, an 11-year veteran. "You don't see 18 years olds around the plant any more."

Even those who still have jobs with the firm are not immune to the lure of greener pastures. Management is having trouble keeping valued mid-to-upper-level employees in the face of the wage freeze. Although the company can hold out the prospect of greater earnings potential from future profit-sharing and stock ownership, such incentives to stay often fall short compared with job offers from other companies where pay is not frozen.

"We're losing talent—that's one of our biggest problems," says Valdiserri. "It's a struggle to retain key people, especially in technical fields like electrical engineering and computers, where demand is greatest."

Observes Joe Mayernick, a former labor-relations supervisor at the plant and now executive director of the Weirton Chamber of Commerce: "It's sort of a chicken-and-egg problem. They need the talent to get the profits, but they need the profits to get the talent."

SAVED BY ESOP

Still, current problems pale in comparison with the effort required to pull off the purchase in the first place. Arranging the deal took more than a year and drew labor, management and townspeople together in a grass-roots campaign to save the plant by using a device known as an employee-stock-ownership plan, or ESOP.

Although more than 5,000 of these plans are in effect around the country, most are relatively small-scale profit-sharing programs set up for tax advantages, and none come close to involving as huge an operation as does the one in Weirton.

Besides being the biggest employee-owned company in the country, Weirton ranks among the nation's 10 largest steel producers, with an annual capacity of 2.5 million tons.

Because of the project's scope, high powered consultants such as the New York investment firm of Lazard Frères & Company were retained. Blue-chip lenders, led by Citicorp, lined up credit for the buyout.

Under the plan finally worked out, stock will be allocated to employees as debt is repaid and will ultimately be distributed after five years if Weirton's financial performance meets predetermined criteria. Overseeing the operation will be a 14-member board of directors composed of three representatives from management, three from labor and eight from outside the company.

A major reason the project managed to get off the ground was the mill's credibility as a top-notch steel supplier. For years, the plant has enjoyed a reputation among its beverage and food-container customers for producing high quality tin products, which account for 40 to 45 percent of its shipments. The rest is made up of flat-rolled steel for the automotive, appliance and construction industries.

While demand for tin plate is expected to fall 2 to 3 percent a year over the next five years before leveling off, analysts think Weirton's quality gives the company a good shot at increasing its share of a smaller market.

Another challenge: Competition from alternative forms of packaging, such as aluminum, laminated paperboard and plastic. To help counter this, Weirton is looking for new markets. The company recently completed its first successful trial of tin plate for use in oil-filter casings and is going after film-cartridge business. Since November, the firm has signed up 100 new customers.

RENOVATION A KEY

Still more pressing is the need to make major capital investments to upgrade the plant and its equipment. Feasibility studies on the employee buyout estimated that a billion dollars will have to be spent on the mill over the next decade to maintain its competitiveness.

This year alone, 62 million dollars is budgeted for modernization. "Our biggest hurdle is to generate sufficient profits to make these capital investments and get us as technologically efficient as our competitors," says Valdiserri. "To do that, we need five solid years."

Much depends on holding down labor costs for a work force long acknowledged to be the highest paid in the steel industry. Under the buyout agreement, Weirton's hourly labor costs—wages and benefits—were cut from $24.91 to $16.94 for hourly workers, from $19.80 to $13.46 for unionized salaried workers and from $21.93 to $14.91 for guards, with comparable percentage sacrifices by management. Cost-of-living adjustments were eliminated and holidays trimmed back from 11 to five.

Altogether, across-the-board cuts in total compensation are expected to reduce labor costs by 120 million dollars in 1984. Savings of 30 million dollars in 1984. Savings of 30 million dollars are expected from improved efficiency, with net operating profit of 88 million forecast this year.

Most workers are convinced that preserving their jobs through the buyout is well worth the givebacks. Nearly 90 percent of Weirton's employees voted last year for the plan, and union officials say feelings in favor of the move are even stronger now.

"Giving up something in my paycheck doesn't bother me," says 30-year-old electrician Bill Underwood. "At least I know my money's going back into the company."

Union officials think that overall labor-management relations are noticeably better. "We still have some problems, but there has been a great deal of improvement," says Bish.

With first-quarter results in, business and community leaders say residents are becoming more and more convinced that the plant will survive. At First National Bank of Weirton, car and mortgage lending is on the rise.

Says Harry Scammell, the bank's executive vice president: "There's confidence again in the community."

Still, no one minimizes the task ahead or the risk of failure. "People understand what they have to do," says Underwood, the Weirton electrician who just returned to work. "They know if they don't do it, it's their own fault—they can't blame anyone else. There are no scapegoats any more."

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

SHOULD THE UNITED STATES ANNOUNCE THAT IT WILL NOT BE THE FIRST TO USE NUCLEAR WEAPONS?

Mr. PROXMIRE. Mr. President, some of the country's most thoughtful, senior foreign policy experts including George Kennan and McGeorge Bundy have urged the President of the United States to announce that the country will not be the first to use nuclear weapons. Indeed, George Kennan, who, incidentally, comes from Milwaukee, Wis., pleaded with the Truman administration way back in 1950 to abandon the principle of first use all together. Kennan contended then as he contends now that we cannot knowingly argue against nuclear proliferation as long as we believe and encourage others to believe that we in the Western World could never rely on our defense except by initiating the use of those nuclear weapons or at least basing our defense plans upon such initiation.

On the other hand, President Reagan insists on retaining the first use principle as a central tenet of our military policy. Indeed, first use has been an accepted and rarely challenged American military principle since we, in fact, initiated nuclear warfare against the Japanese in 1945. All eight Presidents of the United States who have served since then have indicated that we will not renounce the first use of nuclear weapons. What prospect is there that this country will renounce this principle? As we face the 1984 Presidential campaign, the Democratic candidates have competed strenuously for the antinuclear arms vote: the peace vote. That Democratic Presidential candidate field has now dwindled down to three candidates: Mondale, HART, and Jackson. These three seem likely to stay in the race all the way to the July Democratic Convention in San Francisco.

The general expectation today is that either HART or Mondale will win the Democratic nomination. So what chance is there that the American people will have a chance next November to elect a President who will favor a no first use of nuclear weapons policy? The answer is absolutely none. Both Senator HART and former Vice President Mondale made it clear in the New York CBS Democratic Presidential debate in March that they would not commit this country to a no first use of nuclear weapons.

Why is it that in every one of the eight administrations since President Truman this country has never waivered from this doctrine of first use? Democratic and Republican Presidents in varying attitudes toward arms control have not been willing to renounce our first use of nuclear weapons.

The Soviet Union has announced its commitment to no first use. Why do we not do the same? Why do we not take this step that could show countries throughout the world that this superpower will not rely on nuclear arms to stop a conventional assault by the Soviet Union in Europe or elsewhere? Why do we not remove the incentive for nuclear proliferation—the message that the cheap way for military defense is to build a nuclear arsenal?

The answer is that since the dawn of the nuclear arms era 39 years ago, this country has never been willing to rely solely on conventional arms for the defense of its vital security interests. A couple of years ago when Bundy, Kennan and others made their proposal to abandon first use, then Secretary of State Haig vigorously opposed it. Secretary Haig, a former general, former top commander of the North Atlantic Treaty forces, contended that the Soviet Union's heavy preponderance in tanks, manpower, and fighter planes could overwhelm conventional NATO forces in Europe. Only by resorting to tactical nuclear weapons could the military assure a successful defense against it.

Both Mondale and HART have tacitly agreed with that Haig argument. Both have acknowledged the key to a U.S. embrace of the no first use doctrine. That key is the same military policy that Secretary Haig called necessary. What is that policy? It is a major build up of U.S. conventional arms. Haig argued that this would require instituting military draft to increase our military manpower substantially. It would take a major commitment of greatly increased military equipment and material—especially to Europe. Haig's argument seems to have won surprisingly broad support. It pins Mondale and HART into a painfully difficult trap. Both have made a major commitment to holding down military spending. Both oppose a draft. Both also recognize that the threat to use tactical nuclear weapons represents a far cheaper answer to a potential Soviet invasion than a decision to go the conventional route. So it appears that this supreme and shocking irony would continue even in a liberal, pro-nuclear freeze administration. The peace loving United States will continue to insist on the right to the first use, that is, the initiation of the use of nuclear weapons. It is a first use that would almost certainly trigger the final war and the extermination of civilization. What an irony that it is a Communist regime, the Soviet Union, that has renounced the first use of nuclear weapons.

Mr. President, in view of the fact that this country sets such a profound, far-reaching example to the rest of the world, and we have to face the fact that we do, and that our military intelligence services tell us that within 16 years, that is, by the year 2000, 31 nations will have nuclear arsenals, it seems to this Senator we have to examine this question much more carefully. It is a terrible dilemma. It may mean that we will have to spend more on our conventional weapons. But it is something that, after all, if we set the example, we will be the first to use nuclear weapons. What example does that set, as I say, for many, many other countries which will have nuclear weapons, if our military intelligence is correct, within the next 16 years, by the 2000.

THE HOLOCAUST: AN EVENING OF COMMEMORATION

Mr. PROXMIRE. Mr. President, on April 29, the U.S. Holocaust Memorial Council commemorated the victims of the Holocaust at the Kenndey Center for the Performing Arts.

The evening drew on the legacy of the Holocaust through readings and music. Guest speakers included actress Helen Hayes; actors Lorne Greene, Michael York, and Joseph Wiseman; and television newsmen Ted Koppel and Tom Brokaw.

This was not solely an evening to entertain, but more importantly to inform and remember. "Tonight we ask that you hold your applause," Sigmund Strochlitz, chairman of the Holocaust Days of Remembrance Committee told the audience, "in respect for those who died whispering * * * or shouting in defiance."

In a letter read by Marshall Breger, the special assistant to the President for public liaison, President Reagan called the Holocaust "the ultimate horror" in which "it is virtually impossible to grasp the enormous amount of suffering felt by victims and survivors."

Striking accounts and performances included actress Meg Tilley's narration of the suicide of the young Jewish girls who preferred death to the nighttime visit of German soldiers. The Giora Fiedman Trio's folk music from the concentration camps and Nazi-controlled ghettos brought tears to the eyes of many in the audience.

Tom Brokaw of NBC News pointed out that "never before in our history had genocide been an all-pervasive government policy. Incredibly, the Jewish population's destruction took precedence over Germany's war efforts."

Mr. President, our sacred task is to insure that the memory of the Holocaust never fades—that its lessons are not forgotten. We must act in every way possible to prevent the recurrence of genocide, the most disgusting crime known to man.

The Senate has the opportunity to act. The Genocide Convention, written in response to the Holocaust, acknowledges that the international crime of genocide is morally wrong and must be punished. In 1948, the General Assembly, at the request of the United States, gave its unanimous approval 55 to 0, to the Genocide Convention.

Mr. President, the ratification of the Genocide Convention would be the most important, concrete commitment to Holocaust victims and survivors. Let us act now to support ratification of the Genocide Convention.

ROUTINE MORNING BUSINESS

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it is 10:30 a.m. past, and we are not quite ready yet to go on with the pending business and the pending question.

Therefore, I ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 11 a.m. under the same terms and conditions.

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

HONG KONG BLUES

Mr. GOLDWATER. Mr. President, an editorial in the May 1, Wall Street Journal, discusses a major area of disagreement between Communist China and the United States that has been unreported in all the glamour about President Reagan's trip to the China mainland. Apparently the subject of Hong Kong was ignored or glossed over during the President's visit, yet talks between Great Britain and Red China to settle the future of Hong Kong after 1997 are nearing the final stages and Peking has put a deadline on those talks.

The population of Hong Kong, including the main island and the Kowloon Peninsula on the mainland and the adjoining new territories, is over 5 million people. The success of the private enterprise economy is an economic miracle story and ironically Hong Kong is the major source of foreign exchange for Communist China.

Can Hong Kong recover from or survive the latest crisis as it has from past reverses? The Peking regime has promised to allow Hong Kong to continue as a free port and business center as it is today with the status of an autonomous zone in China proper. But these pledges have the ring of earlier assurances given the people of Tibet before Red China cruelly suppressed all independence in that territory. Not many people remember it, or even want to think about it, but Red China was found guilty of committing genocide in Tibet by the International Commission of Jurists. Is that what is in store for Hong Kong, too?

The people of Hong Kong, 98 percent of whom are Chinese, can take no comfort in repeated suggestions that Red China's new Constitution will protect them. Several provisions of the Constitution retain all ultimate power in the Communist Party. According to article 67 of the new Constitution, for example, the standing committee on the so-called National People's Congress, a rubberstamp body for the party, may "annul any local regulations or decisions of autonomous regions which are found to contravene the Constitution, statutes, or the administrative rules and regulations." And article 89 of the Constitution warns similarly that the state council, which is the Cabinet, has the power "to alter or annul inappropriate decisions and orders" issued by any local authorities, including special administrative zones.

Since the four cardinal principles which govern each of Red China's constitutional provisions include a mandate to (1) follow the Socialist road, (2) retain Communist Party leadership, (3) follow through with what is called the "People's Democratic Dictatorship," and (4) follow "Marxism-Leninism and Mao Tse-tung thought," I do not see how Hong Kong has the slightest chance of keeping its present economic system. Red China is not known for its consistency of policy. At some time in the future, the administrative leaders of Hong Kong are bound to be accused by Peking of not following Socialist principles and be branded as counterrevolutionaries.

And this is not all. Article 17 of the Constitution provides that "all organizations and individuals are prohibited from disrupting by any means whatsoever, the orderly functioning of the Socialist economy or of the economic plans of the state." Article 22 makes it very clear what the plans must be. Article 22 provides that "the state opposes the influence of capitalist ideas."

So if I were a citizen of Hong Kong, I would not put too much faith in what Communist promises say I could do in the future. And, if this administration believes what it says about finding a new pragmatism among the dictators on Mainland China, then I think the President's advisers should examine what is happening to the free people of Hong Kong and show some concern about it.

Mr. President, I ask unanimous consent that the Wall Street Journal article of May 1 on this subject appear at this point in the RECORD.

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

REVIEW AND OUTLOOK: THOSE HONG KONG BLUES

We've been following President Reagan's China tour, and it has been a good show: Mr. Reagan viewing that incredible clay army uncovered at Xian, the first lady hugging the adorable pandas, the president joking with students about the benefits of an acting course in college. The pundits, too, are praising China's "free-market reforms" and "pragmatic" leadership.

But White House spokesman Larry Speakes said yesterday that Mr. Reagan hadn't changed his fundamental views towards communism. And China's leadership cadres, for their part, made sure that May Day pictures of Stalin and Mao were up in Peking even as the president departed for Shanghai. Maybe reality has been preserved, but just barely.

A sense of reality about the U.S.-Chinese relationship is important because there are issues yet to be resolved between China and the West that are far more serious than trade and cultural exchanges. A week before Mr. Reagan arrived in China, British Foreign Minister Howe ended a visit and admitted publicly for the first time that Hong Kong will become a part of China in 1997, when the British lease on most of the colony expires. The five million free citizens of Hong Kong watched the American president's tour from a very different perspective, no doubt wondering if they were being sold out.

The news that Britain had ceded sovereignty had merely confirmed the worst suspicions. It also reinforced the need for China to do something to convince Hong Kong's people that it won't destroy their free-market achievements. Increasingly, Hong Kongers are saying that the answer is self-rule.

That may sound unrealistic. Even the benign British haven't permitted self-rule. And China doesn't put up those Stalin and Mao posters for nothing. But democratic stirrings have been growing in Hong Kong, and for good reason. It seems like the only solution for that very large proportion of the colony's people who can't flee a Chinese takeover, either for lack of money or lack of passports and visas. Some already have fled the communists once. Life in China has recently improved, certainly, but the government remains totalitarian, the Communist Party brooks no dissent and the economy still runs largely by state command. Any il-

lusions ought to have been shattered when the Chinese twice censored President Reagan's comments on the virtues of capitalism and the danger posed by the Soviet Union.

No free nation has ever willingly accepted communist rule, and Hong Kongers are probably the least likely people in the world to willingly succumb. Already, the appointed Legislative Council, which helps the British governor write laws, has voted to debate any agreement signed by Britain and China. Unofficial citizens groups have also formed, arguing for some voting rights. Ironically, China itself once endorsed this idea: Early in its negotiations with Britain, communist commentators spoke of "Hong Kong people governing Hong Kong" in order to discredit British rule. A few Hong Kongers took them at their word. But China has since backtracked, even publicly rebuking talk of democracy.

The time is ripe to challenge Peking's obstinacy. Having conceded sovereignty, Britain now will ask China for specific promises about the way it will rule Hong Kong. A vocal, self-governing Hong Kong population could help explain to Peking what those promises should be—for example, a free press, its own currency and the right to travel freely. China has already made Hong Kong a "special administrative zone" in its new constitution, allowing it to have laws distinct from the mainland's. But by itself this legalism isn't worth much; Tibet has been a similar "autonomous zone" but was trampled on anyway. Offering Hong Kong people the rights of self-rule might be enough substance to make that promise believable.

The only sure way to preserve Hong Kong's prosperity is for China to convince the Hong Kong people it won't meddle with their lives. Hong Kongers already are holding a referendum of sorts, voting with their wallets by reducing private investment and with their feet by scrounging for foreign passports. Without any better guarantees from China, that exodus will continue, a deterioration not unlike Zimbabwe's since Robert Mugabe took power. How China reacts to Hong Kong's demands for self-rule will tell the world much more about the real China and its prospects for liberal reform than the good show put on these last six days.

SUPPORT FOR PRODUCT LIABILITY REFORM CONTINUES TO GROW

Mr. KASTEN. Mr. President, we have a problem that has resulted in billions of dollars in unnecessary costs to consumers and businesses alike. In an attempt to reform our confusing product liability system, I introduced the Product Liability Act—S. 44—on January 26, 1983. The bill was reported favorably on March 27, 1984, by the Committee on Commerce, Science, and Transportation by a strong bipartisan vote of 11 to 5. I am urging all those Senators who have not already done so to join S. 44's 25 cosponsors in supporting the Product Liability Act. Your support is needed for quick passage of a uniform product liability act that will create fair product liability standards for the future. Every day that we delay creates extra costs and confusion for consumers and businesses across the United States.

I ask unanimous consent that two editorials endorsing S. 44—one by the Washington Post, dated April 17, 1984, and another by Business Week, dated April 30, 1984, be printed in the RECORD.

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

[From the Washington Post, Apr. 17, 1984]

SUING THE MANUFACTURER

In the past 10 years, product liability suits against manufacturers have increased sixfold. Damage awards, both compensatory and punitive, have grown to the point where entire industries have been severely strained and many more are concerned about the uncertainty of their legal liabilities.

The confusion is due in part to the fact that each state has its own rules, usually evolving over time in the courts of the state, for handling negligence cases. This works perfectly well to establish whether Mr. Doe was negligent when he sideswiped Mr. Roe's car, or whether Dr. Jones exercised due care in operating on Mrs. Smith.

It is a lot more difficult, though, when Mr. Doe sues General Motors for producing the car involved in the accident or Mrs. Smith sues a drug manufacturer for her reaction to the medicine she received in the recovery room. In both cases, the product is made in a standard way and sold nationally, but each state has its own standard of liability.

Can an injured party collect, for example, if the product was safe at the time of manufacture but years later was found to have caused some harm the manufacturer could not have predicted? Suppose the user had not followed specific warnings—"Do not dive in this 3½-foot pool"—or had altered the product by removing protective shields or safety devices. What if the product was used for a purpose other than that intended by the manufacturer—spraying perfume on a lighted candle? Can an injured party collect under any of these circumstances? Yes and no, depending on what state you're in.

A bill reported by the Senate Commerce Committee seeks to bring some order to this situation by establishing federal standards in product liability cases. The bill contains a number of controversial provisions, some designed to aid a particular industry. Not surprisingly, it is opposed by the legal establishment: far more money has been spent litigating these cases in multiple, diverse forums, than has been paid to victims.

It is a good idea, nonetheless, to establish some uniformity and set reasonable standards of liability. Some of the more outlandish product liability suits would fail under these standards. State juries could no longer find a crane manufacturer liable for injuries caused when the equipment was driven into a power line. A single-control shower faucet manufacturer wouldn't be blamed if the user turned it all the way in one direction and was burned. But the uncertain and enormous liabilities facing manufacturers who can be sued in 51 diverse jurisdictions is a real problem. Congress can and should bring some order to the situation.

[From Business Week, Apr. 30, 1984]

MAKE PRODUCT LIABILITY FAIRER

It is nothing unusual these days to read that a jury has just awarded a plaintiff several million dollars because of injuries caused by some company's defective product. An estimated 110,000 product-liability suits are filed every year. Lawyers who represent the plaintiffs go into court knowing that they stand a far better chance of winning a substantial payment for their client—and, not incidentally, a large fee for themselves—than does the product manufacturer of defending itself. The main reason: Product liability rules are heavily stacked against business. To correct the balance, Senator Bob Kasten (R-Wis.) has introduced a bill to establish a uniform federal statute on product liability that would replace the often differing rules of the 50 states. The bill is a careful compromise that provides protection to consumers while removing some of the most punishing inequities against business. It should become law.

The bill's most significant reforms for business concern company negligence and punitive damages. A few states now permit people injured by a defectively designed product to collect awards, even though the manufacturer was in no way negligent. By contrast, in suits against individuals, a plaintiff must prove negligence. The Kasten bill would apply the same standard to businesses. To collect compensation, an injured consumer would have to show that the company was at fault, that it had failed to act reasonably in designing the product that caused the injury or to warn about potential hazards.

As for punitive damages, under the present rules, a company may have to pay them repeatedly in suit after suit. The Kasten bill limits such damages to the first suit. After that, the company may have to pay compensation in other suits, but it is immune to additional punitive damages.

Predictably, consumer groups and liability lawyers are fighting the new bill. But it leaves business at substantial risk in liability suits and in no way shields a company against having to compensate people injured through its own negligence. The bill strikes a better balance of fairness to consumers and business than the present plethora of state laws.

"MAY DAY BREAKFASTS" MARK RHODE ISLAND INDEPENDENCE

Mr. PELL. Mr. President, this Friday, the Fourth of May, nineteen hundred and eighty-four, the residents of my State will celebrate Rhode Island Independence Day—the date on which Rhode Island beat the other colonies to the punch by 2 months and declared independence from the British.

Throughout Rhode Island residents will mark the event with traditional May breakfasts during what we call Heritage Month. These breakfasts begin at the end of April and continue through most of May.

Thanks to the hard work of the Rhode Island Department of Economic Development, and particularly to the work of Kay Tucker of that department, word of Rhode Island's annual month-long celebration has been spreading rapidly.

I commend a recent article from the New York Times of April 15, 1984, to my colleagues. It captures some of the flavor of our May Day Breakfasts and

even includes a list of the scheduled events for those who may wish to join us in our celebration.

Mr. President, I ask unanimous consent that the articles "Rhode Island's May Breakfasts Keep Sizzling" and "When and Where To Sample Some Typical New England Fare"—both from the New York Times—be printed in the RECORD.

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

RHODE ISLAND'S MAY BREAKFASTS KEEP SIZZLING

(By Betsy Wade)

Although quiche and croissants seem poised to overwhelm regional breakfast habits the way that motel chains have crushed tourist homes, citizens of Rhode Island are sending their annual message that the New England Breakfast is alive and hot, bursting with protein and tradition.

A plate of clamcakes—a Yankee version of hush puppies—ham and scrambled eggs and a dome-roofed wedge of apple pie would probably make an exercise teacher's eyes roll back. But at the season that Rhode Island marks as May Breakfast time, a trip to tuck in such a meal, if not exactly slimming, is certainly a spring tonic. The nurseries' offerings in the way of begonias are visible; a walk along an inlet of Narragansett Bay or in a wildlife refuge lets a sense of history, in the form of a home-cooked breakfast, remind the walker of what stoked the stomachs of the New Englanders who pulled stumps, moved rocks, hauled nets and built a nation.

May is to Rhode Island what July is to the rest of the country. On May 4, 1776, Rhode Island beat the other colonies to the punch by two months and declared itself independent of the British crown. To mark the event, and possibly to help everyone ignore its record as the last of the 13 original states to ratify the Constitution, the smallest state is host to celebrations all through what it calls Heritage Month.

At the parish house of the Oak Lawn Community Baptist Church in Cranston last year, sun poured through clear glass windows on long white tables where guests at the May Breakfast sat family style and consumed all within arm's reach. Church members in Quaker costume, a memorial to the meeting-house that preceded the church on the site, had started working when the buyer for ticket No. 1 arrived at 5 A.M., and they kept egg platters filled from 6 until 11.

Customers holding tickets numbered as high as 1,000 listened to organ music while awaiting their turn at the trencher, and little kids wandered under still other tables laden with homemade crafts for sale, baked goods, plants and May baskets.

At a moment near 10, Ann Jervis, co-chairman of the breakfast, discovered with joy and sorrow that she had to send out for another case of 24 dozen eggs to fulfill a pledge to provide "all you can eat," but no doggie bags, please, at $3.75 for adults and $1.75 for children.

The state's annual May Breakfasts, which begin at the end of April and continue into mid-May, are usually fund-raising events. Sometimes talks or nature walks are added. The purpose has become more diverse in other ways, too. On May 1 the Governor always invites every Rhode Islander over 100 years of age to breakfast with him at the Capitol. Those who are over 60 are invited to senior nutrition centers in their communities for what is called a Governor's May Breakfast, but without the Governor. These events, at 11 o'clock, have a standard menu and accept contributions, however modest.

Beyond the Governor's breakfasts, the state estimates that 60 private organizations, schools, clubs, churches and philanthropies hold fund-raising breakfasts, some with simple menus, some more elaborate, all with hot food that sticks to the ribs and that no one, not even in a moment of carbohydrate overload, would dare call brunch.

Menus for this year mention baked beans, pie, clamcakes, scrambled eggs, pancakes, doughnuts, muffins, Frenchtoast, sausage, ham, coffee and all the rest. Jonnycakes or johnnycakes (griddle-baked cornbread), a Rhode Island tradition, are served at many breakfasts.

Adult prices range from $2.50 to $12, the higher price being for what organizers call a "really rather classy" if untypical event at Belcourt Castle in Newport on May 6. This offers champagne, blintzes and crepes, but no meat because the sponsor is the Defenders of Animals.

Many breakfasts are scheduled for weekends, but unless May 1 falls on Sunday, conflicting with religious services, the Oak Lawn Church, generally acknowledged to have begun the custom in 1868, hews to May Day.

By one account, the first breakfast was part of a two-day Oak Lawn May Fest that included the crowning of a May queen and several spasms of eating. Clamcakes were served at the first breakfast, the historian recorded, "because Aunt Hannah Babcock made them so well." In World War II, when deep fat was precious as gasoline, hash-brown potatoes were offered, but the clamcake has since resumed its place at Oak Lawn.

In time, other organizations seized upon the idea. In East Greenwich, the United Methodist Church has been holding breakfasts for more than 50 years and will do it again on May 1; the Park Place Congregational Church in Pawtucket will hold its 102d annual breakfast on April 28. The North Tiverton Volunteer Fire Department is scheduling its 53d breakfast on May 6. The Rhode Island Yacht Club in Cranston has revived its custom and will hold one on May 6, as will the East Greenwich Yacht Club, on the same day. Both clubs, not surprisingly, have settings on the water.

In the history of the Oak Lawn breakfast, the author wrote of the first event: "Oak Law was a farming community and many dozens of fresh eggs, butter, hams, homemade jellies and pies poured into the meetinghouse. In the very early hours of the morning, the back lot filled up with horses and carriages. There were some buggies from livery stables in Providence, too."

More recently, the visitors' conveyances were again from far afield: Connecticut, New York, Massachusetts, New Hampshire, Vermont.

For those who want to make a day of it in Rhode Island, no distance is very far, so things to work off a New England breakfast are not hard to find.

Birders may want to walk it off right on the site. They can select the breakfast on May 20 at the Norman Bird Sanctuary in Middletown, just north of Newport. Guided bird walks begin at 6:30, and there are bird exhibitions and slides as well as a Maypole.

Three other popular places for spring visits are in Washington County, known to all except the road signs as South County. This county forms the 18 miles of southern coast of the state west of Narragansett Bay, from Point Judith, a jumping-off spot for Block Island, to Watch Hill, on the Connecticut line. U.S. 1 and periodically scenic U.S. 1A serve the county's coast.

On the Old Post Road, which drifts away from U.S. 1, nearly next door to Ninigret Park, is the Fantastic Umbrella Factory, a 19th-century farm that still operates, although in a limited way, and shelters a variety of things to buy and look at. The house nearest the parking lot contains stoneware, leather and loomed, quilted and basketry products of a crafts commune called Small Axe Productions. Small stoneware crocks in the old dark-in-sides style are $6 to $12; a nest of stoneware mixing bowls is $55.

A bit farther back is a barn, which children generally prefer, packed nearly to the rafters with everything from birthday cards to soap and leaded glass, plus real eggs from the farm with intensely yellow yolks, definitely laid by chickens that have freedom to roam.

The Umbrella Factory (401-364-6616), which a sign says was named "because," increases the number of days a week it is open as the weather improves. By the end of this month, it is likely to be open all week. Hours are 10 a.m. to 5 p.m.

A walk in Ninigret Park and the adjoining Federal Wildlife Preserve offers isolation, water and salt air. A parcel of 172 acres of the deactivated Charlestown Naval Auxiliary Air Station on the South County coast, complete with a freshwater pond, it was opened as a park by the town of Charlestown last year and forms a gateway to the older wildlife refuge and the barrier beach beyond.

To keep motorists from going in hopeless circles on vast runways, routes of sorts were denoted by sweeping furrows plowed into the tarmac, an almost perfect enactment of the biblical notion of beating swords into plowshares. At a certain point on the runway, most people park their cars and go walking in the company of wildlife, wind off Block Island Sound and the whisper of tall grasses.

The park is open, free, from 8 a.m. to sunset. Nature programs are arranged for groups. Information is available by calling George Bliven, Charlestown parks commissioner, at 401-364-6244 or the Federal refuge manager's office at 401-364-3106.

To play tag with the spring surf, a good place is Napatree Point in Watch Hill. Before the Watch Hill summer season opens, it's possible to park on the street or the public parking area at the edge of the harbor. At the far western corner is a narrow pedestrians-only entrance to the mile-long point, which was dense with summer houses until the 1938 hurricane. Since then it has been a preserve. Although pilings of old porches stick out of the sand and the bones of old shipwrecks poke up after storms.

Walkers can take either the ocean beach or the less windy bay side, or walk one out and the other back. There are occasional boardwalks over the dune for those who want to get to the other side.

Beachcombers will want to take along a sack for shells, beach glass and driftwood; Napatree has plenty of each. It also has ospreys, oyster-catchers and migrating shorebirds.

WHEN AND WHERE TO SAMPLE SOME TYPICAL NEW ENGLAND FARE

Here are dates, times, organizations and prices for some May breakfasts. Eggs, coffee, tea and milk are not mentioned since almost every place offers them.

SATURDAY, APRIL 28

Chepachet, Union Church, State Route 44, 6 to 10 A.M. Bacon, jonnycakes, pancakes. Adults $3; Children under 12, $2.

Cranston, Pawtuxet Baptist Church, 2157 Broad Street, 7 to 10 A.M. Jonnycakes, baked beans, apple pie. Adults $3.50; children $1.75.

Cranston, Phillips Memorial Baptist Church, 565 Pontiac Avenue, 7 to 10 A.M. Jonnycakes, ham, baked beans. Adults $3.75; children 4 to 12, $1.50.

Lincoln, Lime Rock Baptist Church, Great Road, 6:30 to 10 A.M. Jonnycakes, ham. Adults $3; children under 12, $1.75.

Pawtucket, Bethany Baptist Church, 178 Sayles Avenue, 7 to 11 A.M. Jonnycakes, ham. Adults $3; children 5 to 12, $2.

Pawtucket, Park Place Congregational Church, 71 Park Place, 6:30 to 9:30 A.M. Ham, apple pie. Adults $3.75; children 5 to 12, $1.25.

Providence, Church of the Redeemer, 655 Hope Street, 7 to 11 A.M. Ham, muffins, baked beans. Adults $3.50; children 5 to 12, $1.

Providence, Roger Williams Baptist Church, 201 Woodward Road, 6:30 to 9:30 A.M. Jonnycakes, sausage, danish. Costumed servers. Adults $3.25; children $1.75. Reservations: 401-331-4288.

Providence, Second Presbyterian Church, 500 Hope Street, 7 to 10 a.m. Jonnycakes, ham, fried potatoes. Adults $3; children under 10, $1.50.

Tiverton, Old Stone Church, Stone Church Road, 7 to 10 a.m. Jonnycakes, bacon, home fries. Adults $2.50; children 5 to 12, $1.25.

SUNDAY, APRIL 29

Central Falls, St. George's Church, 12 Clinton Street, 8 a.m. to 12:30 p.m. Sausage, home fries, baked beans. Adults $3.95; children 5 to 12, $2.75.

Cranston, Palestine Shrine Clowns, Shrine Club, 1 Rhodes Place, off Broad Street, 7 a.m. to noon. Ham, sausage. Entertainment by clowns and a hurdy-gurdy with a monkey. Adults $3.75; children over 6, $1.75.

West Kingston, Richmond Grange, Grange Hall, Route 138, 6 to 10 a.m. Jonnycakes, ham, doughnuts. Adults $4; children under 12, $2.

TUESDAY, MAY 1

Barrington, St. John's Episcopal Church, 191 Country Road, 6:30 to 9 a.m. Jonnycakes, baked ham, muffins. Adults $3.35; children 6 to 12, $2.

Cranston, Oak Lawn Community Baptist Church, 229 Wilbur Avenue, 6 to 11 a.m. Cornbread, clamcakes, apple pie. Adults $3.75; children under 10, $1.75.

East Greenwich, First Baptist Church, Peirce and Montrose Streets, 6 to 10 a.m. Ham, baked beans, pie. Adults $3.25; children under 12, $1.50. Reservations suggested: 401-884-5269 or 401-884-2322.

East Greenwich, United Methodist Church, Main Street at Queen, 6:30 to 9:30 a.m. Jonnycakes, muffins, bacon. Adults $3.50; children 5 to 12, $1.50.

Foster, Foster Center Baptist Church, Howard Hill Road, 6 to 10 a.m. Jonnycakes, bacon, pie. Adults $3; children over 5, $1,25.

Greystone, Greystone Primitive Methodist Church, corner of Waterman and Oakleigh Avenues, 6 to 9 a.m. Oatmeal, bacon. Adults $3.50; children under 12, $1.50.

Olneyvill, Church of the Messiah, 10 Troy Street, 7 a.m. to noon. Jonnycakes, pancakes. Adults $3; children under 10, $1.

Providence, Rhode Island School for the Deaf, Corliss Park, 7 to 10:30 a.m. Ham, sausage, pancakes. Adults $3; students and children $1.50.

Warwick, Greenwood Community Presbyterian Church, 805 Main Street, 6 to 10 A.M. Jonnycakes, ham, doughnuts. Adults $3.50; children 5 to 12, $1.50.

Westerly, Christ Church, 7 Elm Street, 6 to 9 a.m. Bacon, pancakes. Adults $2.50; children under 10, $1.50. Reservations: 401-596-0197.

SATURDAY, MAY 5

Barrington, Holy Angels Church, 341 Maple Avenue, 7:30 to 10:30 a.m. French toast, doughnuts, muffins Adults $2.50; children under 12, $1.50

Cranstron, Ebenezer Baptist Church, 475 Cranstron Street, 6 to 9 a.m. Hominy, pancakes, home fries. $2.75.

Cranston, Edgewood Congregational Church, 1788 Broad Street, 7 to 11 a.m. Bluberry pancakes, apple pie, muffins. Adults $3.50; those over 65 and children 7 to 12; under 7, $1.50. Reservations: 401-461-1314 (mornings).

Cranston, Woodridge Congregational Church, 546 Budlong Road, sittings at 8 and 10 a.m. Ham, home fries, strudel. Adults $3.50; children under 12, $2.

Jamestown, Rotary Club, Jamestown Elementary School, Lawn Avenue, 7 to 10 a.m. Baked beans, apple pie, hash brown potatoes. Adults $3.50; children under 7, $2.50.

Lincoln, Wesley United Methodist Church, Woodland Street, 6 to 10 a.m. Bacon, home fries, baked beans. Adults $2.50; children under 12, $1.75.

Pawtucket, Smithfield Avenue Congregational Church, 514 Smithfield Avenue, 6 to 9 a.m. Ham, home fries, muffins, Adults $2.50; children under 12, $1.25. Reservations suggested: 401-722-7962, 401-722-4659.

Providence, Cranston Street United Methodist Church, 689 Cranston Avenue, 8 to 10 a.m. Jonnycakes, oatmeal, muffins. Adults $2.75; children $1.25.

Providence, St. Peter's and St. Andrew's Church parish hall, 25 Pomona Avenue, 6:30 to 9:30 a.m. Sausage, pancakes, bacon. Adults $2.99; children 6 to 12, $1.50. Reservations: 401-461-1624, 401-273-5085.

Warwick, Central Baptist Church, 3270 Post Road, 6 to 10:30 a.m. Ham, baked beans, muffins. Adults $3; children 5 to 12, $1.25.

Warwick, Norwood Baptish Church, 48 Budlong Avenue, 6 to 9:30 a.m. Baked beans, ham, pie. Adults $3.50; children under 12, $2.

Warwick, Oakland Beach Congregational Church, Fellowship Hall, 715 Oakland Beach Avenue, 7 to 10 a.m. Home fries, apple pie, sausage. Adults $3; children under 12, $1.75.

Warwick, Shawomet Baptist Church, 1642 West Shore Road, 7 to 11 a.m. Jonnycakes, ham, baked beans. Adults $3.25; children under 12, $1.50.

Woonsocket, St. James Episcopal Church, 24 Hamlet Avenue, 7:30 a.m. to 12:30 p.m. Sausage, ham, French toast. Adults $3.50; children under 8, $1.50.

SUNDAY, MAY 6

Cranston, Rhode Island Yacht Club, 1 Ocean Avenue, 11 a.m. to 2 p.m. Eggs benedict, baked ham, sweet rolls. Adults $6. Reservations: 401-941-0220.

East Greenwich, Yacht Club, Water Street, 7 to 11 a.m. Jonnycakes, pancakes, apple pie. About $4. Details: 401-884-7700.

Johnston, Post 92, American Legion, 509 Greenville Avenue, 7 to 11 a.m. Ham, hash-brown potatoes, bacon. Adults $2.50; children under 12, $1.50.

Newport, Defenders of Animals, Belcourt Castle, Bellevue Avenue, 9 a.m. Blintzes, fried potatoes, fruit bowl, Champagne. $12. Tour of castle $3 extra. Reservations by April 25: 401-738-3710.

North Tiverton, Volunteer Fire Department, 85 Main Road, 7 A.M to 12:30 p.m. Baked beans, ham, muffins. Adults $2; children under 12, $1.25.

Providence, St. Bartholomew's Church, 297 Laurel Hill Avenue, 10:30 a.m. Ham, sausage, danish. $4.50. Reservations: 401-944-4466.

Providence, St. Martin's Church, 24 Orchard Avenue, 7 to 11 a.m. Buffet. Jonnycakes, creamed beef, pies. Adults $4.50; children under 12, $2.50. Discount of 50 cents offered for making reservations (401-751-2141).

Warren, St. Mark's Church Parish Hall, 16 School Street, 8 to 11 a.m. Pancakes, home fries, muffins. Adults $3; children 5 to 10, $1.50. Reservations suggested; 401-245-3161, 401-245-8960.

Wakefield, Rotary Club, Elks Hall, Main Street, 7 to 11 a.m. Ham, rolls, pies. Adults $4; children under 12, $2.50.

SATURDAY, MAY 12

Newport, Channing Memorial Church parish house, 135 Pelham Street, 7:30 to 11 a.m. Sausage, cheese and egg soufflé, coffee cake. Adults $4; children $2.

SUNDAY, MAY 20

Johnston, Lions Club, Johnston High School, Route 5, Atwood Avenue, 7:30 a.m. to noon. Ham, baked beans hash-brown potatoes. Adults $3.50; children $2.50

Middletown, Norman Bird Sanctuary and Museum, Third Beach Road, sittings at 7:30, 8:30 and 9:30 a.m. Eggs florentine, pancakes, egg and sausage casserole. Adults $5; children $3. Guided walks starting at 6:30 a.m., slides. Reservations: 401-846-2577.

RHODE ISLAND INDEPENDENCE DAY, MAY 4

Mr. PELL. Mr. President, the Colony of Rhode Island and Providence Plantations was the first of the Thirteen Original Colonies to declare its independence from Great Britain.

On May 4, 1776, the general assembly officially broke its ties with King George, and declared itself free and independent from any allegiance to him.

To commemorate and celebrate this occasion, the Rhode Island Heritage Commission will conduct a ceremony at 12:30 p.m. on Friday, May 4, 1984, in the State house rotunda.

On this occasion, the Heritage Commission, also is asking all churches and other buildings in Rhode Island that may have bells or chimes to ring them in unison for 2 minutes at 1 p.m.

As a part of that celebration, I would like to remind my colleagues of Rhode Island's leading role in the struggle for independence.

I ask unanimous consent that the text of Rhode Island's original Renun-

ciation of the Crown be reprinted in full in the CONGRESSIONAL RECORD.

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

RENUNCIATION OF THE CROWN

An act repealing an Act entitled, "An Act for the more effectually securing to his Majesty the Allegiance of his Subjects, in this his Colony and Dominion of Rhode-Island and Providence Plantations;" and altering the Forms of Commissions, of all Writs and Processes in the Courts, and of the Oaths prescribed by Law.

Whereas in all States existing by Compact, Protection and Allegiance are reciprocal, the latter being only due in Consequence of the former: And whereas George the Third, King of Great-Britain, forgetting his Dignity, regardless of the Compact most solemnly entered into, ratified and confirmed, to the Inhabitants of this Colony, by His Illustrious Ancestors, and till of late fully recognized by Him—and entirely departing from the Duties and Character of a good King, instead of protecting, is endeavouring to destroy the good People of this Colony, and of all the United Colonies, by sending Fleets and Armies to America, to confiscate our Property, and spread Fire, Sword and Desolation, throughout our Country, in order to compel us to submit to the most debasing and detestable Tyranny; whereby we are obliged by Necessity, and it becomes our highest Duty, to use every Means, with which God and Nature have furnished us, in Support of our invaluable Rights and Privileges; to oppose that Power which is exerted only for our Destruction.

Be it therefore Enacted by this General Assembly, and by the Authority thereof it is Enacted, That an Act entitled, "An Act for the more effectual securing to His Majesty the Allegiance of his Subjects in this his Colony and Dominion of Rhode-Island and Providence Plantations," be, and the same is hereby, repealed.

Clerk of the house, Josias Lyndon, wrote: "Resolved that the aforementioned written pass as an act of this assembly."

It was read and approved in the upper house the same day, as attested by Henry Ward, secretary.

For the first time the session closed with the words, "God save the United Colonies."

INTERNATIONAL USE OF ARMED FORCE

Mr. PELL. Mr. President, I call the attention of my colleagues to an article by Richard N. Gardner, former Ambassador to Italy and now professor of law and international organization at Columbia University entitled "Sovereignty and Intervention: A Challenge of Law-Making for the Industrialized Democracies." Ambassador Gardner explores the legal and moral aspects of the international use of armed force by citing examples of military intervention, especially the U.S. action in Grenada this past October. The article points out the need for a broad consensus on the concept of intervention in international law in light of the changing world situation. I commend to my colleagues Ambassador Gardner's perceptive and timely article.

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

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

[Trialogue, March 1984 (Trilateral Commission quarterly)]

SOVEREIGNTY AND INTERVENTION: A CHALLENGE OF LAW MAKING FOR THE INDUSTRIALIZED DEMOCRACIES

(Richard N. Gardner)

The controversy over the U.S. military action in Grenada is of the deepest significance for the trilateral countries of Western Europe, North America and Japan for two reasons. One is obvious; the other had been almost totally ignored.

The obvious reason is the political cost of the unprecedented isolation of the United States from its allies and friends on a military action deemed in the national interest by the American government and overwhelmingly supported by the American people. When the U.N. General Assembly voted by 108 to 9 with 27 abstentions on November 2, 1983, to "deplore" the occupation of Grenada is a "flagrant violation of international law," the United States could not muster a negative vote from a single trilateral country. Only Israel, El Salvador and six small Caribbean countries joined the United States in opposition. The United Kingdom, Canada, Germany, Belgium and Japan abstained. France, Italy, the Netherlands, Norway, Spain and Portugal all voted to deplore the U.S. action.

The less obvious significance of Grenada is the confusion it revealed among trilateral governments and leaders of public opinion over a question of central importance to the solidarity and survival of the trilateral countries: Just what legal and moral principles governing the use of armed forces are the trilateral countries prepared to live by and ask others to live by at this point in the nuclear age?

It is not a new question, nor an easy one. It is a question that was raised at the time of U.S. military actions in the Cuban missile crisis, in the Dominican Republic, and in Vietnam; by the Soviet military actions in Hungary, Czechoslovakia, and Afghanistan and Soviet interference in Poland; by Soviet and Cuban interventions in Central America; by Israel's raid on Entebbe, its invasion of Lebanon and its attack on Iraq's nuclear reactor; by the Argentine-British conflict in the Falklands; by French military actions in Africa; and by Chinese and Vietnamese attacks upon their neighbors. It arises today in El Salvador and Nicaragua. And it will undoubtedly arise in unforeseen ways in the years ahead.

But let us begin with Grenada. When armed forces of the United States occupied Grenada on October 25, 1983, accompanied by forces from six English-speaking Caribbean countries, the avowed purpose was to protect American citizens, restore order and liberate the country from Soviet-Cuban domination.

The military action of the United States was triggered by the murder on October 19 of Prime Minister Maurice Bishop and other elected leaders by a militant communist faction led by Deputy Prime Minister Bernard Coard, an event accompanied by civil strife and the collapse of government authority. The United States declared that it acted in response to two requests for assistance: a formal request on October 23 from the Organization of Eastern Caribbean States (OECS), a regional grouping of seven Caribbean mini-states, and a confidential appeal from the Governor-General of Grenada as the sole remaining source of lawful government authority.[1]

Speaking in the United Nations Security Council on October 27, U.S. Ambassador Jeane Kirkpatrick emphasized that Cuban and Soviet intervention in the internal affairs of Grenada was a major factor in the American decision. "Grenada's internal affairs," she said, "had fallen under the permanent intervention of one neighboring and one remote tyranny." Ambassador Kirkpatrick added that the U.S. action was justified by a "unique combination of circumstances" that included "danger to innocent United States nationals, the absence of a minimally responsible government in Grenada and the danger posed to the OECS by the relatively awesome military might that those responsible for the murder of the Bishop Government now had at their disposal."

"The United States response," she concluded, "was fully compatible with relevant international law and practice."[2]

If this was the American justification for its action in Grenada, on what basis could the U.N. General Assembly find that the same action was a "flagrant violation of international law?" And why did so many leaders of public opinion in the industrialized democracies—quite a few in the United States itself—rush to the judgment expressed by the Times of London: "There is no getting around the fact that the United States and its Caribbean allies have committed an act of aggression against Grenada. They are in breach of international law and of the Charter of the U.N."

Clearly on explanation for these divergent judgments was lack of agreement on the facts. Were American citizens really in danger? Were the "invitations" by the Governor-General of Grenada and the OECS spontaneous—or made under pressure from the U.S.? Were those who overthrew the Bishop government really acting on behalf of the Soviet Union or Cuba to destroy the independence of the country? Did the Soviet-Cuban military build-up in Grenada constitute an imminent danger to the security of Grenada's tiny and defenseless neighbors? Was the purpose of the U.S.-led occupying forces exclusively to restore order and assure the free exercise of sovereignty by the people of Grenada—or was it to impose a government to the liking of the United States? Finally, would the occupying forces really leave once order was restored and the conditions for free elections assured?

It is not my purpose in this essay to resolve these factual issues. Authoritative judgments on them in any event, are difficult to make now on the basis of publicly available evidence. I will only note in passing that if the trilateral countries failed to support the United States because they disbelieved the U.S. version of events, this in itself is a commentary on the state of trust and confidence between countries that are supposed to be allies and close friends. The trilateral countries were not prepared, to put it mildly, "to give the U.S. the benefit of the doubt."

It would be even more ominous for their future relations, however, if the trilateral countries were in fundamental disagreement over the principles to be applied in judging the legality and morality of the use of armed force by themselves or other nations.

Footnotes at end of article.

If that should be the case, it would place in doubt one of the premises of the trilateral concept—that there is, in fact, a real community of industrialized democracies capable of common action based on shared concepts not only of national interest, but of fundamental human values.[3]

The rules of international law governing the use of force may be found in treaties and in international customary law, that is the rules nations follow in practice out of a sense of legal obligation. The most authoritative statements of the rules are to be found in the following provisions of the United Nations Charter:

All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. (Article 2(3)).

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations. (Article 2(4)).

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations . . . (Article 51).

Another source of applicable law is the Charter of the Organization of American States, which declares in Article 15: No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state.

Although the OAS formulation set forth above does not appear in the U.N. Charter, the General Assembly has adopted the identical language in a resolution in 1970 purporting to be an authoritative interpretation of the U.N. Charter, the Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations.

The search for principles to govern the use of armed force does not end, however, with the recitation of these broad propositions. International constitutions are not self-interpreting any more than national constitutions—nor are phrases like "armed attack," "self-defense" or "intervention" any more self-explanatory than "cruel and unusual punishments," "interstate commerce" or "due process of law." The process of interpretation requires sophisticated human judgement, which means at a minimum that interpretation of any single provision must take into account other provisions of the same document, the purposes of the international instrument as a whole, the drafting history, subsequent state practice and the applicability of rules of customary international law, possibly co-existing with the international agreement. Moreover, careful judgement must be used in the application of broad constitutional provisions in a variety of unique instances, many of which could not have been foreseen when the international constitution was drafted. As Justice Oliver Wendell Holmes once put it: "General principles do not decide concrete cases."

The simple truth is that international law on this subject is far from clear, as evidenced by the widespread disagreement between government decision-makers and respected scholars both within and between nations. As everyone knows, international law differs from domestic law in that there is no court of compulsory jurisdiction for its authoritative interpretation, nor is there a legislature to adjust the law to changing circumstances or a police force to secure universal enforcement. This does not necessarily mean that international law does not exist; there are mutual restraints and reciprocal concessions embodied in treaties and customary international law that nations choose to regard as legally binding out of perceived self-interest. Indeed, on a large number of subjects ranging from the Law of the Sea to diplomatic immunity, the rules of international law are observed by almost all nations almost all of the time. But clearly the interpretation of these rules in the decentralized international system is a more difficult matter than in the domestic legal order, particularly when we are dealing with an issue like the use of force which touches vital national interests. What we are really talking about is "word politics"[4] between nations—a struggle to shape norms to govern national behavior in support of certain national interests and values.

The challenge to trilateral countries is one of creative and purposeful international law-making—among themselves as a kind of "law-bloc"—and with other members of the international community. This means, first of all, looking carefully at those various formulations governing the use of armed force that have some basis of support in contemporary international law and deciding which ones should be espoused or rejected in the interest of promoting the values the trilateral countries share—among which are certainly those of peace, justice, national self-determination, and human rights.

A second stage would be a concerted effort—now so notably lacking—to observe these formulations in their own behavior and to press for their wider recognition through bilateral and multilateral diplomacy. What these formulations might be, at least in barest outline, I shall suggest in a moment.

CHALLENGES TO A "RULE OF LAW" APPROACH

There are, however, a number of very fundamental objections to this "rule of law" approach. The starkest objection comes from those who believe, as the Wall Street Journal suggested in the aftermath of Grenada, that international law simply does not exist. A variant of this view would be that although international law exists in the majority of international situations, it does not exist, or does not apply, when armed force is used by nations in what they conceive to be their supreme national interests. No less a figure than Dean Acheson drew that conclusion at the time of the U.S. quarantine of Cuba in 1962:

I must conclude that the propriety of the Cuban quarantine is not a legal issue. The power, position and prestige of the United States had been challenged by another state; and law simply does not deal with such questions of ultimate power—power that comes close to the sources of sovereignty . . . The survival of states is not a matter of law.[5]

This statement has powerful appeal in an age when the Soviet Union and its allies have violated traditional international law principles with impunity—and when nations like Iran, Libya and Syria have raised terrorism to the level of state practice. But do we really want to take the view that there are no legal rules applicable to judge the actions of the Soviet Union and its allies, or the smaller terrorist nations, which threaten the safety of free nations and the achievement of a decent world order? We would do well to remember the wise observation of one of Britain's greatest international lawyers, J.L. Brierly: "The ultimate explanation of the binding force of all law is that man, whether he is a single individual or whether he is associated with other men in a state, is constrained, so far as he is a reasonable being, to believe that order and not chaos is the governing principle of the world in which he has to live."[6]

In the nuclear age, it is precisely in dangerous confrontations of power that some ground rules are needed to preserve "order" and avert "chaos." A conclusion that "no law" is applicable would generally serve the interests of the Soviet Union and other challengers to the peace of free nations; it would create even more uncertainty and instability than we already have. There is no nation that denies the existence of international law, and all feel constrained to find legal justifications for their behavior. It is surely better to have nations arguing over what international law is than to assert that no international law applies at all.

I spoke earlier of "international law and morality." International law often codifies national interest and convenience, as in the Law of the Sea. In the sensitive area of the use of armed force, it seeks to codify morality as well. But it is precisely here that we come to a second fundamental objection to the "rule of law" approach: May there not be exceptional situations where the law may be disregarded if necessary to achieve some greater good? In real life, we all recognize extreme situations where violating the law may be appropriate to achieve some valid purpose—e.g., going through a red light to take an injured person to the hospital for urgent medical treatment.

Moreover, where traditional international law fails to take account of new realities and cannot be changed through negotiation and diplomacy, there may be exceptional situations where "law-making" through new state practice requires some temporary "law-breaking." A successful example of this phenomenon was the Truman Proclamation of 1945 taking jurisdiction over the resources of the continental shelf, a unilateral action that "broke" the old law before the new legal principle was "made" by general acceptance. Nevertheless, if we are to accept violations of traditional rules in exceptional cases, we should carefully consider whether the consequences are beneficial not just for the acting country, but for the majority of mankind as a whole—and whether the value of the objective being served outweighs the damage that the unilateral change in the rules may do to the future conduct of international relations. I do not suggest that this legal-moral calculation is an easy one. But I do reject the notion that in international affairs the end always justifies the means, a proposition that is readily available to totalitarian powers, as well as to free nations.

There is yet another objection to the "rule of law" approach, from those who argue that the rules of international law, particularly those governing the use of armed force, are capable of almost any interpretation, and should simply be manipulated by nations in each case to achieve whatever foreign policy goal seems valid at the moment. But the U.N. Charter and other sources of international law cannot be treated as pieces of India rubber to be stretched one way and then another in light of the short-term political necessities of each situation. There has to be some continuity in our day-to-day interpretation. If we "bend" the principles to fit one case, we must be willing to live with the new configu-

ration in the next. The Soviet Union cannot very well be denied the same freedom to resort to force which the United States claims through "liberal interpretations" of existing norms. As Justice Robert Jackson once put it in a domestic context:

A military order, however unconstitutional, is not apt to last longer than the military emergency . . . But once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the Court for all time has validated the principle . . . The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need.[7]

Yet another challenge to the "rule of law" approach comes from the believers in "spheres of influence." According to this view, the United States must be conceded the same freedom to defend its interests in Latin America as the Soviet Union claims in Eastern Europe. In other words, accept the Brezhnev doctrine of limited sovereignty for Eastern Europe in return for a "reverse" Brezhnev doctrine of limited sovereignty for Latin America, with perhaps other such doctrines for China, Vietnam, Britain, France, Japan and other countries in areas of historic interest to them.

It scarcely needs emphasis that this approach does violence to the principles of sovereign equality and self-determination embodied in the United Nations Charter and other treaties in force, and that it would never be accepted by the small nations of the world, least of all by those in the "spheres of influence" that are principally at issue. Nor is such a concept likely to appeal to the citizens of the United States and other industrialized democracies, most of whom profess a principled concern for freedom and human rights in all parts of the world, from Poland and Grenada to Tibet and Cambodia.

A similar challenge to the "rule of law" approach might be described as a rough and ready theory of "reciprocity." It is a principle well-recognized in the common law—and perhaps more generally in all legal systems—that when one party violates a material provision in a contract, the other party is relieved of its obligations under the same instrument. It is argued by analogy that as long as the Soviet Union and other totalitarian powers persistently violate the norms laid down in the Charter and other sources of international law, the United States and other free nations must have the right to do so when necessary to defend their interests. To quote Dean Acheson again: "We must never forget that between an opponent who is prepared to use force to gain his end and one who is not prepared to use force to defend his interests—the former is usually the winner."[8]

International law clearly permits the United States to refuse to perform its commitments in a bilateral agreement with the Soviet Union if the Soviet Union has breached a material provision of that same agreement. It may also permit the United States to take broader measures against the Soviet Union—measures that might otherwise be considered illegal—in response to Soviet violations of international law directed against the United States. But it is quite another thing to claim that the United States should be released from its obligations to innocent third countries because the Soviet Union is disobeying the rules.

The concept that we must be free to "fight fire with fire" has undoubted political appeal and certainly would make it easier for the industrialized democracies to defend their security interests in particular situations. But if the trilateral countries accept the Soviet standard of international behavior as their own, do they then forfeit any claim before the rest of the world to stand on a higher plane of morality? Do they abandon all legal restraints on the use of force or only some, and do they cast aside the restraints on forcible intervention everywhere or only in countries where the rules have already been violated by their adversaries? A "tit-for-tat" rejection of legal restraints on the use of force—"you invaded Afghanistan so we can invade anyone we like"—will encounter violent opposition from almost everyone but the superpowers and will quickly bring the standard of international behavior down to the lowest common denominator. As I shall suggest in a moment, most of the benefits of the "reciprocity" approach can be achieved with less cost to the trilateral countries by a judicious use of the concept of "self/defense" consistently with respect for international law.

In this catalogue of challenges to a "rule of law" approach there is one, however, that merits more sympathetic consideration. This is the view that reads as interdependent and correlative the provisions of the U.N. charter restraining the use of force by member states and the provisions of the Charter placing on the United Nations the duty to establish international peace and justice. With the frustration of the Charter system for collective security and the peaceful settlement of disputes, it is argued, the member states must recover their preexisting freedom of action to protect their interests by means of individual or collective self-help. As Professor Arthur Goodhart of Oxford put it during the Suez crisis of 1956: "The renunciation of the use of force in Article 2(4) is not of an absolute character, but is dependent on the proper enforcement of international order by the United Nations." If a different view were accepted, he argued, U.N. members would be obliged to stand idly by in the face of the most extreme violations of their rights and "membership in the United Nations would be a source of danger and of weakness to the law-abiding nations."[9]

This "frustration of Charter purposes" concept, however, still leaves us with some of the same problems that we found with the other challenges to a "rule of law" approach. If Article 2(4) of the Charter is set aside, what norms are then applicable? To abandon all restraints in the Charter because of the U.N.'s weakness would serve neither peace nor justice, nor would it advance the cause of rebuilding the U.N.'s collective processes. At the same time, there is merit in the view that the Charter restraints on the use of force must be interpreted differently in today's world than they would have been in the world envisaged at San Franciso. How this might be done is the question to which we now turn.

ELEMENTS OF A "RULE OF LAW" APPROACH

If it is in the interest of the industrialized democracies, subject to the qualifications noted above, to follow a "rule of law" approach to the use of armed force, what should be the applicable legal principles? Volumes of learned scholarship have been written on this enormously difficult and complex subject. What follows is a brief review of five concepts of varying degrees of persuasiveness from which the trilateral countries will need to fashion a common approach.

Self-defense

The United Nations Charter codifies "the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations." There is general agreement in the international community that this gives a nation the right to use force when its territory or its armed forces are attacked or when an attack is made on the territory or armed forces of another nation to which it is bound in a collective self-defense arrangement like NATO.

There are some specific questions about the self-defense concept, however, that are more difficult to resolve. For example: Can the concept of self-defense be stretched to legitimize a use of force in anticipation of an "armed attack?" In the Cuban missile crisis, the United States deliberately declined to use "anticipatory self-defense" as a justification for the quarantine of Cuba, and with good reason. If the deployment of Soviet missiles in Cuba could provide a legal basis for a blockade of Cuba in 1962, could not the Soviet Union use "anticipatory self-defense" to justify forcible action to stop the deployment of the Pershing and cruise missiles in Europe in 1984? It would be a dangerous doctrine, particularly in an age of nuclear weapons, to say that the mere deployment and readying of weapons justified the preemptive use of force by others. Yet international law before the U.N. Charter did recognize the right of anticipatory self-defense when the "necessity of that self-defense is instant, overwhelming, and leaving no choice of means, and no moment for deliberation."[10] It is doubtful that the U.N. Charter was intended to deny a nation the right to defend itself against an armed attack that was already underway. Where to draw the line between permissible response to an imminent attack and impermissible response against the readying of weapons will not always be easy, but the principle seems clear enough and finds support in existing practice. Israel, for example, received no support in the United Nations for its preemptive strike against Iraq's nuclear reactor in 1981, but it received widespread support (and no U.N. condemnation) when it began hostilities in 1967 after President Nasser blockaded the Gulf of Aqaba.

Another question concerns self-defense in the face of "indirect aggression." In today's world, an "armed attack" can occur not only through the marching of troops or the launching of weapons across borders, but by the forcible seizure of power within one country by persons acting as agents of another country with the aim of destroying the first country's independence. This would suggest that "collective self-defense" should also embrace military action to defend the freedom and independence of a country that is being subjected to a previous indirect aggression by others. Putting it another way, "counter-intervention" in response to a prior illegal intervention should not be regarded as illegal provided it has as its motive and actual consequence the preservation of the freedom and independence of the people on whose behalf the "counter-intervention" is carried out. John Stuart Mill was an advocate of this principle as far back as 1848 in an eloquent passage that has particular application today:

The doctrine of non-intervention, to be a legitimate principle of morality, must be accepted by all governments. The despots must consent to be bound by it as well as the free states. Unless they do, the profes-

sion of it by free countries comes but to this miserable issue: that the wrong side may help the wrong but the right must not help the right. Intervention to enforce non-intervention is always rightful, always moral, if not always prudent.

Since the first Hague conference in 1899, the international community has sought to develop rules of warfare to limit the destructiveness of conflicts and particularly the damage to innocent civilians. When armed force is used in self-defense or under any other legal theory, therefore, there is not only the question of when force may be used, but how it is used. One principle of continued vitality is that of "military necessity"—that is, a use of force in self-defense or on some other basis should be limited so far as possible to military objectives. No doubt this is a difficult principle to apply in the nuclear age; yet in its human purpose it is a principle that merits support from the community of nations.

Protection of Nationals

The United States and other trilateral countries have long asserted a right to use force on the territory of another nation to protect their nationals from an imminent threat of injury where the territorial sovereign was unable or unwilling to protect them. The U.S.-Belgium rescue effort in the Congo in 1964, Israel's raid on Entebbe, and the initial phase of the American landings in the Dominican Republic in 1965 and in Grenada all relied on this principle. To avoid abuse of the concept, it is generally conceded that the measures taken must be strickly confined to the purpose of protection—thus there would be no justification in occupying a country after endangered citizens had been removed. Most developing countries still challenge this legal concept, even when so strictly limited. Yet it seems evident that the industrialized democracies should continue to support it in an age where terrorist acts and the collapse of civil authority are all too frequent occurrences.

Military Assistance Upon Request

Traditional international law has recognized the right of one country to give military assistance to another at the latter's request, including the deployment of armed forces on its territory. It is still a widely held view that it is legal to assist the established government in a civil war situation, but not the insurgent group, at least not until the insurgents have become sufficiently established that other countries may appropriately grant them belligerent status. But this whole question of assistance upon request and intervention in civil wars is one of the most controversial areas of international law, with the Soviet Union, Cuba, and many developing countries challenging the traditional customary law rule and insisting on a right to support "wars of national liberation" against established governments. Here is an area where the U.N. Charter is silent and the practice of states offers no clear guide for judgement, for the evident reason that no clear consensus exists within the international community.

It seems clear that the trilateral countries have a common interest in supporting the traditional international law rule prohibiting outside military support on behalf of revolutionary movements seeking to overthrow existing governments. They also have a common interest in affirming the right to provide military support to established governments defending themselves against a foreign-supported revolution. A closer question for the trilateral countries is whether, in the absence of any foreign intervention whatsoever, they should continue to assert a right to assist established governments to put down indigenous revolutionary movements. One problem with this traditional doctrine is that it provides ready justification for the use of armed force by the United States and other trilateral countries in support of any government, no matter how dictatorial or unpopular, to help it suppress popular forces seeking political and social reform. Moreover, it may help the Soviet Union to justify its uses of force to achieve the permanent incorporation into the Soviet orbit of any country which has once been taken over by a Soviet-supported communist coup. Soviet troops went into Hungary and Afghanistan, after all, in response to "requests" by pro-Soviet leaders falsely purporting to speak for the legitimate government of the country. Had they gone into Poland, they could probably have produced a request from General Jaruzelski.

On the other hand, military assistance upon request aimed merely at the restoration of law and order and not at the suppression of an indigenous revolutionary movement would seem to offer less problems as a legal concept for the trilateral countries and others. Here again, it will not always be easy to draw the line.

Regional Action

Article 52 of the United Nations Charter permits regional organizations to deal with "such matters relating to the maintenance of international peace and security as are appropriate for regional action," provided that their activities "are consistent with the Purposes and Principles of the United Nations." Article 53 further provides that no "enforcement action" shall be taken by regional organizations without the authorization of the Security Council.

The United States has sought to justify as a legitimate use of regional peacekeeping the OAS-authorized quarantine of Cuba in 1962 and the OAS-authorized peace force which occupied the Dominican Republic in 1965 after the collapse of order in that country. It has also sought to justify the occupation of Grenada as a valid regional peacekeeping effort by the Organization of Eastern Caribbean States. In the Dominican and Grenada cases, the United States argued that no "enforcement action" requiring Security Council approval was involved, since force was not being exercised against the will of a state, but only to maintain order after the collapse of government authority. In the Cuban quarantine, the U.S. argued that there was no "enforcement action" because the members of the OAS acted pursuant to a recommendation rather than a mandatory decision—a questionable theory to say the least, since certainly there was "enforcement" of the blockade against the ships of the Soviet Union and other countries.

It is not clear that the concept of regional peacekeeping adds to the uses of force that would otherwise be legally available to individual countries. Article 52 requires that actions by regional agencies must be consistent with United Nations principles. One of those principles is the prohibition in Article 2(4) of the use of force against the "territorial integrity or political independence of any state." Uses of force that would be illegal if undertaken by a single nation are not validated therefore simply because they are undertaken by several states pursuant to recommendations by regional agencies. In the Grenada and Dominican Republic cases, reliance on the concept of regional action would require a demonstration that the "territorial integrity" or "political independence" of those nations was not violated. In short, the prohibition in Article 2(4) could be given a limited interpretation. But in that event, action by the United States alone would have been just as lawful (though less politically attractive) as action by the regional group.

"Humanitarian" or "Democratic" Intervention

Some scholars now argue that international law permits one or more countries to use force in the territory of another to put an end to human rights abuses or vindicate the rights of the people to democratic institutions. Indeed, Ambassador Kirkpatrick has used this argument to justify U.S. military support for the "Contras" seeking to overthrow the Sandinista regime in Nicaragua.[11] The concept of "humanitarian" or "democratic" intervention is undeniably attractive when the world is faced with extreme situations such as Hitler's campaign of genocide against six million Jews or Idi Amin's wanton slaughter of his own countrymen. It is, however, a principle that finds little support in treaty law or the customary rules that derive from consistent state practice. It is also vulnerable to an obvious practical objection. Two thirds of the members of the international community are less than fully functioning democracies and at least one third engage in gross and persistent human rights violations. A legal principle that would authorize unilateral or collective intervention against such a large number of countries would be an invitation to an unrestrained world civil war—too threatening to international peace and stability to command broad support within the international community or by the trilateral countries themselves.

What is the application of the five concepts outlined above to the Grenada situation? If the facts as given by the United States government are accepted, the principle that force may be used to protect endangered citizens clearly justifies the initial Grenada landings. The continued occupation of Grenada once that purpose had been accomplished can be justified on the basis of the invitation by the Governor-General to put an end to foreign intervention and/or maintain domestic order, assuming the constitution of Grenada provides him with the necessary authority to issue such an invitation.

For the reasons given earlier, the concepts of "regional action" and "humanitarian" or "democratic" intervention are not good legal arguments for the Grenada action. But "collective self-defense" is a concept that can apply to Grenada. This is not the "anticipatory self-defense" of Grenada's neighbors, which would stretch the concept too far since no attack upon them was imminent. Rather it would be the murder of Bishop and the seizure of power by persons allegedly acting as agents of the Soviet Union or Cuba for the purpose of subordinating Grenada's sovereignty to one or both of those countries that could be regarded as a "use of force" against the political independence of Grenada, justifying a collective self-defense action by the United States and Grenada's neighbors. To put it another way, and assuming over again that the facts presented by the United States are accepted, the Soviet Union and Cuba "intervened" illegally in Grenada to suppress freedom; the United States lawfully "counter-intervened" with Grenada's neighbors to restore free-

dom. The use of force observed the requirement of military necessity since a genuine effort was made to avoid harm to innocent civilians.

This brief exposition of applicable legal theories,[12] simplified in the extreme for the purpose of brevity, may well raise more questions than it resolves. Some will challenge the validity of my necessarily abbreviated formulations and subjective judgements. Fair enough. The basic purpose of this essay is not to suggest that the answers to these questions are clear, but rather that the trilateral countries should accord high priority in thinking about them at senior levels of government in an effort to develop a trilateral consensus.

The Soviet Union and its allies in the developing world are actively promoting legal doctrines to serve their interests in international fora like the United Nations, in their bilateral diplomacy and in their unilateral official pronouncements. Their purpose is obvious—to prohibit all "imperialist interventions" by the trilateral countries while legitimizing all Soviet-sponsored uses of armed force in support of "wars of national liberation." If the trilateral countries wish to shape a world order conducive to the promotion of peace and freedom, they will need in their turn to develop a more unified and purposeful approach on these questions than they have thus far.

A trilateral report on the international law of armed force, written by scholars from Western Europe, North America and Japan, on the basis of broad consultation with governmental and private authorities throughout the world could be a useful first step toward achieving some consensus on an issue of central importance to the industrialized democracies and all other free nations.

FOOTNOTES

[1] *Grenada—A Preliminary Report*, Released by the Departments of State and Defense, December 1983.

[2] Provisional Verbatim Record of the U.N. Security Council meeting of October 27, 1983, S/PV.2491, pp. 28-43.

[3] The issue raised is when the use of force is legal and moral, not when it serves the national interest. The two issues should be clearly distinguished: There may be cases where the use of armed force by one or more of the trilateral countries would find a clear basis in law and morality but would be politically inexpedient. Conversely, a use of force may be politically expedient but neither legal nor moral.

[4] The phrase is that of Professor Thomas Franck of New York University.

[5] *Proceedings* of the American Society of International Law (1963), p. 14.

[6] J.L. Brierly, *The Law of Nations*, pp. 55-66 (6th edition, 1963).

[7] *Korematsu v. United States*, 323 U.S. 214, 246 (1944).

[8] "Foreign Policy and Presidential Moralism," *The Reporter*, May 2, 1957.

[9] A.L. Goodhart, "Some Legal Aspects of the Suez Situation." *Tensions in the Middle East*. Philip W. Thayer, Ed., Johns Hopkins University Press, 1958.

[10] Daniel Webster's famous communication to the British government in the *Caroline* case, August 6, 1842, cited in 2 Moore, *Digest of International Law* 412 (1906).

[11] *The New York Times*, June 30, 1983.

[12] In the interest of brevity, there has been no discussion of a sixth possible justification for the use of armed force—reprisal by one nation against the illegal action of another. As a practical matter, this justification is not usually invoked in the major uses of armed force with which we have been concerned here. There is much disagreement, in any event, on whether and under what conditions armed reprisals are permitted under the U.N. Charter.

A TRIBUTE TO L. M. GREGG

Mr. HEFLIN. Mr. President, on Saturday, March 31, 1984, the city of Tuskegee, Ala., lost one of its most outstanding citizens when L. M. Gregg passed away. Mr. Gregg was chairman pro tempore of the city council at the time of his death.

Mr. Gregg was a native of North Carolina. While serving in the U.S. Air Force in World War II, he was assigned to Tuskegee's Molton Field as a flight instructor and went on to settle there after the war.

In 1947, he opened Gregg's Cleaners which he operated until his retirement. His political career began in 1960 when he was elected to the city council for the first of six consecutive terms. He was unopposed for the last three of those terms, during which he served as chairman pro tempore.

An involved civic leader, Mr. Gregg was a member of the American Legion, a Master Mason and a member of Tuskegee's Lodge No. 57. In honor of his dedication to the Tuskegee community, the local young Volunteers in Action has proposed that the new YVA Youth Center be named the L. M. Gregg Memorial Youth Center. This would truly be a fitting tribute to this fine individual.

Mr. President, L. M. Gregg was an unselfish public servant, giving of himself at every opportunity. During his lifetime, he served as a stabilizing force in bringing unity to Tuskegee and its people. He will be sorely missed.

I extend my most sincere sympathies to his wife, Maude Gregg, his mother, Mrs. Charlotte Gregg, and his sons, Jeff and Bill.

I ask unanimous consent that an article from the Tuskegee newspaper be printed in the RECORD.

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

[From the Tuskegee News, Apr. 5, 1984]

CITY MOURNS PASSING OF L. M. GREGG

Flags were flown at half-mast Monday as the City of Tuskegee mourned the passing of Chairman Pro-Tem L. M. Gregg.

Gregg passed away Saturday night at Baptist Hospital in Montogomery.

A native of Watauga County, North Carolina, Gregg came to Tuskegee in 1942 as a flight instructor at Moton Field. He was elected to the City Council in 1960 and served six consecutive terms (24 years) the last three of which he ran unopposed and served as Chairman Pro Tempore.

Those who did not know him through his work with the Council knew him as the owner of—Gregg's Cleaners which opened for business in 1947 and is located on South Main St. in Tuskegee.

Mayor Johnny Ford said Monday, "We lost a very dedicated public servant. L. M. Gregg was a stabilizing force here on the Council and he did much to heel the wounds that existed between the races during and following the civil rights struggle here in Tuskegee. L. M. Gregg will long be remembered as a most unselfish public servant who gave his best to this city and all of her people.

Gregg is survived by his wife Maude Godfrey Gregg; his two sons, Jeffrey A. Gregg of Tuskegee; and William M. Gregg of Athens, Ga.; two grandchildren, Jeffrey and Jason; one sister, Jackie Gregg Ward of Ashville, N.C.; and his mother Mrs. Ellen Gregg.

A memorial service was held for Gregg at the Municipal Complex Monday morning. Graveside services were held in Society Hill.

In honor of Chairman Pro-Tem Gregg, the City of Tuskegee Young Volunteers in Action is proposing to name the new YVA Youth Center, presently under renovation, the L. M. Gregg Memorial Youth Center.

"We feel it fitting that a facility dedicted to the youth of this community be so named because of his zestful life and energetic sense of fairness, futuristic visions and noble principles." YVA staff members stated.

A NATIONAL DAY OF PRAYER

Mr. THURMOND. Mr. President, today, May 3, 1984, has been proclaimed by President Reagan as a "National Day of Prayer." All across our land, millions of Americans of various faiths will unite with one voice and one purpose in beseeching God's blessing on this great nation.

Prayer is the channel by which we communicate our thanks to God for the freedoms he has provided Americans, and is the means by which we express our greatest needs to Him. We know that courageous leaders such as Washington, Lincoln, and others faced our Nation's most difficult challenges by looking to God in humble prayer. Today, Americans are no less dependent on God, and should follow the example of their forefathers in recognizing our Creator as the greatest source of strength and sustenance during these equally trying times.

Mr. President, because prayer is important in our lives, I will continue to work diligently toward the passage of my constitutional amendment allowing voluntary prayer in public schools, which the Senate failed to approve only months ago. The denial of prayer for our schoolchildren today could very well be a stumbling block for tomorrow's leaders.

Without question, prayer is an essential element in the spiritual life of our Nation. Let us join together on this "National Day of Prayer," as we should every day, to offer our praise to God and seek His continued guidance for America.

TERMINATION OF INQUIRY CONCERNING FORMER SENATOR HARRISON WILLIAMS

Mr. STEVENS. Mr. President, on behalf of Senator HEFLIN and myself, I ask unanimous consent that the order of the Select Committee on Ethics terminating its inquiry into allegations that former Senator Harrison Wil-

liams may have converted campaign contributions to his personal use be placed in the RECORD.

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

ORDER

FACTS

In April 1982, Bernard Mondi, Treasurer of the Williams' Project 76 Committee, filed an Advisory Opinion Request with the Federal Election Commission. The Commission's guidance was sought on the closing of the Senator's campaign committee account. Attached to the ruling request, and cited in it, was a March 26 letter to Mr. Mondi from Robert Flynn, Senator Williams' attorney, asserting that the Federal Election Campaign Act at 2 U.S.C. 439a permitted the Senator "to use excess campaign funds for any purpose he wishes . . ." The Commission's Response (AO 1982-33) concluded that the Federal Election Campaign Act made it possible for Members serving prior to January 8, 1980 to convert campaign contributions to their "personal use." The Commission noted, however, that it took no position on the application of Senate rules presented by the request, such rules not being within the Commission's jurisdiction.

The Senate Ethics Committee became aware of the Senator's campaign committee's Advisory Opinion Request and the Commission's action when newspaper articles appeared stating that Senator Williams intended to "pocket" about $70,000 in campaign contributions. Since Senate Rule 38.2 precludes Members and former Members from converting campaign contributions to their personal use, the Committee sought from Senator Williams an explanation of the use to which the campaign funds were to be put.

In December of 1982, Senator Williams and Mr. Flynn, appeared before the Committee. Senator Williams testified that all funds received from his campaign committee had been used to defray legal expenses related to the ABSCAM matter. In subsequent discussions with Ethics Committee attorneys, and in materials submitted to the Committee, Mr. Flynn has provided additional assurances that all funds derived from the campaign committee were used to defray legal expenses. He further stated that an automobile belonging to the campaign committee was either given directly to charity, or raffled off, the proceeds going to charity.

DISCUSSION

While the Committee has not received from Senator Williams and Mr. Flynn an accounting of campaign committee expenditures in complete detail, as we desire, we have seen no evidence indicating that Senator Williams' testimony was incorrect or that he "pocketed" campaign contributions. Since Senator Williams is now incarcerated in a Federal penal facility, we do not believe that Mr. Flynn will be able to secure all the relevant material that would be required to construct a full and complete accounting of expenditures from the Senator's campaign committee and further, we do not believe that this matter should remain unresolved for an indeterminate period of time.

HOLDINGS

1. We reaffirm our Interpretative Ruling No. 206 of December 11, 1978, which held that the donation of excess campaign contributions to a charitable organization is not a conversion to "personal use" prohibited by Rule 38.2. We extend that ruling to include assets held by a Senator's campaign committee.

2. We hold that the use of funds derived from Senator Williams' campaign committee to defray necessary and appropriate expenses incurred in legal proceedings related to the ABSCAM matter is not a conversion to personal use prohibited by Rule 38.2.

Accordingly, it is hereby ordered that the Committee's inquiry into this matter is terminated.

DIANA HOPE HAMILTON

Mr. DIXON. Mr. President, I would like to take this opportunity to salute an outstanding public servant, Diana Hope Hamilton, the executive director of the Northeast-Midwest Senate Coalition.

Diana is leaving the coalition to pursue a master's degree in business.

She has worked effectively with 38 Senators representing diverse political philosophies, which is no small accomplishment. She has also been able to galvanize representatives of our legislative staffs into working toward common goals that benefit the Northeast and Midwestern regions of the Nation.

Diana is an exceptional individual. She has mastered the techniques of the legislative process, while at the same time expanding the influence of the coalition.

I know of very few people who could accomplish what she has in 3 years.

The coalition is now interviewing candidates to replace Diana and we are having a difficult time finding a replacement because of the standards she met.

Along with my colleagues, I wish her well in her future endeavors and want Diana to know that we are going to miss her.

THE FUTURE OF AGRICULTURE IN 1985

Mr. KASTEN. Mr. President, I should like to call to the attention of my colleagues an article written by Mr. Ralph Hofstad, president of Land O' Lakes, Inc. This article entitled, "50-Year-Old Attitude Is No Longer Acceptable," presents a succinct overview of our Nation's agricultural policy and directions for the 1985 farm bill.

Mr. Hofstad states that in some respects agriculture is overlooked or taken for granted by the general public and policymakers alike. Considering that agriculture provides jobs for 23 million people and contributed $35 billion in exports last year to offset our national trade deficit, many U.S. citizens have yet to realize and appreciate the value of our agricultural economy.

An idea endorsed by Mr. Hofstad and others called for the establishment of a Presidential commission to study the intertwining of our agricultural policy with national policies. The result of the commission findings would be a benchmark for policy considerations included in the 1985 farm bill.

The President found favor with this idea and announced in January that the Cabinet Council on Food and Agriculture would conduct a comprehensive review and assessment of current food and agricultural policy. The Secretary of Agriculture, Mr. Block, chairs this Council.

In March, I questioned Secretary Block on the progress being made by the Cabinet Council on Food and Agriculture pertaining to preparation of the 1985 farm bill. He provided me with this information and an agenda, which outlines the objectives of the Council and the principal players involved.

Mr. President, I ask that the article written by Mr. Hofstad of Land O' Lakes, Inc., and Secretary Block's statement before the Cabinet Council on Food and Agriculture be printed in the RECORD.

The material follows:

50-YEAR-OLD ATTITUDE IS NO LONGER ACCEPTABLE

(By Ralph Hofstad)

A half a century ago, with the passage of the Agricultural Adjustment Act of 1933, our nation put into effect a set of farm policies and programs to meet the needs of the times. As a consequence, we have for the past 50 years tended to view ag policy as a self-contained body of ideas and programs with little relationship to our national and international policies and other interests. But times have changed. Significant relationships have developed.

Now, during discussion of the 1985 Farm Bill, is the time to set the situation right by producing a comprehensive, long-term food and agricultural policy that more adequately meets our current and future needs.

This new policy, in my view, must become an integral part of our foreign, trade, monetary and other policies so that various programs do not conflict with one another but, rather, recognize the interdependent relationship of one to the other. Additionally, this policy must be isolated from changes in administration and must help promote full and responsible utilization of our primary capability as a nation: the production of food.

The United States leads the world in food production for two basic reasons:

(1) Entrepreneurship of our family farm system encourages innovation and productivity.

(2) Our natural resources—vast land areas and friendly climate—provide an environment well suited for crop and animal production.

Agriculture and our entire food industry are natural treasures, our crown jewels. They regularly provide jobs for 23 million people and contributed $35 billion in exports last year as the single biggest offset to our mammoth trade deficit.

And yet, in some respects agriculture seems to be overlooked or taken for granted by the general public and policymakers alike. Even President Reagan neglected to mention our food and agricultural industry

in his State of the Union address earlier this year.

Agricultural policy must address this lack of appreciation for the contribution our food system makes to the national economy, along with three other equally significant concerns:

Widely fluctuating farm prices.

High interest rates.

Weak export marketing program.

So where do we begin in drafting such a policy? I believe we start with the establishment of a presidential commission made up of cabinet-rank officials who are concerned with domestic and foreign affairs, as well as with leaders from all sectors of the nation's food and agricultural system, including farmers and consumers.

Senator Bob Dole endorsed just such an idea in his address to the Land O'Lakes annual meeting. The senator put it this way: "I have written President Reagan to recommend creation of a presidential task force on agricultural trade and food assistance policy, to report after the November elections and before debate begins on the new farm bill. The group would be asked to set out a long-term agenda and comprehensive policy statement, and also to rationalize the cost and purpose of existing export and assistance programs."

I applaud Senator Dole's stand. One idea I believe the commission should pursue is the formation of a Federal Food and Agriculture Board patterned after the Federal Reserve Board. This board could be given wide-ranging authority and responsibility in the areas of supply, distribution, pricing and other factors. The board, like the Federal Reserve Board, wouldn't be tied to the political fortunes of a particular administration and could operate in the best interest of agriculture. I believe that the consumer, the farmer, and representatives of our food and agricultural system would very much appreciate the opportunity to get involved in such an endeavor.

The President and the Congress must act now, establish the commission, and call for its findings before the final review of the 1985 Farm Bill but after the fall election so it's not a political commission. This select group of individuals chosen to participate in this important study must be able and willing to step back and take a good, hard look at our food and agricultural treasure and all of our national policies which impact on it.

Developing a Comprehensive Dialog and Review of Agriculture and Food Programs

(By John R. Block)

Unprecedented events in the U.S. and world economies over the last three years have brought current farm policy to the forefront of discussion. The growing interdependency of agriculture and the international market over the past two decades has rendered present farm policy tools ineffective in dealing with the resultant volatility and uncertainty. It is time to look at basic policy changes that agriculture must face realistically in the long run, particularly with respect to the new omnibus farm legislation that will be up for renewal in 1985.

While there are no clear answers to what changes should be made, I know everyone feels that the policies adopted during 1985 will affect agriculture through the turn of the century. There is a genuine need for all concerned parties—farmers, consumers, and those who supply the farmer with inputs as well as process and market the product from the farm gate to the retail store—to become involved in order to find the answers to the problems confronting agriculture.

This must be a long-term effort in which everyone listens to and learns from one another about the new realities facing agriculture both domestically and internationally. We must expose misconceptions to factual evidence and consider all viable options, disregarding philosphical differences. Agriculture is the largest and most important industry in our nation we must seek to ensure it a healthy future. The evolution of the current state of agriculture highlights some of these new realities.

Evolution of the Current Crisis in Agriculture and Food Policy

During the decade of the 1970's, the volume of U.S. exports increased 150 percent in response to a growing world demand. This growth in world demand is evidenced by an increase of nearly a third in world grain consumption and a rise in oilseed consumption of over 50 percent. Spurred by improved technology, U.S. agricultural output grew about a third during the decade in order to meet the heightened demand. Farm production assets more than tripled in that time of heavy investment. As a result, principal crop acreage harvested in the U.S. increased by about 55 million acres and livestock production made a substantial gain.

This was generally a time of increasing inflation worldwide. By the end of 1980 the annual rate of inflation in the U.S. was running 12 to 14 percent and interest rates were several percentage points higher. With heavy investment and high interest rates, farm debt soared, growing from $50 billion to over $150 billion in the decade of the 1970's.

In this inflationary period, farm market prices increased substantially and support levels, tied to the costs of production, were ratcheted up to unprecedented levels. At the same time, during the 1970's a relatively weak dollar enhanced our competitive position in world trade and helped lead to major gains in world markets, most notably grain and soybeans.

This was the setting at the time the Agriculture and Food Act of 1981 was being formulated. We had just come through a period of major expansion in the export earnings of the U.S. agricultural sector. It was widely believed that the United States was the only country that could produce enough food to satisfy the world's needs. Events of the 1970's were taken as precursors of things to come. Because of inflation, high and rising world oil prices, and a weak dollar, forecasts of continued strong export demand, rising production costs, and full production seemed reasonable expectations.

We should have reasoned that there would be times when we would move off trend, due in large part to the international influence on the farm economy. International and domestic economies had become increasingly interdependent, and we had little control over some major variables such as exchange rates, growth rates, and the like. While greater volatility was a reasonable expectation in an expanding world agricultural system, we were not prepared for the events that began unfolding in 1981 and have continued through the present.

First of all, the world experienced the worst and most pervasive recession in recent memory. With this came a downturn in world demand that saw our export volume decline for the first time in 13 years. The downturn in world demand had a dramatic impact upon many of our fastest growing markets in middle and lower income countries. The decade of the 1970's had witnessed tremendous increases in debt worldwide as the rapidly growing industrial countries and the dollar-rich OPEC countries provided large volumes of credit to many of these countries. With the downturn in world trade, these countries have had great difficulty earning sufficient hard currency through their own exports to pay the interest on their debt much less maintain import levels. Concurrently, less credit was available as growth rates in major industrial countries weakened and the OPEC trade surplus disappeared. Thus, as the financial condition of many of our prominent foreign customers such as Eastern Europe, Mexico and Brazil steadily worsened, their purchases from us plummeted. Our agricultural export volume for 1983 is estimated at 12 percent below 1980—the third straight year of decline—even though value may go up by close to $3 billion.

Meanwhile, the value of the dollar steadily increased as foreign investors sought the security and high rates of return from American investments. The increase in the value of the dollar meant that our products were becoming more expensive in terms of the local currencies of our foreign customers. Thus, American products became less competitive in world markets and our volume of trade suffered.

To make matters worse, the downturn in world demand was accompanied by increased tariffs and subsidization practices by some of our major foreign competitors—most notably the European Community (EC). For example, the EC just recently increased its subsidy for wheat flour in order to take over a larger portion of the Egyptian wheat flour market. Other countries such as Japan continue their policies of limiting access of certain agricultural products through quotas and non-tariff trade barriers.

Other factors beyond anyone's control, such as the weather, also compounded our problems during this period of stagnant demand. Unusually good weather worldwide during the 1981 and 1982 growing seasons resulted in record crops at home and good crops abroad. While we are appreciative of bountiful harvests, the record harvests of 1981 and 1982 came at a time of slack demand and resulted in the largest surpluses in history. The large surpluses continued to overhang the market as we approached the 1983 crop year, and this led to reduced prices and incomes for many farmers.

By the fall of 1982, it became obvious that the traditional commodity programs were insufficient to deal with the huge surpluses on hand. In fact, certain aspects of these programs were encouraging more to be produced. A special program was needed to specifically address the immediate needs of agriculture. As a stopgap measure, the payment-in-kind program (PIK) was the best alternative avilable to deal with the record surpluses. It did not short the market and was the least costly approach since it used government stocks and secured loans as payment for the acreage taken out of production.

The worst drought in 50 years followed on the heels of the PIK program and sharply reduced 1983 crop production, especially for feed grains and soybeans. For example, the estimates of corn production was 2 billion bushels higher in July than the harvested crop. Because of record carrying, crop supplies for 1983/84 are adequate for domestic and foreign needs. However, in addition to many unprotected crop producers, livestock

and poultry producers have been financially squeezed by smaller feed supplies and rising feed prices as a consequence of the drought.

While the cause and effect of the various events that influence agriculture are often a matter of opinion, two fundamental facts are clear. First, the future is unpredictable. After witnessing world recession, record annual world grain, output, the largest acreage reduction even and the worst drought in a half a century—all in just over two years—I think few would disagree. Second, U.S. agriculture and the factors affecting it are changing as the sector becomes increasingly integrated into the domestic and internatioal economy. The agriculture and food sector has become an export sensitive sector that employs over 20 percent of the U.S. labor force and generates one-fifth of our nation's economic activity. It is no longer isolated from the development or policies of other sectors of our economy or the policies and events in other countries.

PRESIDENT REAGAN TAKES ACTION

President Reagan is well aware of the importance of agriculture in the economy. He has made special efforts to reassure the world of our role as a reliable supplier and he has eliminated the policies which have so damaged our image in major foreign markets. But he recognizes that we are in a watershed period for agriculture and food policy and we must act if we are to use this time effectively.

One of the first groups invited to meet with President Reagan at the White House in 1984 was a group of farm leaders. At that meeting on January 5, the President announced that he was charging the Cabinet Council on Food and Agriculture to conduct a comprehensive review and assessment of current food and agriculture programs. The President indicated that the purpose of this endeavor was to better prepare the Administration to participate in the debate on the future of Federal food and farm programs and policies. The President emphasized that his Administration would be seeking information and ideas from people inside and outside of government during this comprehensive review and assessment.

To understand the priority that President Reagan has placed on this review and assessment of future agriculture and food policy, it is necessary to know something about the President's decision-making process. The organizational structure that the Reagan Administration has devised for formulating policy advice builds upon a "Cabinet Government" approach.

Broad issues affecting the entire government and overall budgetary and fiscal matters are reviewed at meetings of the full Cabinet. Other issues that cross agency lines are reviewed, as appropriate, before the National Security Council or the Cabinet Councils on Economic Affairs, Commerce and Trade, Human Resources, Natural Resources and Environment, Food and Agriculture, Legal Policy, and Management and Administration.

The membership of the Cabinet Councils varies with department and agency responsibilities. The Cabinet Council on Food and Agriculture has the following membership: President Reagan, Chairman; Secretary of Agriculture, Chairman Pro Tem; Secretary of State; Secretary of Interior; Secretary of Commerce; Secretary of Transportation; U.S. Trade Representative; Director of the Office of Management and Budget; and Chairman of the Council of Economic Advisers.

The Cabinet Councils have three levels of operation. At the highest level, their meetings are chaired by the President. At working sessions, the lead Cabinet member on each Cabinet Council presides as chairman. The third level of Cabinet Council meetings involves a staff secretariat made up of representatives of each of the Cabinet Council members and headed by an executive secretary who is an employee of the White House Office of Policy Development. Once an issue is assigned to the appropriate Cabinet Council, issues should percolate upward through the system.

THE CABINET COUNCIL WORKING GROUP

In order to carry out the President's directive, we have established a Cabinet Council Working Group on Future Food and Agriculture Policy. The Working Group's mandate is three-fold; to initiate a dialogue on the future course of food and agriculture policy with interested parties inside and outside of government; to review and assess current food and farm programs; and to prepare a list of food and agriculture policy options for 1985 for consideration by the Cabinet Council on Food and Agriculture.

The Working Group is chaired by the Deputy Secretary of Agriculture, Richard E. Lyng, and consists of high-level officials from the Departments of State, Treasury, Interior, Commerce, and Transportation, the Office of the U.S. Trade Representative, the Office of Management and Budget, the Council of Economic Advisers, the White House Office of Legislative Affairs and the White House Office of Policy Development. The Executive Secretary of the Cabinet Council on Food and Agriculture serves as the executive director of the Working Group.

SETTING THE AGENDA

In February and March, the Working Group will begin an intensive internal discussion of the problems facing agriculture from the perspective of the various departments and agencies. The Department of Agriculture will begin the review and assessment with a comprehensive overview of the current conditions of the U.S. food and agriculture sector. The other agencies and departments will present their perspective on events shaping agriculture as viewed from their area of responsibility. For example, some of the issues to be discussed by respective agencies include:

Department of Treasury

What has been the impact of fiscal and monetary policy on developments in agriculture markets? What influence do exchange rates have on agricultural exports?

Department of State

What has been the contribution of aid programs to U.S. agricultural exports? Are aid recipients buying from U.S. competitors with U.S. aid dollars?

Department of Commerce

How important is agriculture to the U.S. economy? How have agricultural developments shaped the related input sectors such as machinery, fertilizer, chemicals, etc.?

Office of U.S. Trade Representative

How have current trends in protectionism shaped agriculture and what are the prospects for the future? What is the proper response to current trade problems? How have the GATT rules on international trade affected U.S. agricultural exports? Are the interests of agriculture, steel, textiles, autos and other industries compatible with a single position on trade issues?

Department of the Interior

Have commodity programs contributed to or detracted from efforts to conserve our natural resources?

Department of Transportation

How do transportation policies affect the domestic and international marketing of farm products? Do our transportation policies adequately serve the needs of rural America?

Office of Management and Budget

What has been the impact of agriculture on the budget?

Council of Economic Advisers

How important is agriculture to the U.S. economy? How much have consumers benefitted from agricultural programs? Do their outlays as taxpayers exceed their benefits as consumers in terms of abundant low cost, high quality food?

This process will give each member of the Working Group a broader perspective on the various agencies' views of agriculture. Most importantly, it will provide an opportunity to inform members of the Working Group on the new realities of the U.S. food and agriculture system. It will permit a clarification of any misconceptions concerning agriculture and its role in the economy and identify the highly controversial areas in which the Working Group may wish the subcommittees to concentrate their efforts in developing background materials. Critical unresolved differences of opinion among departments and agencies on how basic events impact agriculture warrant special attention.

SUBCOMMITTEES OF THE WORKING GROUP

In order to facilitate the development of basic factual information, the Working Group will be supported by the following subcommittees composed of representatives of interested agencies and departments:

Farm Commodity Programs (chaired by the Assistant Secretary for Economics, USDA);

International Trade and Foreign Food Assistance (chaired by the Under Secretary for International Affairs and Commodity Programs, USDA);

Resource Conservation (chaired by the Assistant Secretary for Natural Resources and Environment, USDA);

Research (chaired by the Assistant Secretary for Science and Education, USDA);

Farm Credit and Rural Development (chaired by the Under Secretary for Small Community and Rural Development, USDA); and

Feeding and Nutrition Programs (chaired by the Assistant Secretary for Food and Consumer Services, USDA).

The chairpersons of the subcommittees will assure that interested departments and agencies have an opportunity to participate in the subcommittees' work. The chairpersons also will report the results of the subcommittees' deliberations to the Working Group.

The basic responsibility of the subcommittees will be to develop detailed, factual background papers to focus the dialogue on future food and agriculture policies in areas of greatest significance. The papers should create a factual base from which to evaluate the forces shaping U.S. and world agriculture. For example, the subcommittee on farm commodity programs would develop background material on the structure of each basic commodity industry, including production characteristics, supply/use

trends, market development trends, history of government programs and the overall importance of the commodity in the U.S. and world economy. The subcommittee on international trade and foreign assistance would provide a profile of U.S. agriculture trade patterns to identify the key factors responsible for the current state of U.S. export markets. Similar factual papers will be prepared on credit programs, rural development programs, feeding programs, conservation programs and research. Subcommittee chairpersons may wish to invite expert subject matter specialists to develop background papers or make presentations to the subcommittees in the more complex and controversial areas identified during the internal Working Group review.

The subcommittees' background papers will be reviewed by the Working Group and released to the public as a basic educational document to facilitate an informed dialogue on farm program and policy options. The papers will contain no recommendations but will serve to present the issues in a factual context. The papers should be completed by the end of June.

THE SUBCOMMITTEES ROUNDTABLE DISCUSSIONS

In July through October, the subcommittees will provide an opportunity for a more detailed exchange of views on identified topics. Members of Congress, leaders of major farm organizations and commodity groups, representatives of key related industries such as fertilizer and machinery, consumer representatives and other subject matter experts will be invited to participate in these roundtable discussion sessions to further delineate the problems and options facing agriculture.

These discussions will be focused on the broad issues which affect all subsectors of the food and agriculture system. For example, in the area of commodity programs, the focus would be the impact of a selected policy tool, such as loan rates, on farm income, grain prices, livestock returns, consumer prices, exports and trade share.

SUBCOMMITTEES PREPARE LIST OF PROPOSED OPTIONS

During November, the subcommittees of the Working Group will develop detailed option papers on the basis of the dialogue at the roundtable discussions. All viable options will be carefully analyzed and the pros and cons of each alternative carefully stated to facilitate consideration by the Working Group.

WORKING GROUP PREPARES RECOMMENDATIONS TO CABINET COUNCIL

In December, the Working Group, utilizing the information provided by the subcommittees, will complete its deliberations and submit a list of recommended food and agriculture policy options to the Cabinet Council on Food and Agriculture for its consideration. After reviewing the Working Group's recommendations, the Cabinet Council will submit its recommendation on future food and agriculture policy to the President in early January 1985.

Our success in this endeavor will depend upon our commitment. We all know that our decisions are only as good as our own judgment and the information and counsel we receive from our trusted advisors. President Reagan recognizes that the strength of this nation lies with its people. Agriculture is a critical part of this nation, and food and farm programs and policies can only be enhanced by the forthright exchange of ideas whether it be in the wheat fields of Kansas, the cornfields of Illinois, the halls of Congress, the Cabinet Room of the White House or the Oval Office. The success of future foods and agriculture policies will reflect the commitment that each of us as individuals makes to ensuring the future health of agriculture.

JUDICIARY COMMITTEE TRIBUTE TO BURT WIDES

Mr. KENNEDY. Mr. President, with the departure of Burt Wides, the Senate Judiciary Committee is losing one of its most dedicated and talented counsels, and I am losing one of my most respected and valued aides. Burt is leaving the Senate for private law practice after more than a decade of outstanding service to the Senate and to the committee, and he will be greatly missed.

During his years in the Senate, Burt has dedicated himself to a wide range of issues, but most especially to civil rights. His outstanding work has earned him the gratitude of the Senate.

I and the other members of the Judiciary Committee and the Senate are deeply indebted to Burt Wides for his unique ability and his dedicated assistance to all of us. We will miss him, and we wish him well.

Mr. President, the Judiciary Committee honored Burt in a special resolution we approved at our meeting this morning, and I ask unanimous consent that it may be printed in the RECORD.

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

SENATE JUDICIARY COMMITTEE RESOLUTION COMMENDING BURT WIDES

Whereas, Burt Wides has been an outstanding and valued counsel to the Senate Judiciary Committee for thirteen years;

Whereas, Burt Wides has dedicated himself unselfishly to the highest ideals of the Constitution and laws of the United States;

Whereas, Burt Wides has rendered service of special excellence to the cause of civil rights and equal justice under law;

Whereas, but for the efforts of Burt Wides, there might not be a Voting Rights Act of the United States;

Whereas, Burt Wides has demonstrated a superiority of intellect, a consistency of purpose, a tirelessness of industry, a mastery of detail, a boldness of imagination, a richness of persistence, and an uncommonness of talent for public service in his manifold contributions to the Senate Judiciary Committee; and

Whereas, the Senate Judiciary Committee hereby notes and will long remember the longsome analyses, in-depth representations, exhaustive briefings, and permanently bent ears that Burt Wides has ceaselessly and singlehandedly conferred on each and all of us as members of the committee; now, it is therefore

Resolved, that the Senate Judiciary Committee extends its appreciation and gratitude to Burt Wides for his unique dedication to the rule of law and his superb service to the Senate Judiciary Committee and the United States Senate.

Strom Thurmond, of South Carolina, Chairman; Charles McC. Mathias, Jr., of Maryland; Paul Laxalt, of Nevada; Orrin G. Hatch, of Utah; Robert Dole, of Kansas; Alan K. Simpson, of Wyoming; John P. East, of North Carolina; Chuck Grassley, of Iowa; Jeremiah Denton, of Alabama; Arlen Specter, of Pennsylvania.

Joseph R. Biden, Jr., of Delaware, Ranking Minority Member; Edward M. Kennedy, of Massachusetts; Robert C. Byrd, of West Virginia; Howard M. Metzenbaum, of Ohio; Dennis DeConcini, of Arizona; Patrick J. Leahy, of Vermont; Max Baucus, of Montana; Howell Heflin, of Alabama.

THOMAS WOJSLAWOWICZ

Mr. BRADLEY. Mr. President, I would like to call my colleagues attention to an unusual individual in my State who was recently selected for a special honor in his community. Mr. Thomas Wojslawowicz will receive tonight the Brotherhood Award of the Bayonne Chapter of the National Conference of Christians and Jews. This award is a fitting recognition of his outstanding service—particularly to the young people of Bayonne.

Mr. Wojslawowicz has served as a teacher in the Bayonne school system and varsity swimming coach for the last 20 years. He has also been the manager of the city's swimming pools for the last 11 years. In those capacities he has given unselfishly of his time and energy to help the young people of Bayonne develop their skills as well as their character.

In addition to his professional activities, Mr. Wojslawowicz has given his time and energy to church and civic activities in particular those that have responded to the needs of older Americans and have supported the rights of the Polish people to live in freedom. He has been cited many times by different groups in Bayonne and throughout the State of New Jersey for his leadership and service.

I join with his many friends and neighbors in recognizing the efforts of Thomas Wojslawowicz.

JULIA AND GEORGE HERMANN

Mr. BRADLEY. Mr. President, on Saturday, April 28, the Beth Tikvah New Milford Jewish Center in New Milford, N.J., honored Julia and George Hermann for many years of extraordinary service to their community. Independently, Mrs. Hermann has served as president of the Sisterhood of the center and held almost every chairmanship on its board. Mr. Hermann has been president of the congregation's men's club, held many positions on the board of directors, and is now a member of the Board of Governors. As formidable as they are individually, they have joined forces to cochair the Israel bond drive. Their successful effort was honored by the State of Israel.

The Hermanns have exhibited unselfish dedication and service to their synagogue and to their community at large. I am pleased that their friends have chosen to recognize their record of accomplishments.

CONGRESSMAN EDWARD P. BOLAND WINS JOHN F. KENNEDY AWARD

Mr. KENNEDY. Mr. President, on St. Patrick's Day last March, Congressman EDWARD P. BOLAND of Massachusetts delivered an eloquent and inspiring address to the St. Patrick's Day Parade Committee in Holyoke.

The occasion was a special one, because Congressman BOLAND was being honored this year as the recipient of the committee's John F. Kennedy National Award, which is presented each year to that person of Irish descent whose life and career have made an indelible impact on society.

I know that President Kennedy would have been especially proud of the award this year to his friend EDDY BOLAND. Over the years, Congressman BOLAND has secured an outstanding reputation of service to Congress and the country. He is a respected friend and colleague to all of us, and I congratulate him on this richly-earned and well-deserved honor.

Mr. President, I ask unanimous consent that the text of Congressman BOLAND's St. Patrick Day address may be printed in the RECORD.

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

ADDRESS OF CONGRESSMAN EDWARD P. BOLAND, ST. PATRICK'S DAY PARADE COMMITTEE, HOLYOKE, MASS., MARCH 17, 1984

At the outset, let me say that no greater honor has been accorded me in public life than that which the Holyoke St. Patrick's Day Parade Committee has bestowed on me tonight.

I accept the John F. Kennedy Award with pride and humility—and shall cherish it always in memory of that great patriot whose name it bears—and in remembrance of all of you here, who are so dedicated to the great heritage with which we have been enriched.

Indeed, it's a heartwarming and exhilarating experience to share with you that great intimacy of spirit which—through the ages—has satisfied the proudest insticts of men.

That is the spirit, the faith if you will, that makes the Irish what they are.

It is a faith that down through the centuries of suffering has been the essence of Ireland's greatness.

It embedded in her nature a devotion to God, that could never be extinguished, and a love for learning, that never failed, even when access to the sources of knowledge was denied for hundreds of years.

That faith conserved for the Irish the soul of civilization.

Where nations under lessor oppression have fallen, she stood bloody but unbowed—true to her creed and true to her God.

It was the Irish poet Moore who wrote:

"Other nations have fallen and thou are still young,
Thy Sun is but rising when others have set.
And through slavery's cloud o'er thy morning hath hung,
The full moon of freedom shall beam round thee yet
Erin, O Erin, though long in the shade.
Thy star will shine out when the proudest shall fade."

In 1963, I had the special privilege of traveling to Ireland with President Kennedy.

I remember, as clearly as if it had occurred this morning, the long drive from the airport through Dublin—down O'Connell Street to the United States Embassy in Phoenix Park—and the sheer joy and adulation of the hundereds of thousands who lined the way to greet their yankee boy, was a sight that had never been seen before, and perhaps never will be again.

I stood with him in the square at New Ross where his great grandfather Patrick Kennedy was born—and in a soccer field at Wexford where a choir of boys and girls serenaded him with "We're the Boys From Wexford."

We went to Cork City and met his mother's people, the Fitzgeralds—and it was there he told the crowd:

"Coming in I met four rather angry Fitzgeralds, they said they were tired of hearing about the Kennedys in New Ross—and what about the Fitzgeralds."

"I said, that was because of my grandfather who was mayor of Boston, John F. Fitzgerald, who used to tell everybody he was from Limerick, Donegal, Donnybrook, anywhere."

At the city hall, the president introduced to the mayor and council and crowd, Larry O'Brien and Dave Powers.

He presented, "the pastor of the church I go to, who comes from Cork, Monsignor O'Mahoney.

He is the pastor of a poor humble flock in Palm Beach, Florida.

Also a congressman who represents about 85 members of the House of Representatives who are Irish, Congressman Boland from Massachusetts came with us."

On June 28th we went back to Dublin where he spoke to the Irish Parliament.

In one of his finest speeches he said:

"In an age when history moves with the tramp of earthquake feet—in an age when a handful of men and nations have the power literally to devastate mankind—in such an age, it may be asked,—how can a nation as small as Ireland play much of a role on the world stage?

"I would remind people who ask the question, including those in other small countries, of the words of one of the great orators of the English language:

"All the world owes much to the little 'five feet high' nations. The greatest art of the world was the work of little nations. The most enduring literature of the world was the work of little nations. The heroic deeds that thrill humanity through generations, were the deeds of little nations fighting for their freedom. And, oh yes, the salvation of mankind came through a little nation."

And then it was on to Eyre Square in Galway where he told the thousands gatered there:

"If the day was clear enough and if you went down to the bay and you looked west, and your sight was good enough, you would see Boston, Massachusetts.

"You send us home with the warmest memories of you and your country. So I must say that, though other days may not be so bright as we look toward the future, the brightest days will continue to be those in which we visited you in Ireland."

And finally at Shannon—as he bid his farewell and spoke about a ballad immortalized by the great Irish tenor John McCormack, the 100th anniversary of whose birth we celebrate this year:

"Last night somebody sang a song, the words of which I am sure you know: "Come back to Erin Mavourneen, Mavourneen, come back aroun' to the land of my birth. Come back with the shamrock in the springtime Mavourneen."

"This is not the land of my birth," he said, "but it is the land for which I have the greatest affection and I certainly will come back in the springtime."

There was no springtime for Jack Kennedy.

The promise is gone, but today, and for all days we shall remember the splendor of example and inspiration that, in just 1,000 days, brought reassurance and hope to all people everywhere.

I shall carry with me always the memories of that marvelous journey—with all its joy, its camardarie, and magnificence.

But the emotions that were to touch me most deeply came when I left the Presidential party at Galway.

In the early morning of June 30th, I rented a car and took off for Kerry—down through the rolling hills of Galway—across the farmlands of Clare—through Limerick to Tralee—past Anascoul and Lispole into Dingle—and then on to Glen Faun, to the west of Dingle, where my father was born.

The Sun had been shining brightly all day—but just as I arrived at Faun, the rain clouds began to hang on the horizon over the Atlantic Ocean.

I parked my car and looked out across the broad expanse of ocean—savage and restless, cold and gray—the ocean that had beckoned to my people and yours and offered the promise of a new life in a new world.

As I stood there—in the place my forebearers had inhabited for centuries, I understood that the essence of Ireland is the story of her people, and the great leaders whose lives have been indelibly etched on the pages of Irish history:

The great saints of Ireland who spread the message of the gospel—St. Patrick whose feast day we celebrate today, and who brought Christ to Ireland and changed its eternal destiny.

St. Bridget, the beloved Mary of the Gael; Bridget of Kildare—who walked the hills and dales of Ireland sowing the seeds of Christianity.

St. Colm'cille—the founder of monasteries—whose extraordinary missionary activity took him not only all over the Emerald Isle, but to the other countries of Western Europe as well.

And so many others—Wolf Tone—who, 200 years ago, preached that Ireland would never be prosperous—would never be able to take her rightful place among the nations of the world—unless she was independent—free men and free women living under their own flag.

The immortal Robert Emmett, and the dream of freedom for which he sacrificed his fortune and his life—standing in the dock of Green Street in Dublin before he was publicly beheaded—uttering that magnificent oration—and in dying becoming a symbol of heroic sacrifice on the altar of liberty.

Daniel O'Connell—that great Kerryman whose birthplace in Charicaveen I was to visit the next day—whose voice in the last century was the voice of Ireland.

Long before anyone ever heard the phrase "Human Rights", he invoked the rights of his people against the tyranny and intolerance of the crown and, with the eloquence of eternity, caused trembling in the seats of the mighty and brought dignity to the people of Ireland.

And Eamon Devalera, whose leadership rallied a struggling nation and who unified and strengthened it by the plain force of his character.

I thought of those dreadful days of the 18th century when the hunted schoolmaster, with a price on his head and hidden from house to house, gathered his little class behind a hedge, in some remote mountain glen, and fed his eager pupils the forbidden fruit of knowledge.

I thought of the hunted priest—hiding like a thief among the hills—celebrating mass for his people in some clearing while faithful sentries watched from nearby hilltops for the approach of British soldiers.

And I thought of the days of the great famine when thousands were dying, and tens of thousands of those who survived wandered aimlessly over the land—or gazed hopelessly into infinite darkness and despair.

As I stood there—with the shadows lengthening and the first drops of rain beginning to fall, I marveled at their preserverance; how they kept the flame of freedom glowing through the centuries of struggle.

Ireland bred her scholars, her artists, her statesmen, and her saints—and when they could not wage war for Ireland, they became like wild geese, and fought for freedom elsewhere in the world.

The history of the United States is replete with examples of the contributions made by the Irish to the cause of justice and human freedom.

They came here, many of them—your people and mine—in the hold of a ship; part of the "tired, the poor, the huddled masses who yearned to breathe free." They came to Holyoke and to Hungry Hill—to Boston and New York and Philadelphia—to the North, South, East and West.

They attained little of life's worldly possessions—very few ever became wealthy, powerful or famous.

They worked in the mills—in the foundries—on the railroads—they built the bridges and dug the tunnels—they carried the bricks and they shoveled the coal.

They brought up their families, went to church, and most of them, lived and died without ever acquiring those things, the world has come to associate with success.

Many of them could not read or write and yet, in their unlettered, untutored way, they inspired their sons and daughters with the deep conviction that truth cannot be circumscribed by man-made boundaries, that there are values that transcend material considerations—and that above all, love for their god and respect for each other were essential to an enduring social order.

This was their legacy of love.

This indeed is the spirit that has preserved the soul of Ireland and has brought us to this day.

I must tell you that I made my way at last to the farm of my cousin, John Boland, in Faun.

It was dusk when I knocked on the door.

It was opened by his wife, Kate, whom I had never seen before in my life and who looked at me and said: "You're Eddie Boland." I asked, "how do you know?"

"Sure", she said, "we knew Jack Kennedy was coming, and we knew he wouldn't come without you."

I entered the house and in the front room, in the most prominent place on the far wall there were three pictures—Jesus Christ, on one side—Pope Paul VI, on the other side—and in the middle, a picture of John F. Kennedy.

After visiting the Bolands, I went to Carrig to see the Cavanaughs—my mother's people.

When I parked the car and started up the path to the house, a tall, lean man about 70, stepped out of a barn about 30 yards away—he looked at me and said, "you're a Boland."

I said, "Yes, I'm Eddie Boland."

He said, "we've been waiting for you."

I went into the House with him and sure enough there were three pictures on the wall—the Savior, Pope Paul VI and Kennedy in the middle.

And so it went, For the next two days I was taken to Bally-Ferriter and Bally David, to Ventry and Dunquin, to Dingle and Charicaveen to meet everyone and anyone who wanted to shake the hand of the guy who knew Jack Kennedy.

Yes, it was a great journey, and tonight, as I draw upon those memories, I pray for Ireland, for its people and for the day when they can live in peace in a United Ireland.

That unity must come through the union of hearts and minds, not by bloodshed, conquest, or fear.

It is toward that time of peace and unity, that all of us must work, in the spirit of President Kennedy to bind up Ireland's wounds, and see Ireland one nation, prosperous and strong, nourished in peace by the great traditions that make us all proud to call ourselves Irish.

I pray also for America, this Nation of ours that has long been a beacon of hope in an uncertain and troubled world.

May we never forget that the strength of this country has been the diversity of its people—the way in which men and women of a hundred different nationalities have joined in the pursuit of a common goal while keeping alive the traditions of the homeland of their ancestors.

No group in this country has been more effective in preserving the heritage of Ireland than the Holyoke St. Patrick's Day Parade Committee.

The spirit of Ireland lives for many who will never visit that fair isle because of the magnificent annual celebrations produced by this organization.

The honor you have paid me tonight will never be forgotten. My wife Mary thanks you. My daughters Martha and Kathleen thank you. My sons Edward and Michael thank you. And I thank you from the bottom of my heart. You have touched the Boland family deeply, and we are very grateful.

REPORT OF THE NEW IRELAND FORUM

Mr. KENNEDY. Mr. President, the report of the New Ireland Forum, released yesterday in Dublin, is the most promising initiative toward peace in more than a decade of violence and conflict in Northern Ireland.

In a sense, the document is a "declaration of interdependence" for a future in which Catholic and Protestant, Nationalist and Unionist can respect each other's aspirations and live and prosper together in a better Ireland. The report may well be the last best chance to break the intensifying cycle of killing and violence in Northern Ireland and achieve true reconciliation between the two great traditions of that land.

I hope that all sides of the conflict—in Dublin and London, in Derry and Belfast—will give this opportunity for peace a chance. And I also hope that President Reagan, in his visit to Ireland next month and in his talks with British and Irish leaders, will offer the full assistance of the United States in achieving this long-sought goal.

Mr. President, I ask unanimous consent that the text of the report of the New Ireland Forum may be printed in the RECORD.

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

2 MAY 1984

NEW IRELAND FORUM REPORT

CHAPTER 1

Preface

1.1—The New Ireland Forum was established for consultations on the manner in which lasting peace and stability could be achieved in a new Ireland through the democratic process and to report on possible new structures and processes through which this objective might be achieved.

1.2—Participation in the Forum was open to call to all democratic parties which reject violence and which have members elected or appointed to either House of the Oireachtas or the Northern Ireland Assembly. Four political parties took part in the Forum: the Fianna Fail Party, the Fine Gael Party, the Labour Party and the Social Democratic and Labour Party (SDLP). These four parties together represent over ninety per cent of the nationalist population and over three-quarters of the entire population of Ireland. The parties which participated in the Forum would have greatly preferred that discussions on a new Ireland should have embraced the elected representatives of both the unionist and nationalist population. However, the Forum sought the views of people of all traditions who agreed with its objectives and who reject violence. The establishment and work of the Forum have been of historic importance in bringing together, for the first time since the division of Ireland in 1920, elected nationalist representatives from North and South to deliberate on the shape of a new Ireland in which people of differing identities would live together in peace and harmony and in which all traditions would find an honoured place and have equal validity.

1.3—The leaders of the four participating parties met on 14 and 21 April, 1983 to consider arrangements for the Forum. Those present were the Taoiseach, Dr. Garret FitzGerald, TD, Leader of the Fine Gael Party; Mr. Charles J Haughey, TD, Leader of the Fianna Fail; the Tanaiste, Mr. Dick Spring, TD, Leader of the Labour Party; and Mr. John Hume, MP, MEP, Leader of the Social Democratic and Labour Party. The Party Leaders made the following arrangements: the Chairman to be Dr. Colm o hEocha, President of University College Galway and

the Secretary to be Mr. John R. Tobin, Clerk of Seanad Eireann; the Forum would be assisted by an independent secretariat; membership of the Forum would comprise 27 members and 14 alternate members from the four parties.

1.4—The members and alternates nominated were:

Fianne Fail Party Members and Alternates:

Charles J. Haughey TD; Brian Lenihan TD; David Andrews TD; Gerry Collins TD; Eileen Lemass TD; Ray MacSharry MD; Rory O'Hanlon TD; Jim Tunney TD; John Wilson TD; Paudge Brennan TD; Jackie Fahey TD; Jimmy Leonard TD; John O'Leary TD.

Secretary: Veronica Guerin.

Fine Gael Party Members and Alternates:

Garret FitzGerald TD; Taoiseach; Peter Barry TD, Minister for Foreign Affairs; Myra Barry TD; Senator James Dooge; Paddy Harte TD; John Kelly TD; Enda Kenny TD; Maurice Manning TD; David Molony TD; Nora Owen TD; Ivan Yates TD.

Secretary: John Fanagan.

Labour Party Members and Alternates:

Dick Spring TD, Tanaiste and Minister for Energy; Frank Cluskey TD; Senator Stephen McGonagle; Frank Prendergast TD; Mervyn Taylor TD; Eileen Desmond TD; Senator Mary Robinson.

Secretary: Diarmaid McGuinness.

Social Democratic and Labour Party Members and Alternates:

John Hume MP, MEP; Seamus Mallon; Austin Currie; Joe Hendron; E. K. McGrady; Sean Farren; Frank Feely; Hugh Logue; Paddy O'Donoghue; Paschal O'Hare.

Secretary, Denis Haughey.

Proceedings of the Forum

1.5—The first session of the Forum was held in public in Dublin Castle on the 30th May 1983. It was opened by the Chairman, Colm o hEocha and was addressed by the Leaders of the four participating parties. There was a total of 28 private sessions and 13 public sessions and there were 56 meetings of the Steering Group, comprising the Chairman and the Party Leaders. In addition, sub-groups of the Forum examined in detail economic issues and the structures outlined in Chapters 6, 7 and 8.

1.6—Since the Forum was concerned to hear the widest possible range of opinion, in particular from Northern Ireland, written submissions were invited through advertisements in a wide range of newspapers, North and South. A total of 317 submissions was received from both parts of Ireland and from Britain, the United States of America, Belgium, France and Canada. These reflected many views, including those of the nationalist and unionist traditions, and covered a wide constitutional, legal, religious, educational and cultural matters. The Forum invited oral presentations from 31 individuals and groups in order to allow for further elaboration and discussion of their submissions. These sessions took place at 11 public meetings of the Forum from 20 September, 1983 to 9 February, 1984. The proceedings of these sessions have been published by the Forum. Appendix I lists the publications containing these proceedings and Appendix II lists individuals and groups who made written submissions.

1.7—A forum delegation from the four participating parties visited the North on 26/27 September, 1983, and met groups representative of a wide range of opinion. On 23/24 January, 1984, another Forum delegation held discussions in London with groups from the Conservative Party, the Labour Party, the Liberal Party and the Social Democratic Party.

1.8—The following reports, which analyse in detail different aspects of the problem, were prepared by the Forum and have been published separately: "The Cost of Violence arising from the Northern Ireland Crisis since 1969"; "The Economic Consequences of the Division of Ireland since 1920" and "A Comparative Description of the Economic Structure and Situation, North and South". These reports contribute to an understanding of the problems involved and provide an important point of reference. The following studies were commissioned by the Forum and have been published: The Macroeconomic Consequences of Intergrated Economic Policy, Planning and Co-ordination in Ireland by DKM Economic Consultants; and The Legal Systems, North and South by Professor C. K. Boyle and Professor D.S. Greer. Studies on the implications of integration in the agriculture, energy and transport sectors, prepared for the forum, are being published separately.

Acknowledgement of assistance received

1.9—The Forum records its gratitude to all who made submissions, written and oral. It acknowledges with thanks the contributions of those who acted as consultants on many aspects of the Forum's work. The very positive response to requests for assistance by the Forum and the large number of submissions and offers of help received bear striking testimony to the widespread and urgent desire among all traditions in Ireland that the Forum should succeed in contributing to peace and stability.

CHAPTER 2

Introduction

2.1—The Forum has been imbued with an overriding sense of the importance and urgency of its task. It was established against a background of deep division, insecurity and violence that threatens society, primarily in Northern Ireland but also in the Republic and to a certain extent in Britain. The continuing crisis in Northern Ireland has reached critical proportions, involving intense human suffering and misery for many thousands of people. The persistence of division and of conflict on such a scale poses a fundamental challenge to those who support and practise democratic principles as a means to resolve political problems; in particular, since Britain exercises direct responsibility, it is a serious reflection on successive British Governments. More than thirty years after European statesmen successfully resolved to set aside their ancient quarrels and to work together in the European Community, the continuation of the conflict in Northern Ireland represents a dangerous source of instability in Western Europe and a challenge to the democratic values which Europe shares in common with North America and the rest of the Western World.

2.2—The analysis by the Forum of the crisis in Northern Ireland (Chapters 3 and 4) illustrates the inherent instability of the 1920 constitutional arrangements which resulted in the arbitrary division of Ireland. Each generation since has suffered from the discrimination, repression and violence which has stemmed from those constitutional arrangements.

2.3—The study of DKM Economic Consultants shows that the economic outlook for the North is very bleak as long as the present political paralysis and violence continue. This study indicates that on the basis of foreseeable economic trends, and in the absence of a political settlement leading to an end to violence, there would be virtual stagnation in the economy and a further substantial increase in unemployment. Unemployment in the North would increase from an estimated 122,000 in 1984 to as much as 166,000 (about 32 percent of civil employment) by the 1990's. Without political progress the scale of economic and social problems will increase greatly, exacerbating a highly dangerous situation. This will make increasingly intolerable the social and economic burden for both sections of the community in the North. It will also lead to a major increase in the financial burden on Britain because of the mounting cost of security and the increased expenditure necessary to shore up the economy and living standards of the area. For the South, there will be a further diversion of resources to security where expenditure is already disproportionately greater than that of Britain, while the adverse effects on the economy, particularly of the border areas, will be prolonged.

2.4—The immediate outlook for the North is extremely dangerous unless an acceptable political solution is achieved. The long-term damage to society worsens each day that passes without political progress. In political, moral and human terms there is no acceptable level of violence. There are at present no political institutions to which a majority of people of the nationalist and unionist traditions can give their common allegiance or even acquiesce in. The fundamental social bonds which hold people together in a normal community, already tenuous in the abnormal conditions of Northern Ireland, have been very largely sundered by the events and experiences of the past fifteen terrible years. However, despite the drawing apart of the two traditions since 1969, respect for basic human values was for a time maintained within each tradition. But as sensibilities have become dulled and despair has deepened, there has been a progressive erosion of basic values which is in danger of becoming irreversible. The immense challenge facing political leaders in Britain and Ireland is not merely to arrest the cancer but to create the conditions for a new Ireland and a new society acceptable to all its people.

2.5—The need for progress toward this objective is now so urgent that there can be no justification for postponing action. A major reassessement by Britain which at present exercises direct responsibility for Northern Ireland is required. There is an overwhelming need to give urgent and sustained priority to the initiation of a political process leading to a durable solution.

2.6—The conflict inherent in the Northern situation has surfaced dramatically in the last 15 years and the situation is progressively deteriorating within the present structures. The alienation of nationalists in Northern Ireland from political and civil institutions, from the security forces and from the manner of application of the law has increased to major proportions. There is fear, insecurity, confusion and uncertainty about the future in the unionist section of the community. Northern Ireland today is characterised by the fact that neither section of the community is happy with the status quo or has confidence in or a sense of direction about the future. It is essential that any proposals for political progress should remove nationalist alienation and assure the identity and security of both unionists and nationalists. Accordingly, in the search for the basis of a political solution the British

and Irish Governments must together initiate a process which will permit the establishment and development of common ground between both sections of the community in Northern Ireland and among all the people of this island.

CHAPTER 3

Origins of the Problem

Failure of 1920 settlement

3.1—The existing political systems in Ireland have evolved from the 1920 constitutional arrangement by Britain which resulted in the arbitrary division of the country. Prior to 1920 and during many centuries of British rule, Ireland was administered as an integral political unit. The establishment of Northern Ireland as a separate political unit was contrary to the desire of the great majority of Irish people for the political unity and sovereignty of Ireland as expressed in the last all-Ireland election of 1918. That election also confirmed that the Protestants of North-East Ulster, fearful for the survival of their heritage, opposed separation of Ireland and Britain. Although the (British) Government of Ireland Act 1920 contemplated the eventual establishment of an all-Ireland Parliament within the United Kingdom, the settlement in fact entailed the partition of Ireland into two separate political units.

3.2—The Government and Parliament set up in the North were broadly acceptable to the unionist majority in the North and to the British Government; while maintaining their desire for Irish unity, when this was not attained, nationalists in the South dedicated themselves to building up the Southern state. Two groups found that their interests were not accommodated—the Northern nationalists and the Southern unionists. However, the constitutional, electoral and parliamentary arrangements in the South specifically sought to cater for the minority status of Southern unionists and did so with considerable, if not total, success. The intention underlying the creation of Northern Ireland was to establish a political unit containing the largest land area that was consistent with maintaining a permanent majority of unionists. Since they were now in a minority, the Northern nationalists were the principal victims of the arrangements and, although some hoped that the Boundary Commission would bring within the jurisdiction of the South areas of predominantly nationalist population, this did not take place.

3.3—Because of the failure of the British government to accept the democratically expressed wishes of the Irish people and because of the denial of the right of nationalists in the North to political expression of their Irish identity and to effective participation in the institutions of Government, the 1920 arrangements did not succeed. The fundamental defects in the resulting political structures and the impact of ensuing policy led to a system in the North of supremacy of the unionist tradition over the nationalist tradition. From the beginning, both sections of the community were locked into a system based on sectarian loyalties.

3.4—The failure of the arrangements was clearly acknowledged by the British Government and Parliament of Northern Ireland, established under the Government of Ireland Act, 1920, with direct rule. The subsequent Northern Ireland Constitution Act, 1973, was intended to provide a framework for agreed government in Northern Ireland but, following the collapse in 1974 of the ensuing Sunningdale arrangements, many of the provisions of the 1973 Act have been effectively in abeyance. Thus, over 60 years after the division of Ireland, workable and acceptable political structures have yet to be established in the North.

Consequence of the division of Ireland up to 1968

3.5—During the Home Rule for Ireland debates in the British Parliament in 1912, many arguments were advanced by British political leaders in favour of maintaining the unity of Ireland. The British Government had introduced a Bill that proposed to give Ireland a separate Parliament with jurisdiction over her internal affairs while reserving power over key issues. However, faced with the unionist threat to resist this Bill by unlawful force, the British Government and Parliament backed down, and when the Government of Ireland Act of 1914 was placed on the statute book in Westminster, there was a provision that it would not come into operation until after Parliament had an opportunity of making provision for Ulster by special amending legislation. The message—which was not lost on unionists—was that a threat by them to use violence would succeed. To the nationalists the conclusion was that the democratic constitutional process was not to be allowed to be effective. This legacy continues to plague British-Irish relations today.

3.6—Although partition was established by the British Parliament in the Government of Ireland Act, 1920, that Act also made provision for the two parts of Ireland coming together again, and it sought to encourage this process through a Council of Ireland. In the period immediately after 1920, many saw partition as transitory. It soon became clear, however, that successive British Governments were in practice willing to allow a system of untrammelled one-party rule in Northern Ireland to be exercised by and on behalf of the majority unionist population. Not only were the wishes of the people of the rest of Ireland as a whole discounted but the identity of nationalists in the north were disregarded.

3.7—Since its establishment, partition has continued to overshadow political activity in both parts of Ireland. The country as a whole has suffered from this division and from the absence of a common purpose. The division has absorbed the energies of many, energies that otherwise would have been directed into constructing an Ireland in which nationalists and unionists could have lived and worked together. Instead of a positive interaction of the unionist and nationalist traditions, the emphasis in both parts of Ireland was on the predominant value system of each area, leading to a drifting apart in laws and practices. The most tragic measure of the Northern Ireland crisis is the endemic violence of the situation. Moreover, the situation has persistently given rise to tensions and misunderstandings in the British-Irish relationship in place of the close and harmonious relationship that should normally exist between neighboring countries that have so much in common.

3.8—In its report, The Economic Consequences of the Division of Ireland since 1920, the Forum noted that division gave rise to considerable economic costs, North and South. For example, in the absence of co-ordinated long-term planning, capital investment in areas such as energy, education and health has entailed considerable duplication of expenditure. The impact on areas contiguous to the border was particularly adverse. Not only were they detached from their trading hinterlands, but the difficulties of their location were worsened by their transformation into peripheral regions at the dividing line of two new administrative units. Had the division not taken place, or had the nationalist and unionist traditions in Ireland been encouraged to bring it to an end by reaching a mutual accommodation, the people of the whole island would be in a much better position to benefit from its resources and to meet the common challenges that face Irish society, North and South, towards the end of the 20th century.

3.9—Since 1922, the identity of the nationalist section of the community in the North has been effectively disregarded. The symbols and procedures of the institutions to which nationalists are required to give allegiance have been a constant reminder of the denial of their identity. Apart from a few local authorities and the power-sharing Executive which was briefly in being following the Sunningdale Agreement in 1973, they have had virtually no involvement in decision-making at the political levels. For over 50 years they lived under a system of exclusively unionist power and privilege and suffered systematic discrimination. They were deprived of the means of social and economic development, experienced high levels of emigration and have always been subject to high rates of unemployment. The consequences of this policy became particularly evident in those areas which have a predominantly nationalist population.

3.10—Unionists had to cope with a situation which was not their first choice. Originally, they opposed change and sought to keep all of Ireland in the United Kingdom. They later opposed Home Rule and then independence for the whole island. In the event, the South became a Dominion, and later a Republic outside the Commonwealth. Provision was made for the two parts of Ireland to come together in a Council of Ireland but the North was also given the option not to be part of the New Irish State and to revert to the United Kingdom. This option was exercised at once and the North found itself with a Home Rule devolved government which it had not sought. From the beginning, unionist insecurity in regard to their minority position in the island as a whole had a profound effect on the manner in which political structures were organised in the North. Political dialogue with the nationalist was avoided for fear of undermining the unionist system of exclusive power and privilege. Fears were stimulated of forcible absorption of unionists into an all-Ireland Republic, dominated as unionists saw it by a Roman Catholic and a Gaelic ethos. Those fears led many unionists to equate Roman Catholicism with nationalism and to regard the nationalist minority in the North as a threat to the survival of their power and privilege.

3.11—As a result, the people in both sections of the community lived under the shadow of sectarian politics and the fear of domination of one tradition by the other.

3.12—Irish nationalism found sovereign and international expression in partial fulfilment of its objectives through the establishment of an independent, democratic state in the South. Since 1922, the primary efforts of successive Governments have been concentrated on consolidation and development of the State which has a record of significant achievement. The process of development of an institutional and legal framework, of international assertion of sovereignty, and of concentration on industrial, economic and social development resulted, however, in insufficient concern for

the interests of the people of Northern Ireland. Efforts were made from time to time by all nationalist parties to highlight the effects of the partition of the country, and the injustices which the nationalist population of the North had to suffer, without response from successive British Governments. Moreover, the experience of partition has meant that for two generations there has been no unionist participation in political structures at an all-Ireland level. Rather, the Southern state has evolved without the benefit of unionist influence.

Consequences of the crisis since 1969

3.13—Since 1969, Northern Ireland has endured a sustained political crisis. This crisis has been different from previous manifestations of the underlying problem, not only because of the scale of the violence, but also because the crisis has shown no signs of early resolution. On the contrary, the political conflict underlying the violence has worsened and will continue to so unless there is urgent action to bring about significant political progress.

3.14—The present crisis in the North arose when non-violent campaigns in the late 1960's for basic civil rights and for an end to systematic discrimination in the areas of electoral rights, housing and employment were met with violence and repression. Even modest steps towards dialogue and reform undertaken by the unionist administration of Northern Prime Minister, Terence O'Neill met with vigorous opposition from certain sections of unionist opinion. Some of that opposition found expression in sectarian attacks against nationalists and bomb attacks on public utilities. The partial attitude of the local institutions of law and order, especially the B-Special Constabulary, resulted in failure to protect the nationalist population against sectarian attacks, which were particularly virulent in West Belfast. The conditions were thus created for revival of a hitherto dormant IRA which sought to pose as the defenders of the nationalist people. The resulting conflict gave rise to the deployment of the British Army on the streets of Northern Ireland in 1969.

3.15—The British Army was initially welcomed by the nationalist population as providing protection from sectarian attacks. However, the relationship between the nationalist population and the British Army deteriorated shortly afterwards. This was due to insensitive implementation of security measures in nationalist areas and a series of incidents in which the British Army was no longer perceived by nationalists to be acting as an impartial force. 1970 was thus a critical turning point and the experience of nationalists then and subsequently has profoundly influenced their attitudes, especially in regard to security. Among the major incidents which contributed to this alienation were the three-day curfew imposed on the Falls Road in June 1970; the internment without trial in August, 1971 and of hundreds of nationalists; the subsequent revelation that some of those taken into custody on that occasion were subjected to treatment later characterized by the Strasbourg Court of Human Rights as "inhuman and degrading"; the shooting dead of 13 people in Derry by British paratroopers in January 1972; and the beatings and ill-treatment of detainees in Castlereagh Barracks and Gough Barracks in 1977/78, subsequently condemned in the official British Bennett report.

3.16—Some hope of an improvement in the plight of nationalists followed the introduction of direct rule by Westminster in 1972. Negotiations in 1973 between the Northern parties and subsequently at Sunningdale between the Irish and British Governments, with Northern nationalist and unionist participation, brought about the short-lived Executive in which nationalists and unionists shared power in Northern Ireland. Provision has also been made as part of the Sunningdale Agreement for a new North-South dimension through a Council of Ireland. Both the Irish and British Governments made declarations on the status of Northern Ireland in which the Irish Government recognized that there could be no change in the status of Northern Ireland until a majority there desired it and the British Government affirmed that if in the future the majority of the people of the North should indicate a wish to become a part of a united Ireland, the British Government would support that wish. However, faced with extremist action by a section of the unionist community, a new British Government in 1975 failed to sustain the Sunningdale Agreement. The collapse of the Sunningdale arrangements dashed the hopes of nationalists and seriously damaged the prospects of achieving peace and stability in Northen Ireland. It recalled the earlier backdown of 1914: to unionists it reaffirmed the lesson that their threat to use force would cause British Governments to back down; to nationalists it reaffirmed their fears that agreements negotiated in a constitutional framework would not be upheld by British Governments in the face of force or threats of force by unionists.

3.17—Until the Downing Street Declaration in 1969, the plight of Northern nationalists was ignored by successive British Governments and Parliaments. However, notwithstanding the attempts to remedy some of the worst aspects of discrimination and the introduction of direct rule from London in 1972, the structures in Northern Ireland are such that nationalists are still discriminated against in social, economic, cultural and political terms. Their representation and influence in the private and public structures of power remain very restricted. There is, in practice, no official recognition of their identity nor acceptance of the legitimacy of their aspirations. In the economic sphere, as the reports of the Fair Employment Agency have shown, discrimination against Catholics in employment persists. Their day-to-day experience reinforces nationalist convictions that justice and effective exercise of their rights can come only from a solution which transcends the context of Northern Ireland and which provides institutions with which they can identify.

3.18—Despite the British Government's stated intensions of obtaining political consensus in Northern Ireland, the only policy that is implemented in practice is one of crisis management, that is, the effort to contain violence through emergency measures by the military forces and the police and through extraordinary judicial measures and a greatly expanded prison system. The framework within which security policies have operated and their often insensitive implementation have, since 1974, deepened the sense of alienation of the nationalist population. Inevitably, as during the 1980/81 hunger strikes when the warnings of constitutional nationalists were ignored by the British Government, security issues have been exploited by the paramilitaries in order to intensify alienation and with a view to increasing their support. Such alienation threatens the civilized life and values of entire communities and undermines the belief that democratic policies alone can offer peace, justice and stability.

3.19—The paramilitary organizations of both extremes feed on one another and on the insensitivity of British policy and its failure to provide peace and stability. Their message is one of hatred and of suppression of the rights of those of the other tradition. Their actions have caused appalling loss of life, injury, damage to property and considerable human and economic loss to the people of both traditions. They succeed only in sowing fear, division and distrust within the whole community.

3.20—The negative effect of IRA violence on British and unionist attitudes cannot be emphasized enough. Their terrorist acts create anger and indignation and a resolve not to give into violence under any circumstances. They have the effect of stimulating additional security measures which further alienate the nationalist section of the community. They obscure the underlying political problem. They strengthen extremist unionist resistance to any form of dialogue and accommodation with nationalists. Similarly, terrorist acts by extreme loyalist groups which affect innocent nationalist people have a correspondingly negative impact on nationalist attitudes. The involvement of individual members of the security forces in a number of violent crimes has intensified this impact. Every act of murder and violence makes a just solution more difficult to achieve. The greatest threat to the paramilitary organizations would be determined constitutional action to reach and sustain a just and equitable solution and thus to break the vicious circle of violence and repression. No group must be permitted to frustrate by intimidation and threats of violence the implementation of a policy of mutual accommodation.

3.21—The Forum's report, The Cost of Violence arising from the Northern Ireland Crisis since 1969, has attempted to quantify the human loss and economic costs of violence and political instability in the North. The most tragic loss is that of the deaths of over 2,300 men, women and children. These deaths in an area with a population of one and one half million are equivalent in proportionate terms to the killing of approximately 84,000 in Britain, 83,000 in France or 350,000 in the United States of America. In addition, over 24,000 have been injured or maimed. Thousands are suffering from psychological stress because of the fear and tension generated by murder, bombing, intimidation and the impact of security measures. During the past 15 years, there have been over 43,000 recorded separate incidents of shootings, bombings and arson. In the North the prison population has risen from 686 in 1967 to about 2,500 in 1983 and now represents the highest number of prisoners per head of population in Western Europe. The lives of tens of thousands have been deeply affected. The effect on society has been shattering. There is hardly a family that has not been touched to some degree by death, injury or intimidation. While the South and Britain have not suffered on the same scale, they too have been affected directly by the violence—by bombings, armed robberies and kidnapping and by other acts resulting in deaths, maiming and threats to security; they have also had to bear a significant price in terms of extraordinary security and judicial measures.

3.22—As that report also shows the economic and financial costs have been very high. They include additional security costs

and compensation for deaths, injuries and considerable damage to property. Since 1969 the estimated total direct costs, in 1982 prices, is IRL 5,500 million (1) incurred by the British Exchequer in respect of the North and IRL 1,100 million (2) incurred by the Irish Exchequer in the South. Over the past 15 years the violence has destroyed opportunities for productive employment, severely depressed investment that could have led to new jobs and greater economic well-being, and greatly damaged the potential of tourism. These further indirect costs in terms of lost output to the economies of the North and the South could be as much as IRL 4,000 million (3) and IRL 1,200 million (4), respectively, in 1982 prices.

(1) Equivalent to Stg.4,507m. or US$6,501m at current (30 March 1984) exchange rates.

(2) Equivalent to Stg.901m. or US$1,300m at current (30 March 1984) exchange rates.

(3) Equivalent to Stg.3,278m. or US$4,728m at current (30 March 1984) exchange rates.

(4) Equivalent to Stg.983m. or US$1,418m at current (30 March 1984) exchange rates.

CHAPTER 4

Assessment of the Present Problem

Assessment of recent British policy

4.1—The present formal position of the British Government, contained in Section 1 of the Northern Ireland Constitution Act, 1973, is that the only basis for constitutional change in the status of Northern Ireland within the United Kingdom is a decision by a majority of the people of Northern Ireland. In practice, however, this has been extended from consent to change in the constitutional status of the North within the United Kingdom into an effective unionist veto on any political change affecting the exercise of nationalist rights and on the form of government for Northern Ireland. This fails to take account of the origin of the problem, namely the imposed division of Ireland which created an artificial political majority in the North. It has resulted in a political deadlock in which decisions have been based on sectarian loyalties. Sectarian loyalties have thus been reinforced and the dialogue necessary for progress prevented. The Sunningdale Agreement of 1973 introduced dialogue and partnership to the Government of Northern Ireland. However, the hopes thus raised were dashed by a number of factors, amongst them the refusal of the then British Government to support the power-sharing Executive in the face of loyalist extremist disruption.

4.2—Since the Sunningdale Agreement of 1973, several initiatives have been undertaken, in response to circumstances, with the states aim of resolving the problem in a context limited to Northern Ireland. These initiatives foundered largely because the problem itself transcends the context of Northern Ireland. It is only in a fundamental change of context that the effective exercise on an equal basis of the rights of both nationalists and unionists can be permanently ensured and their identities and the traditions accommodated. Although the policy of the British Government was to favour power-sharing, there was no firm determination to insist on implementation of this policy in practice. Nor was recognition of the Irish identity of Northern nationalists given any practical expression. Thus it is that initiatives, which may give the appearance of movement and flexibility to domestic and international opinion, have been inadequate though not addressing the fundamental nature of the problem. Instead the crisis has been addressed as a security problem and the political conditions which produced the conflict and sustain the violence have in effect been ignored.

4.3—The immobility and short-term focus of British policy—the fact that it has been confined to crisis management and does not take account of fundamental causes—is making an already dangerous situation worse. There is increasing frustration with the state of political paralysis, uncertainty as to long-term British intentions and growing mutual distrust between both sections of the community. The failure to provide the nationalist population of the North with any constructive means of expressing its nationalism and its aspirations is undermining constitutional politics. The net effect of existing policy is to drive both sections of the community in Northern Ireland further apart, alienating them from each other and providing a breeding ground for despair and violence. It has thus contributed to the emergence in both sections of the community of elements prepared to resort to violence, on the one side to preserve, and on the other to change the existing constitutional position.

4.4—The problem of security is an acute symptom of the crisis in Northern Ireland. Law and order in democratic countries and, in particular, the introduction of emergency measures depend on a basic consensus about society itself and its institutions. Present security policy has arisen from the absence of political consensus. In Northern Ireland, extraordinary security actions have taken place that call into question the effectiveness of the normal safeguards of the legal process. This has led to harassment of the civilian population by use of abnormally wide powers of arrest and detention, exercised not for the purpose of bringing suspects before a court of justice and making them amenable to a process of law but for the purpose of gathering information and unjustifiably invading the privacy of a person's life; e.g. between 1978 and 1982 more than 22,000 people were arrested and interrogated, the vast majority being released without charge. This has the consequence that the availability of legal remedy of habeas corpus in Northern Ireland is in practice extremely limited. It has also at different periods led to the use of internment without trial combined with inhuman interrogation methods that have been found to be in breach of the European Convention on Human Rights; the trial and conviction of people on evidence of paid informers; the use of plastic bullets; and killings by some members of the security forces in doubtful circumstances. The various measures were introduced on the basis that they were essential to defeat terrorism and violent subversion, but they have failed to address the causes of violence and have often produced further violence.

4.5—Nationalists, for the most part, do not identify with the police and the security forces. It is clear that the police will not be accepted, as they are in a normal democratic society, by the nationalist section of the community nor will they themselves feel confident in their relations with nationalists, until there is a change in the political context in which they have to operate.

Nationalist identity and attitudes

4.6—The parties in the Forum, representing a large majority of the people of Ireland, reaffirm that their shared aim of a united Ireland will be pursued only by democratic political means and on the basis of agreement. For nationalists, a central aim has been the survival and development of an Irish identity, an objective that continues in Northern Ireland today as nationalists seek effective recognition of their Irish identity and pursue their rights and aspirations through political means. For historical reasons, Irish nationalism may have tended to define itself in terms of separation from Britain and opposition to British domination of Ireland. The positive vision of Irish nationalism, however, has been to create a society that transcends religious differences and that can accommodate all traditions in a sovereign independent Ireland united by agreement. The aim of nationalists, therefore, in seeking Irish unity is to develop and promote an Irishness that demonstrates convincingly to unionists that the concern of the unionist and Protestant heritage can be accommodated in a credible way and that institutions can be created which would protect such concerns and provide fully for their legitimate self-expression.

4.7—The division of Ireland inevitably gave rise to the unconscious development in both parts of Ireland of partitionist attitudes on many political, economic, cultural and social questions of importance, diminishing significantly the development of a prosperous democratic society on the whole of the island. Such attitudes persist up to the present day. However, the tragedy of Northern Ireland and the suffering of the people there has stimulated among nationalists in both parts of Ireland a new consciousness of the urgent need for understanding and accommodation. The work of the Forum has underlined the urgent need for sustained efforts and practical steps in the political, economic, cultural and social spheres to transform the present nationalist/unionist relationship and to promote and secure consensus. In addition, both parts of Ireland, North and South, face a number of economic and social realities which contribute to the sense of urgency in providing for a political solution. These include the demographic profile of the population and the very high unemployment rate in both parts of the island and the problem of steady emigration from Northern Ireland of a substantial proportion of educated young people.

Unionist identity and attitudes

4.8—Unionists have tended to view all form of nationalist self-expression as being directed aggressively against them and the North's status within the United Kingdom. Although the true nationalist ideal rejects sectarianism and embraces all the people of Ireland whatever their religion, Northern Protestants fear that their civil and religious liberties and their unionist heritage would not survive in a united Ireland in which Roman Catholicism would be the religion of the majority of the population. They base this fear on a number of factors including the diminution of the numbers of Southern Protestants since partition and the perception that the Constitution and certain laws in the South unduly favour the ethos of the predominant religion. The Forum has attempted not only to determine "what do unionists seek to prevent?" but also "what do they seek to protect?". What they seek to prevent varies to some degree but includes: an all-Irish State in which they consider that the Roman Catholic Church would have undue influence on moral issues, the breaking of the link with Britain; and loss of their dominant position consequent upon giving effective recogni-

tion to the more important question of "what do unionists seek to protect?" and to identify what qualities in the unionist ethos and identity must be sustained, nationalists must first of all acknowledge that unionists, sharing the same island, have the same basic concerns about stability and security as nationalists. The major difference between the two traditions lies in their perceptions of how their interests would be affected by various political arrangements. These perceptions have been largely formed by different historical experiences and communal values.

4.9—In public sessions of the Forum, contributors who put forward the unionist point of view were asked "what is it that the unionists wish to preserve?". Three elements were identified in their replies:

(1) Britishness;

(2) Protestantism;

(3) The economic advantages of the British link.

The degree of emphasis on each of these three elements varied among those who made submissions.

4.9.1—Unionists generally regard themselves as being British, the inheritors of a specific communal loyalty to the British Crown. The traditional nationalist opposition to British rule is thus seen by unionists as incompatible with the survival of their own sense of identity. Unionists generally also regard themselves as being Irish even if this does not include a willingness to live under all-Ireland political institutions. However, many of them identify with Ireland and with various features of Irish life and their culture and way of life embrace much that is common to people throughout Ireland.

4.9.2—The Protestant tradition, which unionism seeks to embody, is seen as representing a particular set of moral and cultural values epitomised by the concept of liberty of individual conscience. This is often accompanied by a Protestant view of the Roman Catholic ethos as being authoritarian and as less respectful of individual judgement. There is a widespread perception among unionists that the Roman Catholic Church exerts or seeks to exert undue influence in regard to aspects of the civil and legal organisation of society which Protestants consider to be a matter for private conscience. Despite the implicit separation of Church and State in the 1937 Constitution, many unionists hold the view that the Catholic ethos has unduly influenced administration in the South and that the latter, in its laws, attitudes and values has not reflected a regard for the ethos of Protestants living there.

4.9.3—There is also an economic concern in the perception of unionists in the North which is shared by nationalists. Studies by the Forum show that while living standards, North and South, are now broadly comparable, the North is heavily dependent on and its economy sustained by, the financial subvention from Britain. While a settlement of the conflict entailing an end to violence and the dynamic effects of all-Ireland economic integration would bring considerable economic benefits reconstruction of the Northern Ireland economy and the maintenance of living standards in the meantime would require the continued availability of substantial transfers from outside over a period of years, whether from Britain, the European Community, and the United States of America, or from Ireland as a whole.

4.10—There are other factors that are important in understanding the unionist opposition to a united Ireland. Among unionists there are fears, rooted in history and deriving from their minority position in Ireland as a whole. In more recent times the campaign of IRA violence has intensified those fears. Tensions have also arisen in regard to the South's extradition laws. There are similar fears in the nationalist tradition, based on experience of discrimination, repression and violence. In modern times, the unionist sense of being besieged has continued. Unionist leaders have sought to justify their opposition to equal treatment for nationalists in Northern Ireland on the basis that the demand for political expression of the nationalist identity, no matter how reasonable and justified, would lead to nationalist domination over the unionist population in a united Ireland.

Need for accommodation of both identities in a new approach

4.11—The Forum rejects and condemns paramilitary organisations and all who resort to terror and murder to achieve their ends. It strongly urges people in Ireland of all traditions and all those who are concerned about Ireland elsewhere in the world to refuse any support or sympathy to these paramilitary bodies and associated organisations. The acts of murder and violence of these organisations and their denial of the legitimate rights of others, have the effect of undermining all efforts to secure peace and political progress. Constitutional nationalists are determined to secure justice for all traditions. The Forum calls for the strong possible support for political progress through the democratic process.

4.12—Before there can be fundamental progress a major reassessment by Britain of its position is now essential. Underlying British thinking is the fear that the risks of doing something to tackle the fundamental issues are greater than the risks of doing nothing. This is not the case. The situation is daily growing more dangerous. Constitutional politics are on trial and unless there is action soon to create a framework in which constitutional politics can work, the drift into more extensive civil conflict is in danger of becoming irreversible, with further loss of life and increasing human suffering. The consequences for the people in Northern Ireland would be horrific and it is inconceivable that the South and Britain could escape the serious threats to stability that would arise. With each day that passes, political action to establish new structures that will resolve the fundamental problems become more pressing. Such political action clearly carries less risk than the rapid growing danger of letting the present situation drift into further chaos.

4.13—The new Ireland must be a society within which, subject only to public order, all cultural, political and religious belief can be freely expressed and practiced. Fundamental to such a society are freedom of conscience, social and communal harmony, reconciliation and the cherishing of the diversity of all traditions. The criteria which relate to public legislation may not necessarily be the same as those which inform private morality. Furthermore public legislation must have regard for the conscientious beliefs of different minority groups. The implementation of these principles calls for deepening and broadening of the sense of Irish identity. No one living in Ireland should feel less at home than another or less protected by law than his or her fellow citizen. This implies in particular, in respect of Northern Protestants, that the civil and religious liberties that they uphold and enjoy will be fully protected and guaranteed and their sense of Britishness accommodated.

4.14—It is clear that a new Ireland will require a new constitution which will ensure that the needs of all traditions are fully met. Society in Ireland as a whole comprises a wider diversity of cultural and political traditions than exists in the South, and the constitution and laws of a new Ireland must accommodate these social and political realities.

4.15—The solution to both the historic problem and the current crisis of Northern Ireland and the continuing problem of relations between Ireland and Britain necessarily requires new structures that will accommodate together two sets of legitimate rights: The rights of nationalists to effective political, symbolic and administrative expression of their identity; and the right of unionists to effective political symbolic and administrative expression of their identity, their ethos and their way of life.

So long as the legitimate rights of both unionists and nationalists are not accommodated together in new political structures acceptable to both, that situation will continue to give rise to conflict and instability. The starting point of genuine reconcilation and dialogue is mutual recognition and acceptance of the legitimate rights of both. The Forum is convinced that dialogue which fully respects both traditions can overcome the fears and divisions of the past and create an atmosphere in which peace and stability can be achieved.

4.16—A settlement which recognises the legitimate rights of nationalists and unionists must transcend the context of Northern Ireland. Both London and Dublin have a responsibility to respond to the continuing suffering of the people of Northern Ireland. This requires priority attention and urgent action to halt and reverse the constant drift into more violence, anarchy and chaos. It requires a common will to alleviate the plight of the people, both nationalists and unionists. It requires a political framework within which urgent efforts can be undertaken to resolve the underlying causes of the problem. It requires a common determination to provide conditions for peace, stability and justice so as to over come the inevitable and destructive reactions of extremists on both sides. Both governments, in co-operation with representatives of democratic nationalist and unionist opinion in Northern Ireland, must recognise and discharge their responsibilities.

CHAPTER 5

Framework For A New Ireland: Present Realities and Future Requirements

5.1—The major realities identified in the Forum's analysis of the problem, as set out in earlier chapters, may be summarised as follows:

(1) Existing structures and practices in Northern Ireland have failed to provide either peace, stability or reconciliation. The failure to recognise and accommodate the identity of Northern nationalists has resulted in deep and growing alienation on their part from the system of political authority.

(2) The conflict of nationalist and unionist identities has been concentrated within the narrow ground of Northern Ireland. This has prevented constructive interaction between the two traditions and fostered fears, suspicions and misunderstandings.

(3) One effect of the division of Ireland is that civil law and administration in the South are seen, particularly by unionists, as being unduly influenced by the majority

ethos on issues which Protestants consider to be a matter for private conscience and there is a widespread perception that the South in its laws, attitudes, and values does not reflect a regard for the ethos of Protestants. On the other hand, Protestant values are seen to be reflected in the laws and practices in the North.

(4) The present formal position of the British Government, namely the guarantee, contained in Section 1 of the Northern Ireland Constitution Act, 1973, has in its practical application had the effect of inhibiting the dialogue necessary for political progress. It has had the additional effect of removing the incentive which would otherwise exist on all sides to seek a political solution.

(5) The above factors have contributed to conflict and instability with disastrous consequences involving violence and loss of life on a large scale in Northern Ireland.

(6) The absence of political consensus, together with the erosion of the North's economy and social fabric, threatens to make irreversible the drift into more widespread civil conflict with catastrophic consequences.

(7) The resulting situation has inhibited and placed under strain the development of normal relations between Britain and Ireland.

(8) The nationalist identity and ethos comprise a sense of national Irish identity and a democratically founded wish to have that identity institutionalised in a sovereign Ireland united by consent.

(9) The unionist identity and ethos comprise a sense of Britishness, allied to their particular sense of Irishness and a set of values comprising a Protestant ethos which they believe to be under threat from a Catholic ethos, perceived as reflecting different and often opposing values.

(10) Irish nationalist attitudes have hitherto in their public expression tended to underestimate the full dimension of the unionist identity and ethos. On the other hand, unionist attitudes and practices have denied the right of nationalists to meaningful political expression of their identity and ethos.

(11) The basic approach of British policy has created negative consequences. It has shown a disregard of the identity and ethos of nationalists. In effect, it has underwritten the supremacy in Northern Ireland of the unionist identity. Before there can be fundamental progress Britain must re-assess its position and responsibility.

5.2.—Having considered these realities, the Forum proposes the following as necessary elements of a framework within which a new Ireland could emerge:

(1) A fundamental criterion of any new structures and processes must be that they will provide lasting peace and stability.

(2) Attempts from any quarter to impose a particular solution through violence must be rejected along with the proponents of such methods. It must be recognised that the new Ireland which the Forum seeks can come about only through agreement and must have a democratic basis.

(3) Agreement means that the political arrangements for a new and sovereign Ireland would have to be freely negotiated and agreed to by the people of the North and by the people of the South.

(4) The validity of both the nationalist and unionist identities in Ireland and the democratic rights of every citizen on this island must be accepted; both of these identities must have equally satisfactory, secure and durable, political, administrative and symbolic expression and protection.

(5) Lasting stability can be found only in the context of new structures in which no tradition will be allowed to dominate the other, in which there will be equal rights and opportunities for all, and in which there will be provision for formal and effective guarantees for the protection of individual human rights and of the communal and cultural rights of both nationalists and unionists.

(6) Civil and religious liberties and rights must be guaranteed and there can be no discrimination or preference in laws or administrative practices, on grounds of religious belief or affiliation; government and administration must be sensitive to minority beliefs and attitudes and seek consensus.

(7) New arrangements must provide structures and institutions including security structures with which both nationalists and unionists can identify on the basis of political consensus; such arrangements must overcome alienation in Northern Ireland and strengthen stability and security for all the people of Ireland.

(8) New arrangements must ensure the maintenance of economic and social standards and facilitate, where appropriate, integrated economic development, North and South. The macro-economic and financial implications are dealt with in a study by DKM Economic Consultants published with this Report, which is based on a range of assumptions with regard to the availability of external financial transfers.

(9) The cultural and linguistic diversity of the people of all traditions, North and South, must be preserved and fostered as a source of enrichment and vitality.

(10) Political action is urgently required to halt disillusionment with democratic politics and the slide towards further violence. Britain has a duty to respond *now* in order to ensure that the people of Northern Ireland are not condemned to yet another generation of violence and sterility. The parties in the Forum by their participation in its work have already committed themselves to join in a process directed towards that end.

5.3.—It is clear that the building of a new Ireland will require the participation and co-operation of all the people of Ireland. In particular, it is evident that the people of the South must wholeheartedly commit themselves and the necessary resources to this objective. The parties in the Forum are ready to face up to this challenge and to accommodate the realities and meet the requirements identified by the Forum. However, Britain must help to create the conditions which will allow this process to begin. The British Government have a duty to join in developing the necessary process that will recognize these realities and give effect to these requirements and thus promote reconciliation between the two major traditions in Ireland and to make the required investment of political will and resources. The British and Irish Governments should enter into discussions to create the framework and atmosphere necessary for this purpose.

5.4.—Among the fundamental realities the Forum has identified is the desire of nationalists for a united Ireland in the form of a sovereign, independent Irish State to be achieved peacefully and by consent. The Forum recognizes that such a form of unity would require a general and explicit acknowledgement of a broader and more comprehensive Irish identity. Such unity would, of course, be different from both the existing Irish State and the existing arrangements in Northern Ireland because it would necessarily accommodate all the fundamental elements in both traditions.

5.5—The Parties in the Forum are convinced that such unity in agreement would offer the best and most durable basis for peace and stability. In particular, it would have a number of advantages and attractions:

It would restore the historic integrity of Ireland and end the divisions in the country.

It would enable both traditions to rediscover and foster the best and most positive elements in their heritages.

It would provide the most promising framework for mutual interaction and enrichment between the two traditions.

It would give unionists the clearest sense that all of Ireland, in all its dimensions, and not just Northern Ireland, is their inheritance and the opportunity to share in the leadership and shape the future of a new Ireland.

It would end the alienation and deep sense of injustice felt by nationalists.

It would provide a framework within which agreed institutions could apply economic policies suited to the particular and largely similar circumstances and interests of both parts of the country, and in which economies of scale and the possibilities of integrated planning could be fully exploited.

It would best allow for the advancement internationally of the particular and largely common interests of Ireland, North and South and for the contribution, based on distinctive shared values, which the people of all traditions can make to the European and international communities.

It would end the dissipation of energies in wasteful divisions and redirect efforts towards constructive endeavour, thus giving a major impetus to the social, cultural and economic development of the entire country.

5.6—The parties in the Forum will continue to work by peaceful means to achieve Irish unity in agreement. There are many varying constitutional and other structures of political unity to be found throughout the world, for example, Australia, France, Italy, Spain, Switzerland and the United States of America which recognize to the extent necessary the diversity as well as the unity of the people concerned and ensure constitutional stability. It is essential that any structures for a new Ireland must meet both these criteria.

5.7—The particular structure of political unity which the Forum would wish to see established is a unitary state, achieved by agreement and consent, embracing the whole island of Ireland and providing irrevocable guarantees for the protection and preservation of both the unionist and nationalist identities. A unitary state on which agreement had been reached would also provide the ideal framework for the constructive interaction of the diverse cultures and values of the people of Ireland. A broad outline of such a unitary state is set out in Chapter 6.

5.8.—Constitutional nationalists fully accept that they alone could not determine the structures of Irish unity and that it is essential to have unionist agreement and participation in devising such structures and in formulating the guarantees they required. In line with this view, the Forum believes that the best people to identify the interests of the unionist tradition are the unionist people themselves. It would thus be essential that they should negotiate their role in any arrangements which would embody Irish unity. It would be for the British and Irish Governments to create the

framework and atmosphere within which such negotiations could take place.

5.9.—The Forum in the course of its work, in both public and private sessions, received proposals as to how unionist and nationalist identities and interests could be accommodated in different ways and in varying degrees in a new Ireland. The Forum gave careful consideration to these proposals. In addition to the unitary state, two structural arrangements were examined in some detail—a federal/confederal state and joint authority—and a broad outline of these are set out in Chapters 7 and 8.

5.10.—The Parties in the Forum also remain open to discuss other views which may contribute to political development.

CHAPTER 6

Unitary State

6.1—A unitary state would embrace the island of Ireland governed as a single unit under one government and one parliament elected by all the people of the island. It would seek to unite in agreement the two major identities and traditions in Ireland. The democratic basis of a unitary state in Ireland has always existed in modern times. Historically up to 1922 Ireland was governed as a single unit and prior to the Act of Union in 1801 was constitutionally a separate and theoretically equal kingdom. Such a state would represent a constitutional change of such magnitude as to require a new constitution that would be non-denominational. This constitution could only be formulated at an all-around constitutional conference convened by the British and Irish Governments. Such a constitution would contain clauses which would guarantee civil and religious liberties to all the citizens of the state on a basis that would entail no alteration nor diminution of the provisions in respect of civil and religious liberties which apply at present to the citizens of Northern Ireland. These guarantees could not subsequently be changed, except in accordance with special procedures.

6.2—The rights of all citizens woud be guaranteed in the constitution. Reinforcing guarantees would incorporate in the constitution the clauses of the European Convention of Human Rights with a right of access to the European Court of Human Rights.

6.3—In a unitary state, there would be a single legal and judicial system throughout the island. The study by Professors Boyle and Greer, *The Legal Systems, North and South*, shows that there would be no significant technical obstacle to the creation of a unified legal system.

6.4—Political and administrative arrangements in a unitary state would be devised to ensure that unionists would not be denied power or influence in a state where nationalists would be in a majority. For example, provision could be made for weighted majorities in the parliament in regard to legislation affecting changes in provisions on issues agreed to be fundamental at the establishment of the new state. In the Senate unionists could be guaranteed a minimum number of seats. The powers of the Senate could include effective blocking powers in regard to the issues agreed to be fundamental. Mechanisms for ensuring full Northern participation in an integrated Irish civil service would have to be devised.

6.5—A unitary state would have a single police service recruited from the whole island so designed that both nationalists and unionists could identify with it on the basis of political consensus.

6.6—A redefined relationship between Britain and Ireland would take account of the unionist sense of Britishness. In a unitary state, persons in Ireland, North and South, who at present hold British citzenship would continue to have such citizenship and could pass it on to their children without prejudice to the status of Irish citizenship which they would automatically acquire. The state could develop structures, relationships and associations with Britain which could include an Irish-British Council with intergovernmental and interparliamentary structures which would acknowledge the unique relationship between Ireland and Britain and which would provide expression of the long-established connections which unionists have with Britain.

6.7—All the cultural traditions in Ireland, North and South, would be guaranteed full expression and encouragement. The educational system would reflect the two main traditions on the island. The Irish language and culture would continue to be fostered by the state, and would be made more accessible to everyone in Ireland without any compulsion or imposition on any section.

6.8—A unitary state achieved by agreement between the nationalist and unionist traditions would for the first time allow full participation by all traditions in the affairs of the island. This would require a general and more explicit acknowledgement of a broader and more comprehensive Irish identity. A unitary state would promote administrative and economic efficiency in the island by ending duplication and separate planning and investment programmes and by facilitating integrated promotion of investment, exports and tourism. Natural resources, oil, gas and minerals will be developed for the benefit of all the people of Ireland and could make a significant contribution to securing the economic basis of the state. With no scope for conflicts of jurisdiction and with single taxation and currency systems, the implementation of an integrated economic policy suitable to the largely similar needs of the economies, North and South, would be facilitated, with consequent benefit. Integrated economic policies would ensure a united voice in advancing vital interests of both parts of Ireland, especially in the European Community, within which both North and South have common interests in areas such as agriculture and regional policy which diverge from the interests of Britain.

CHAPTER 7

Federal/Confederal State

7.1—A two state federal/confederal Ireland based on the existing identities, North and South, would reflect the political and administrative realities of the past 60 years and would entrench a measure of autonomy for both parts of Ireland within an all-Ireland framework. While protecting and fostering the identities and ethos of the two traditions, it would enable them to work together in the common interest.

7.2—In a federal/confederal constitution would be non-denominational and capable of alteration only by special procedures. There would be safeguards within each state and in the country as a whole for the protection of individual and minority rights. There would be a federal/confederal Supreme Court to interpret the constitution and to adjudicate on any conflicts of jurisdiction between federal/confederal and state governments, which could be made up of an uneven number of judges, one of whom could be from another country—possibly a Member State of the European Community—with the remaining judges coming in equal numbers from North and South. There would either be a special Bill of Rights or, alternatively, all the rights already defined and accepted in international conventions to which Ireland and the U.K. are signatories would be incorporated in the new federal or confederal constitution. This constitution could only be formulated at an all-round constitutional conference convened by the British and Irish governments.

7.3—In a federation, residual power would rest with the central government. Certain powers would be vested in the two individual states. A confederation would comprise the two states which would delegate certain specified powers to a confederal government.

7.4—In a federal/confederal arrangement, each state would have its own parliament and executive. Authority for security would be vested in the federal/confederal government in order to gain widespread acceptability and to ensure that the law and order functions were administered in the most effective and impartial manner.

7.5—In a federation, the federal parliament could have one or two Chambers, a House of Representatives, and/or a Senate. Laws relating to previously agreed fundamental issues could be passed only if they received the support of a weighted majority of the Senate in a two chamber system or of the House of Representatives in a one chamber system. The federal government would be approved by and be responsible to the federal parliament. The powers held at the federal level would be a matter for negotiation but in an Irish context matters such as agriculture, industry, energy, transport, industrial promotion and marketing might be more efficiently administered on an island basis at federal level, while other services such as education, health, housing and social welfare might best be administered by the individual states. The functions of Head of State could be carried out by a President, the office altering between persons representative of the Northern and Southern states.

7.6—In a confederal arrangement, the powers held at the centre could be relatively limited, (for example, foreign policy, external and internal security policy and perhaps currency and monetary policy), requiring a less elaborate parliamentary structure at the confederal level. It might suffice to have an arrangement whereby the representatives of the two states would determine jointly issues of policy relating to the powers of the confederation. The decisions taken by the confederation would, as appropriate, e.g. implementation of EEC directives, fall to be implemented by the authorities in the individual states.

7.7—A federal/confederal arrangement would, in particular, provide institutions giving unionists effective power and influence in a new Ireland. The Northern parliament would have powers which could not be removed by an Act of another parliament. Existing civil and religious rights in the North would be unaffected. With a federal/confederal framework unionists would have parallel British citizenship and could maintain special links with Britain. Mechanisms for ensuring full North participation in the federal/confederal civil service would have to be devised. Provision would be made for the full recognition and symbolic expression of both traditions.

7.8—A federal/confederal arrangement would allow the retention within the North and South of many laws and practices reflecting the development of both areas over the past 60 years. All the cultural traditions

in Ireland, North and South, would be guaranteed full expression and encouragement.

7.9—A federal/confederal arrangement would allow all those living on the island to share and give expression to the common aspects of their identity while at the same time maintaining and protecting their separate beliefs and way of life. The central authority would promote their common interests while the state authorities protected individual interests.

CHAPTER 8

Joint Authority

8.1—Under joint authority, the London and Dublin governments would have equal responsibility for all aspects of the government of Northern Ireland. This arrangement would accord equal validity to the two traditions in Northern Ireland and would reflect the current reality that the people of the North are divided in their allegiances. The two governments, building on existing links and in consultation with nationalist and unionist opinion, would establish joint authority designed to ensure a stable and secure system of government.

8.2—Joint authority would give political, symbolic and administrative expression of their identity to Northern nationalists without infringing the parallel wish of unionists to maintain and to have full operational expression of their identity. It would be an unprecedented approach to the unique realities that have evolved within Ireland and between Britain and Ireland.

8.3—Joint authority would involve shared rule by the British and Irish Governments. Although this could be exercised directly, there would be enabling provision for the exercise of major powers by a locally-elected Assembly and Executive.

8.4—There would be full and formal recognition and symbolic expression of British and of Irish identity in Northern Ireland and promotion of the cultural expression of the two identities. Joint citizenship rights would be conferred automatically on all persons living in Northern Ireland, resulting in no diminution of the existing rights of Irish or British citizenship of persons living in Northern Ireland.

8.5—A comprehensive and enforceable non-denominational Bill of Rights for Northern Ireland would be promulgated ensuring the protection of both individual and communal rights and freedoms.

8.6—The overall level of public expenditure would be determined by the two Governments. Problems of external representation of Northern Ireland would be resolved between the two governments.

8.7—Under joint authority the two traditions in Northern Ireland would find themselves on a basis of equality and both would be able to find an expression of their identify in the new institutions. There would be no diminution of the Britishness of the unionist population. There identity, ethos and link with Britain would be assured by the authority and presence of the British Government in the joint authority arrangements. At the same time it would resolve one basic defect of (a) the failed 1920-25 attempt to settle the Irish question and (b) the present arrangements for the government of Northern Ireland—the failure to give satisfactory political, symbolic and administrative expression to Northern nationalists. Structures would thus be provided with which the nationalists in the North could identify, which might reverse their progressive alienation from existing structures. Security arrangements in which for the first time both nationalists and unionists could have confidence could be developed, thus providing a basis for peace and order. The climate would thus be created for the emergence of normal political life, of compromise and of mutual confidence based on security in the reciprocal acceptance of identify and interests.

A PROFILE OF TED JOHNSTON AND OTHER VIETNAM VETERANS

Mr. COHEN. Mr. President, it has often been said on the floor of the Senate that our debt to this Nation's veterans is enormous. This is indisputably true.

Our Vietnam veterans have borne the special burden of having participated in an unpopular war, and of returning home to face the occasional scorn of their countrymen.

Vietnam may forever bear the label of having been an unpopular war. But the men who fought in Vietnam were not asked whether they thought the war was popular or not. They were motivated by the same true and honorable faith which leads a soldier to sacrifice his life in a cause he might not fully understand.

Remembering Vietnam is painful. It forces us to think of the hearts that beat high with hope, of young lives snuffed out well before their time, of fields not planted, of homes not built, and of children not born. It forces us to remember the hundreds of thousands of selfless acts of patriotism by Americans whose individual courage and deeds will be forever unknown to us.

I am privileged to have a special Vietnam veteran as a member of my staff in Maine. Ted Johnston has served me very well for several years. His story is one of trial and triumph, of a Vietnam veteran who has struggled with success to reenter society.

The Sunday, a newspapèr in Lewiston, Maine, recently profiled Ted and other Vietnam veterans, and I ask unanimous consent that the article be printed in the RECORD.

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

VETERANS STILL FIGHTING A DIFFERENT KIND OF WAR

(By Mark Mogensen)

Ted Johnston is leaving Vietnam behind.

The green forests hiding North Vietnamese snipers, the native children he saw blown up by land mines, the river patrol boat on which he was ambushed, the epileptic seizures, the close friend who committed suicide and the bad dreams—he's leaving them all behind.

Like almost every other veteran of America's longest war, Johnston has been walking a long and treacherous road away from the ghosts of Vietnam—a road often littered with lives waylaid by divorces, suicides, unemployment, alcoholism and drugs, physical ailments and mental anguish.

While plagued by his share of setbacks and frustrations, Johnston has gained the border and has joined the majority of veterans who have either successfully left Vietnam behind or are far enough down the road to see the light.

America's Vietnam veterans are growing up; and they're contributing to a society that once alienated them, but which now appears more willing to welcome them back.

Johnston looks comfortable in a suit. He has his own spacious office in Lewiston. As a representative for Sen. William Cohen, he has the necessary warmth, affability and professional attitude to deal effectively with people and their problems.

He has come a long way.

In 1972, as an 18-year-old draftee, his river patrol boat was blown out of Vietnamese waters. He was knocked unconscious and believes he was kept afloat by his sergeant, who lost his left leg and right shoulder in the raid.

One of only seven who survived the raid and the only non-amputee, Johnston spent the next year in a U.S. Naval hospital suffering from severe head trauma and epileptic seizures.

"It was the pits. I was manic; I was elated, I was depressed. I couldn't relate to people. I got down on myself a whole lot for not being able to deal with my problems, to the point where I was suicidal. No goals. No objectives. No rhyme or reason. I went down to 135 pounds. I'm 180 and I don't think I'm fat," he says, leaning back in his office chair and patting his stomach. "I started to abuse alcohol . . . It was the pits. When people think of the slimy veteran, that's what I was."

"When I came home, my mother would say, 'What's wrong with you?' because I would sit and stare blank or play solitaire. I wasn't angry. I was just totally stunned. Dazed. Everything was overwhelming."

He was slowly recuperating when a close war friend stepped in front of a truck on Interstate 95 in Miami and killed himself. "That's when I took flight and left and went to Aroostook," said Johnston.

For eight months, Johnston lived by himself in the woods, skiing for supplies and then skiing back into the woods.

"It wasn't because I hated anybody. I just was not at all healthy. I wasn't crazy, but I was on the verge, that's for sure. My perspectives were way out of whack. A horn (blowing) would send me flying on the floor—things like that. I (went to live in the woods) just to think. To have quiet. Peace. Not to escape from (people), but to escape from everything else. So I would have no responsibilities and I could deal with my own mind-set, which took a long period of time."

Slowly, over the next decade, Johnston would come out of the woods, get a degree in political science from the University of Maine at Presque Isle, begin working in Cohen's local office there and even get married. A year-and-a-half ago, he moved to take a job in Cohen's Lewiston office, specializing in veterans' issues.

Johnston cites the therapy, medication and treatment he received from the Veterans Administration during those last 10 years for helping him take control of his life and ridding him of his seizures.

"If you had talked to me six years ago," he says, "I would have been real down on the government, I think. It's hard now (to be critical) because my life is good. I'm happily married. I'm a homeowner, drive a fairly new vehicle. I have a motorcycle that's paid for. You know. Life's pretty easy . . . But it's all a matter of perspective. I have a lot of empathy for the veteran who's having a hard time. Particularly if they're

unemployed (because) I can't think of anything worse."

Saying he considers himself extremely lucky, Johnston said his remaining problems involve talking about some of his experiences and an occasional "surge of emotion" that washes over him, recreating the fear he felt in Vietnam.

"Sometimes I'll get a surge of emotion . . . I don't know why. It used to precipitate seizures. Today, I go for a walk, I run, I have a beer, I'll talk to my wife, start wrestling, something, anything."

Johnston, who hesitated to talk about his experiences, fearful of making an example of myself, is just one of the estimated 16,000 Vietnam combat troops in Maine and 3 million nationally who returned to piece their lives back together.

His story of success is the rule, not the exception.

There are wonderful success stories and some horrible stories of failure. But basically speaking, people have been able to get on with their lives . . ." said Phil Vampatella, executive director of Maine's Vietnam Veterans Leadership Program headquartered in Portland.

Vampetalla, a Vietnam veteran whose program is designed for successful veterans to help still-troubled ones, said only 15 to 20 percent of the veterans who returned from Vietnam still have serious problems psychologically or physically.

The other 80 to 85 percent, he said, have successfully merged into society with some rarely thinking about their experiences and others battling tough-but-manageable problems on a daily basis.

However, he said the public still has the perception that all the veterans returning from Vietnam are violent and unstable.

"The way I see it . . . we have been depicted as everything from a bunch of druggies to baby killers to pot heads," said Vampatella. "A lot of us have just hidden out so as not to have to put up with the nonsense and garbage that's been cast on us. But we're just like everybody else. We have our houses, and mortgages and kids with braces."

"I think there's a stigma out there about the Vietnam veteran," added Jon Guay of Lewiston, "as the guy with the Army fatigues, the ponytail, a ring in his ear and a chip on his shoulder. But most of the time, he's your neighbor or the local doctor or dentist or school teacher."

Guay, a former prisoner interrogator who served during the Tet offensive, is assistant director of the Marine Job Service in Augusta. Very few scars from Vietnam remain with Guay.

He can talk about his experiences—although he has only begun to talk about them in the past year or two. He is employed in a high-level job. He no longer suffers flashbacks or nervousness at night.

Guay says he was luckier than some. He came from Bingham, a small, still-patriotic town where many people knew him, wrote to him while in Vietnam and welcomed him home on his return.

Like Johnston, "I also had the advantage of spending some time by myself, getting reoriented to civilization. I have a log cabin on a stream in Somerset County and I spent about two-and-half months in that cabin by myself . . . mostly hunting. But I also needed that time to kind of rearrange myself. I think that time was very valuable for me . . . I think that was an adjustment many veterans missed."

"The other thing, too," said Guay, "is I didn't have any pressures on me when I came back. While I hadn't selected a career yet, I had many avenues open to me. And I also didn't have a girlfriend I was writing to or anything, or my own wife and children that I was coming back to. I think that would have added to the pressure of being over there . . ."

Guay added, "It's my feeling some of the veterans who have come back who haven't been able to adjust haven't had that break."

Even with the advantages he had, Guay says vivid memories remain with him, particularly about the week-long Tet offensive in his Central Highlands area.

"There were bullets flying overhead. There were flares going off. Nobody slept. Nobody ate.

"(When I first returned) I would wake up when I heard a noise like a car backfire. There are some residual things that to this day probably still stay with me."

"Even to this day," he continued, "when I go into a restaurant, I have to sit so I know where the door is and the exits are. That was something you always did there. You would sit strategically so that you wouldn't be caught with your back to the door because there were always people throwing in (small bombs) and blowing up places where Americans were. So even today, it's very important where I sit."

Guay said the transition back to life in the United States was not helped by the reception most veterans received from a war-weary, cynical America, wracked internally by protests.

"When I was over there in Vietnam and when I came back, if I ever ran into one of those (protesters) I was always looking forward to confronting one of them because I had physical plans for him," he said, with a quick laugh.

"This is very interesting for me," Guay added after a thoughtful pause. "All the time I didn't want to go over there because I was scared. All the time you're over there you can't wait to get back. All the time you were over there you hated it. But when you came back, there was a sense of pride you had that did not allow you to emphathize with those people who were protesting the war. At least that was my own experience."

Guay's reaction was typical. Many of the men spoke of returning and hating the war for the physical and emotional toll it had taken; hating the South Vietnamese for often acting as if they did not care who won the war; hating the U.S. government for not taking the obvious steps needed to win the war; and often even disliking themselves for the actions they were forced to take.

They were confronted by a vocal segment of the population that often blamed the returning veteran for abetting the war.

The reception was a blow to the already reeling veterans, many of whom entered the war either because they had to or because they felt it was the right thing to do for their country.

Talking about their experiences quickly became a major problem for many veterans, either because they couldn't vocalize their feelings or because no one wanted to listen.

"One major problem I found was that I was not able to talk, even to fellow veterans, about Vietnam. I was angered . . . by the protests and what not," said Merrill Morris, organizer and program director of Maine's new Veteran Employment Training Service.

"When I came back, I just tried to forget about it, because people at home were tired of it and didn't want to hear any more about it," said Steve Bentley, a 37-year-old veteran who is seeking his master's degree in rehabilitation counseling at the University of Southern Maine.

"But," Bentley added, "you stuff things like that away and it's got to come out somewhere."

The pent-up frustrations and emotions held by many veterans did show themselves—often in the form of emotional instability, the inability to hold down a job, disrespect for authority, dependency on drugs, guilt, remorse, strained personal relationships and the need for support.

Relying on their own tenacity and internal strengths, the support of friends and family and the growing number of state and federal programs available during the past decade, 80 to 85 percent of the veterans now fit well into society. But manageable problems remain, they say.

Vampatella remarked, "There's probably something like that hiding in each of us. I think we all have that hidden thing in each of us that needs to be taken care of."

Such remnants of Vietnam depend on each man's experiences, the intensity and duration of those experiences, the period of war when those experiences occurred and each man's own internal strengths, veterans say.

Johnston occasionally has surges of emotion.

Guay is aware of where he sits in public places.

Morris will forever lack some of his innocence and his soul. "I quit caring and I had no anticipation of ever leaving (Vietnam)," he said. "To this day, I feel like a part of me died there. It's like you left a part of you there. Other veterans who were there say the same thing; that they seemed to leave a piece of their soul there. I believe it's true."

Bentley, while unmarried, says that because of the war he will never consider having children. "I feel the world is too crazy to bring children into it. In general, I feel the way living, breathing people treat each other is madness."

Bentley's high-risk job, which he volunteered for, was to operate a Rome Plow, a tractor-like machine used to clear the jungle of vegetation and eliminate enemy hiding places.

With only thin wire mesh around the driving compartment to protect him from vegetation, Bentley and other machine drivers would often be the targets of bombs and booby-traps. He survivied. But he knew other drivers killed and maimed by snipers, 250-pound bombs planted under the ground and concussion bombs suspended by string between trees.

"I went over there for two tours. You know, I really bit into it. I was there for a Hemingway-experience kind of thing, plus the mom-and-apple-pie thing. You know, my father said to me before I left, 'go over there and earn some medals and be a man. . . ."

"But after a while, it began to occur to me how insane this all was. I began to see that the enemy was a human being. Pretty soon, I was in an immense state of confusion, so I began to—well—there were plenty of chemicals to numb yourself with and I poured them into the boiling cauldron of emotion and then things really got bad,"

Bentley returned and spent six years wandering through 20 or more jobs from Minnesota to Maine, Nebraska to Florida.

"I couldn't stay in any one place. I couldn't get a grip. I was floundering. I was also drinking heavily and using other drugs . . . But if you spend a year killing people and having people trying to kill you and

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watching people around you die, that is going to have an effect on you on some level."

He finally stopped long enough to begin going to the U.S. Veterans Administration at Togus for group therapy and enrolled at USM seeking a master's degree in rehabilitation counseling.

"I think a lot of veterans could grow by group and by going through the process," noted Bentley, saying he has met many veterans who have yet to cope with their experiences.

"I run into (veterans who haven't talked about their feelings) all the time. I run into that at school and at meetings . . . Mostly what you get is, 'Yeah, I was there and I haven't really talked about it.'"

But after more than 11 years and many long miles on the road away from Vietnam, the veterans say they are beginning to talk about both their triumphs and remaining problems. What's more, they say society seems to be increasingly willing to listen.

"I think that from the time the war ended to now, the nation has had time to adjust," said Guay.

"I would say, at least at face value (the veterans' public image has gotten better) especially in the last few years," Morris added. "I think it's because the conscience of this country—of our parents' age group particularly—realized that Vietnam was a lot worse and a lot crazier for us than they ever gave us credit for when we first came back."

"I think they've matured," said Johnston, referring to the protesters of yesterday, "and realized that you're often in circumstances beyond your control."

"We don't blame the American people with being upset with the situation. After 10 years, given the best fighting machine ever developed in the world, the national treasury and 3 million young men, we lost. we didn't even have a stated clearly defined goal," said Vampatella.

"We can't blame the American people. And we can't blame them for blaming us. We symbolized all the things that were painful to them. But they were wrong about putting the blame on us. The blame was clearly on our civilian leaders in Washington," he said, saying his hope is that "people realize that hatred was misdirected."

"The most important thing to get across . . . is that the Vietnam veterans desire to have people understand they were doing a job just like all other veterans and they were doing a job for the American public," said Jim Wyatt, a decorated veteran who now works as a National Service Officer and veteran advocate at Togus.

"All they want is for that hand to be extended and people to say a silent thank you so that they're just like those people who didn't have to go," he added.

If the growing number of newspaper and magazine articles, television newscasts and programs and movies more favorably depicting the plight of the Vietnam veteran are an example, the hand is finally, hesitantly, being extended say veterans.

In addition, some say the government, long criticized by Vietnam veterans for its lack of support, seems to be making an effort.

Vampatella's Vietnam Veterans Leadership Program, Morris' Veteran Employment Training Service, Guay's involvement with the Veteran Affairs Committee of the Interstate Conference of Employment Security Agencies and the recently erected Vietnam Veterans memorial in Washington, D.C., indicate growing government awarness, some acknowledge.

But perhaps the most important change is occurring within the veterans themselves.

"The experience you had, had to sit there for a while, and now we're able to look at it a lot more rationally," said Guay.

"Many pretty much feel the time is right to come out of the closet. We have prospered despite the image," said Vampatella.

Vietnam veterans like Guay and Johnston are finding successful careers in the private and public sectors.

Vietnam veterans like Vampatella and Merrill are discovering satisfaction and success working in executive-level positions helping other Vietnam veterans.

Many Vietnam veterans are working to develop the mental stability and educational background needed to work in the public or private sectors.

Many others say they are now finding the courage and desire to voice their long-stilled emotions, considered one of the first steps in the healing process. "Many veterans still having difficulty have decided to come out for treatment," said Morris.

Some have found an inner strength from their experiences. "Fortunately, the majority of us that went over are back in society now and would never want to go back, but would never trade in the experience," said Wyatt, who lost both his legs to a "bouncing Betty" land mine. "It showed me the value of life, loved ones and family."

And some veterans are even finding an inner strength—pride—from their experiences, particularly as the American public becomes more accepting of the Vietnam veterans' role in the war.

"I think history will certify that those of us who went to Vietnam are going to prove to be some of the greatest warriors and leaders of this country," said Wyatt.

Guay, talking quietly about the Bronze Star Medal he earned for his contribution to the war, commented, "It didn't mean that much to me when I first got it. At the time, I didn't feel I was decorated. Now, I feel kind of proud of it."

THE FUTURE OF TAIWAN

Mr. PELL. Mr. President, I rise today to call to your attention an article that appeared in the Wall Street Journal, on April 24, entitled "The U.S. Should Encourage a 'Republic of Taiwan.'" The article, written by Trong R. Chai, professor of political science at the City University of New York, questions the wisdom of trusting China to keep its promises regarding Taiwan's future status. As you know, China repeatedly insists that the people on Taiwan have nothing to fear from reunification with the People's Republic. Professor Chai quotes Chinese Premier Zhao Ziyang's assertion that:

> After the country is unified, Taiwan, as a special administrative region of China, can retain much of its own character and keep its social systems and life style unchanged. The existing party, government and military setups in Taiwan can also remain unchanged.

But Professor Chai also correctly points out that China made similar promises in a 1951 written agreement with Tibet only to break its word a few years later in a brutal invasion. I believe the question Professor Chai poses deserves our careful consideration because the wrong decision on Taiwan's part could result in a repeat of Tibet's fate.

Professor Chai, after posing the difficulties associated with reunification, argues that the better choice for the United States is to encourage the formation of a Republic of Taiwan. Being a native-born Taiwanese, he prefers that any new republic formed be democratic and established by and for the benefit of all the people on Taiwan. But he would also favor a republic controlled by the present KMT government rather than accept the imposition of a Communist system by China.

His recommendations may strike some as being provocative. I frankly am saddened by reactions of this sort. Fearing to speak out for democracy and freedom of choice for the 18 million people on Taiwan runs counter to everything we as a people stand for. I urge my colleagues to judge for themselves by reading this article in its entirety.

Mr. President, I ask unanimous consent to insert at this point in the RECORD Professor Chai's article.

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

[From the Wall Street Journal, Apr. 24, 1984]

THE UNITED STATES SHOULD ENCOURAGE A "REPUBLIC OF TAIWAN"

(By Trong R. Chai)

During his visit to the U.S. in January, Chinese Premier Zhao Ziyang asserted that "the Taiwan question is the main obstacle in the growth of Sino-U.S. relations." The prime minister's solution to this problem? "After the country is unified, Taiwan, as a special administrative region of China, can retain much of its own character and keep its social systems and life style unchanged. The existing party, government and military setups in Taiwan can also remain unchanged."

Would the Chinese keep their promise and allow Taiwan to maintain its own social and political systems if they took over the island? The current status of Tibet provides an answer.

In 1951, China and Tibet signed an agreement governing relations between them. Article 4 stated that "the central authorities will not alter the existing political system in Tibet. The central authorities also will not alter the established status, functions and powers of the Dalai Lama." Article 7 promised that "the religious beliefs, customs and habits of the Tibetan people shall be respected." The Chinese even pledged that "in matters related to various reforms in Tibet, there will be no compulsion on the part of the central authorities; the local government of Tibet shall carry out reform of its own accord."

Less than eight years later, China invaded Tibet. This touched off massive uprisings, and the Dalai Lama fled to India. Since that time, killings by the Chinese and the whole-

sale destruction of Tibetan culture have been well documented.

The case of Tibet demonstrates China's failure to translate its words into deeds. Premier Zhao's formula for Taiwan should thus be seen as nothing more than an empty promise.

The people of Taiwan have more than the heavy hand of Chinese rule to fear, however. For the past 35 years, they have been living under Kuomintang martial law. Basic human rights, such as freedom of speech, assembly and association, have been denied. Native Taiwanese, who constitute 85% of Taiwan's total population, occupy less than 10% of the seats on national legislative bodies. The president and the governor of Taiwan, along with the mayors of the two largest cities, aren't elected by the people.

In its 90-year separation from China, first under the Japanese and then the KMT, Taiwan has developed its own distinctive character. For example, the Taiwanese illiteracy rate is less than 5%, compared with more than 30% in China. Taiwan's per-capita income is five times higher than China's.

The difference between the two societies is so great that the Taiwanese people wish to establish a new nation independent of China. Evidence came in a supplementary congressional election last December in which the joint platform of the non-KMT candidates stressed that "the future of Taiwan should be determined by the people on Taiwan." Self-determination is a code word for Taiwanese independence—discussion of which is prohibited by the KMT.

Instead, the Taiwanese people suffer from international isolation. Only about 20 countries maintain diplomatic relations with Taiwan.

When a nation establishes formal ties with Peking, it invariably agrees to the Chinese demand that Taiwan be recognized as part of China. Consequently, the Taiwanese people fear that China will eventually try to annex the island by force.

This fear has precipitated a growing flow of wealth from Taiwan. In testimony before the Senate Foreign Relations Committee last November, Lo Fu-Chen, a visiting professor of economics at the University of Pennsylvania, stated: "Already a so-called Hong Kong phenomenon is experienced in Taiwan. Based on a banker's estimates, some $3 billion in capital, equivalent to 7% of [the] GNP of Taiwan, has flown into Los Angeles alone. In the last three years, the investment index has experienced a steady decline for the first time in three decades of rapid growth."

The U.S. was deeply concerned about Taiwan's security until 1972, when President Richard Nixon and Chinese Premier Chou En-lai issued the Shanghai Communique, in which Washington acknowledged that there is "but one China and . . . Taiwan is a part of China." Since then, the U.S. has cut its formal ties with Taipei and pledged to reduce its arms sales to Taiwan over time "to a final resolution."

It is vital that the U.S. continue to protect the independence of Taiwan. President Reagan should keep in mind the following points during his visit to China this week:

First, as the U.S. has been involved with Taiwan for four decades and champions freedom and democracy everywhere in the world, it has a moral obligation to prevent the mainland Chinese from imposing their communist system upon the island's 19 million people.

Second, American corporations have invested over $12 billion in Taiwan, and a Chinese takeover would threaten their investments.

Third, by taking over Taiwan, China's submarines would pose a threat to peace and security in the Pacific region.

Clearly, it is necessary to create a Taiwan that is independent of Peking's rule. How can the U.S. help this aim?

One alternative would be for the U.S. to help the Taiwanese people overthrow the KMT, which represents neither China nor Taiwan.

Another alternative would be to encourage the KMT to declare Taiwan a new political entity, separate and independent from China. In this regard, the Reagan administration sent a positive signal to Taipei at the November Senate hearing. Asked by a senator whether the U.S. expected China to apply military force to Taiwan if independence is declared, a State Department spokesman said that "a decision to use force would have an impact on U.S. policy." Citing a provision in the Taiwan Relations Act of 1979, the official added that "the president and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.

The third alternative would be for the U.S. to urge the KMT to release all political prisoners, lift martial law and call for free elections. Only when the Taiwanese people have political freedom will they have sufficient power to change the Republic of China into the Republic of Taiwan.

In light of current U.S. involvements in Central America and the Middle East, it is unlikely that the Reagan administration would take the first alternative. The KMT would oppose the second alternative simply because it is afraid of losing power to the Taiwanese people after independence.

Therefore, the third alternative appears to be the most feasible. The KMT would certainly resist American pressure for democracy in Taiwan, but the U.S. could still use arms sales, foreign trade and cultural exchanges as weapons to press the KMT to cooperate.

Mr. BAKER. 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.

CONCLUSION OF MORNING BUSINESS

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

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

Routine morning business is closed.

MISCELLANEOUS TARIFF, TRADE, AND CUSTOMS MATTERS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2163, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Baker amendment No. 3027, to further reduce deficits by including reconciliations and appropriations caps for defense and nondefense discretionary spending for fiscal years 1985, 1986, and 1987.

(2) Chiles amendment No. 3044 (to Baker amendment No. 3027), to reduce deficit reduction for fiscal years 1985, 1986, and 1987, and to provide for a delay for 2 years of cost-of-living adjustments to tax tables.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, this is an amendment to the Baker amendment. My proposal is not perfect. It does not provide as much saving as the Senator from Florida would like or as much as I have proposed in a number of other forums. But the issue today is, how does the Chiles amendment compare to the Baker-Rose Garden amendment?

On that question, Mr. President, I do not have any problem defending my proposal. In fact, I feel quite confident about it. It compares very favorably.

The exercise we are now going through is an attempt to make some deficit reductions which will allow us to get by until next year.

Everyone was upset, this being an election year, that we were not going to be able to make any major changes—major changes to the tax bill, major changes to a number of the spending programs, major changes in entitlements. Yet, we find ourselves facing this horrendous deficit. It is somewhere in the neighborhood of $170 billion to $180 billion. And it is a deficit that continues to grow every year, a deficit that is no longer cyclical, but is now structural.

That cyclical term, I recall, was developed during the Nixon administration in an attempt to show that if we were at full employment, we really would not have to worry. We would still have sufficient revenues while there would be a reduction in what we would have to say for unemployment compensation, food stamps, and other stimulative programs. The budget deficit was not supposed to be a problem under those circumstances.

But now, all the projections indicate that even if we were at full employment—and we certainly are not—we would have a deficit. And the deficit would be structural.

Now we find ourselves in a situation where our revenues are approximately 18.9 percent of the gross national product, our spending is over 29.5 percent. The gap has widened.

Revenues, under the existing tax cut plan, will continue to decrease somewhat if no action is taken. Spending will continue to increase by virtue of the baselines we have adopted, and by virtue of the entitlement program increase.

So the gap will become wider and wider, and we will see those deficits going up above $350 billion in just a few short years. The national debt is now over $1 trillion, and the second trillion dollars will come about in several years. It took us almost 200 years to reach the first trillion dollars, but in just a short of time, it will double.

The exercise we are in now, both in the rose garden plan and in the pending amendment is a time-buying enterprise.

It would be nice if we could go further. I think we should. I believe it is pretty clear, from the votes we had on the Hollings freeze and the Kassebaum-Grassley-Biden freeze that the votes are not here to take more drastic action. Even those plans, of course, would not go as far as we need to go.

Why has that happened? Why are we unable to go further? Primarily we find ourselves as an army without a leader. We do not have a general who is ready to lead the troops. The general has said: "Steady as you go. Stay the course. Have confidence in me."

It reminds me of the story about the fellow who fell off a cliff. As he was falling, he stuck out his hand, and he finally was able to grasp a branch. It was shaking, and dirt was falling off the roots, and he did not know whether the branch was going to hold him.

He cried out: "Help! Help!" There was no reply. He said: "Is anybody up there?"

Finally, a voice said: "I am here."

He said, "Who is there?"

The voice said, "It is I, the Lord. Have faith."

The fellow said: "I have faith."

The voice said: "Turn loose."

The fellow said: "Is anybody else up there?" [Laughter.]

That, I think is where we find ourselves in this body. The leader has said, "Have faith. Steady as you go. We are going to grow our way out of this." But I hear this Chamber and the other body saying: "Is anybody else up there?"

Well, nobody has answered yet. So we find ourselves as this ragtag army, trying to march a little on our own. We have one side trying to march in winding lines and we have the other side trying to march in uneven ranks. We are down to two plans; the rose garden plan and the plan of the humble corporal from the imperial Polk County trying to get us by until next year.

Well, which of these plans should we adopt, and how do these plans stack up one against the other? Both make some savings.

The rose garden plan purports to save $150 billion, according to the author's figures. If we ask the Congressional Budget Office to tell us how much comes off the bottom line, they tell us it is only about $89 billion. If we use the arithmetic of the rose gardeners, our plan would save about $200 billion. If we ask the Congressional Budget Office to tell us how much comes off our bottom line, they say approximately $150 billion.

Well, what is the difference? Perhaps it is hard to see. I think what we are trying to say to the financial markets and what we are trying to say to the decisionmakers who will determine whether they are going to lend money for housing, or for farm credit and how much it will cost, is that we are concerned about this deficit. Both sides are trying to tell them the same thing.

But we want to do more. We know that we have to do more. Yet we are asking for some time. We seem to be saying, "You have to allow us to get these elections behind us. You have to allow the leader, the general, the President, a little more time to make up his mind that he really wants to fight these deficits—whoever that President might be next year. But to show your good faith, we are going to take a step this year.

How much of that step do we have to take? That is really what we are talking about here. Is $89 billion enough? Is $150 billion enough?

I do not know the answer to either one. But I do know that $150 billion is more than $89 billion, and I do know that we have a better chance of sending that signal with $150 billion than we have sending it with $89 billion.

I know from the votes taken yesterday and the day before that there are not sufficient votes in this Chamber to send a bigger signal. We have had 38 votes for the Hollings plan and 32 votes for the Kassebaum-Biden-Grassley plan.

The question is, Can we send that signal at $150 billion? I hope that we can. I think that it gives us the best chance to buy the additional time.

What happens if we do not send either one of these signals? What happens if the signal is not enough?

What I think happens, Mr. President, is that interest rates will continue to rise. We have seen interest rates go up since the rose garden plan was announced, since an economist of Shearson/American Express Co. said that the rose garden plan is "chicken feed." Interest rates have ticked up since then.

I think if we do not pass a plan that has sufficient restraints—and I hope the one we are on, does—then those interest rates are going to go up. If the economy turns around and goes sour on us, if we start another recession before this year's actions take hold we are in big trouble. Most of us recognize that if you take action for 1985 it will be 1986 before that action begins to bite. If we are in a recession in 1986, we may have to undo steps we took previously. We might have to stimulative spending, the conventional way of pulling out of a recession. Usually we take action in Congress, but even if we did not, there are automatic stimuli that come into play. So we could find ourselves going into a recession with a $200 billion deficit. If that happens, hang on to your hats.

Who knows where we would come out of something like that or what the problems would be if we go into that kind of recession?

That is a risk we are loathe to take. And that is why we are here working on these plans.

I intend to repeat this a number of times today, but our cardinal responsibility is to adopt a plan that leaves us, in 1987, better than we find ourselves going in during 1984. Simply put, I think our deficits must be going down under any plan we adopt rather than going up. That, Mr. President, is a basic difference between my amendment and the rose garden plan.

The deficits in the rose garden plan will go from $181 billion in 1985 to $204 billion in 1987. That I fear is the worst of all signals to send the financial markets. That I think is why the Shearson economist described the rose garden plan as "chicken feed." That is why I think that the market has not responded since the rose garden plan was announced. Interest rates have gone up because what money managers are looking at is the bottom line. They are not much concerned about rhetoric. They want to know what the plan does to the bottom line. And the rose garden plan has the bottom line going up.

My plan, contained in the pending amendment, will have the deficits going down, to $169 billion in 1984. That is still very high, still much higher than I would like. But if you compare that to deficits rising to $204 billion under the rose garden plan, I think you see there is a great difference.

I think my plan is fair. It restrains defense as well as domestic spending. And it also provides some additional revenue.

We find $31 billion in additional revenue. We find about $26 billion in spending restraints, a combination of defense and domestic restraints, or $26 billion more than we have in the rose garden plan. Comparing it to the rose garden plan, $20 billion more in outlays, $47 billion more in budget authority and below the baseline our amendment would be $53 billion in budget authority and a $26 billion reduction in outlays. Those are our savings.

You match that with $31 billion in revenue and I think you have a fair and a balanced plan. It is not exactly like the Hollings plan that tried to do it all with revenue. It is not like the Kassebaum plan that tried to do it all with spending. We have struck a bal-

ance between the two plans. We are down to a choice between the rose garden plan and the Chiles plan.

I hope the Senate will consider seriously that choice. I hope that they will consider what the bottom line looks like in the deficits of the two plans. I think they will recognize that we do not have a complete budget resolution. We are not getting a chance to vote on the bottom line because of the procedural situation. The budget resolution will be handled perfunctorily after this. so, here, right now, is really where the main ball game is.

We better be looking and seeing what the bottom line will be because here, right now, will determine whether and to what extent we affect the deficit.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(During the quorum call Mr. ARMSTRONG occupied the chair; subsequently, Mr. GORTON occupied the chair.)

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

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

Mr. DOMENICI. Mr. President, the distinguished Senator from Florida has requested that we see if there is another amendment that we could work on and perhaps vote on today. The distinguished junior Senator from the State of Georgia is here and he has a line-item veto amendment.

It is may understanding that we might set aside the pending matter by unanimous consent and let the distinguished Senator from Georgia take up his amendment. Does the distinguished Senator from Florida have some comment on that?

Mr. CHILES. Mr. President, I ask unanimous consent——

Mr. BAKER. Will the Senator withhold his unanimous-consent request?

Mr. CHILES. Yes.

Mr. BAKER. Will the Senator from New Mexico yield to me?

Mr. DOMENICI. I am pleased to yield to the majority leader.

Mr. BAKER. Mr. President, let me say that I do not have any objection to this. I talked to the distinguished Senator from Florida and the chairman of the committee, the Senator from New Mexico. I admit to a degree of chagrin that we are not going to have a vote on this today, but I understand the circumstances.

I do not doubt the representations made by the Senator from Florida. I was grateful last evening that he would lay down his amendment. I know he did so in good faith, expecting to dispose of it today, and we discussed that. But, he was equally candid and frank with me—and I am sure he will not mind me repeating this—in saying that a number of people have necessarily left the Senate and that he would prefer not to vote on the matter today. Goodness knows, I understand that, because the name of the game in the legislative arena is learning how to count. So I do understand that.

While it would be possible, I suppose, to move to table the amendment, notwithstanding, I hardly think that that would be an appropriate thing to do. The distinguished Senator from Florida is the ranking Democratic member of the Budget Committee. His proposal is a major Democratic initiative and it deserves better than that in terms of consideration of the Senate.

So I made the decision not to try to table the amendment, not to try, thus, to force a vote today. I do so with great reluctance because I had hoped we would even finish today.

But, Mr. President, that is the way things are. You have to take the bitter with the sweet. So I am not going to object to moving off this amendment for the moment.

But I would like to inquire of the Senator from Florida to see if he would consider giving us a time certain on Monday—frankly, I do not care how late Monday—to have a vote on his amendment. I am perfectly willing to have a vote up or down, if the chairman of the committee is agreeable.

Mr. DOMENICI. Mr. President, we are referring to the Chiles amendment, and not any other that we might take up.

Mr. BAKER. That is correct; the Chiles amendment. I am certainly not talking about final passage.

I am now abandoning the idea of finishing today. My question to the Senator from Florida is whether or not we can vote on the amendment on Monday.

Mr. CHILES. Mr. President, I thank the Senator from Tennessee for his indulgence and patience. He has always intended to try to accommodate everyone in a fair way. The Senator is right.

Yesterday, I looked forward to a vote early this afternoon on this amendment. I came in this morning thinking that was going to happen. I thought we could start the debate.

But as the day wore on, there was something about the announcement that there was not going to be a Friday session that tended to make people start making early reservations, and some are leaving today.

I found that a number of people were leaving. I was trying to find out exactly how we stand on Monday. That is the reason I did not want to make an arrangement. But again I am not trying to delay.

I want to get a vote on our proposition. I thought the packages should stay together, move together, and that we should vote before we take up the underlying Baker amendment. I want to accommodate the desire to get this debate going forward. Certainly I will try to do that Monday. If not, we will try to have other matters to dispose of. We will not delay.

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

If the Senator from New Mexico will yield further, I hope the Senator can give us a time to do this amendment on Monday. Even though we might be doing things, we are postponing the inevitable and that is, to deal with the major Democratic initiative. I would like to deal with that on Monday, if we can.

I have been handed a note reminding me that the next item which might be taken up is the Mattingly amendment. That is a matter that is uniquely within the jurisdiction of the Appropriations Committee. The distinguished chairman of that committee, Senator HATFIELD, wishes to be on the floor before any action is taken in respect to proceeding with the Mattingly amendment.

While we wait for Senator HATFIELD to arrive, we could buy a little time by a quorum call, and perhaps in the meantime the Senator from Florida could futher pursue the possibility of a time certain for passage.

Mr. CHILES. I would be glad to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. 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. BAKER. Mr. President, I have been advised by the staff director of the Appropriations Committee that Senator HATFIELD indicates he is agreeable to go to the Mattingly amendment. He wishes to speak on the subject, and will be here in a few moments.

In view of that information, I ask unanimous consent that the pending question, the Chiles amendment, be temporarily laid aside; and that the Senate turn to the consideration of the Mattingly amendment with the understanding, Mr. President, that after the consideration of the Mattingly amendment—Mr. President, a parliamentary inquiry: In the form that I have put the request that the Senate temporarily lay aside the Chiles amendment and proceed to the consideration of the Mattingly amendment after the disposition of the Mattingly amendment, the pending question will

recur as the Chiles amendment. Is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I put the request.

Mr. DOMENICI. Mr. President, reserving the right to object, might I ask our good friend from Florida when he thinks he would be ready to talk with us about a possible time certain to vote on his amendment?

Mr. CHILES. I hope to do it soon.

Mr. DOMENICI. Perhaps by the time we are finished with the Mattingly amendment, you will have some information.

Mr. CHILES. I hope so.

Mr. DOMENICI. I would suggest, Mr. President, that just as we found there are some people who could not be here this afternoon because of the announcement regarding Friday's session, that maybe the same thing will apply if we do not have some agreement for a time certain to vote in the afternoon or evening of Monday, inviting less attendance rather than more. I am merely suggesting that. I could be wrong. I seems to me that is what happens.

I have no objection to the unanimous-consent request.

Mr. BAKER. I put the request, Mr. President.

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

Mr. BAKER. Mr. President, I thank all Senators.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3045

(Purpose: To authorize the President to veto items of appropriation relating to fiscal year 1985 and items of appropriation relating to fiscal year 1986)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) proposes an amendment numbered 3045.

Mr. MATTINGLY. 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, add the following new section:

LINE-ITEM VETO

SEC. . (a) The President may disapprove any item of appropriation in any Act or joint resolution, except any item of appropriation for the legislative branch or the judicial branch of the Government.

(b)(1) If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law.

(2) The President shall return, with a statement of objections, any item of appropriation disapproved to the House in which the Act or joint resolution containing such item originated.

(c) The Congress may reconsider any item of appropriation disapproved under this section in the same manner as is prescribed under section 7 of article 1 of the Constitution of the United States for reconsideration by the Congress of Acts disapproved by the President, except that only a majority vote of each House shall be required to approve an item which has been disapproved or to restore an item which has been reduced by the President to the original amount contained in the Act or joint resolution.

(d) The Provisions of this section shall apply to items of appropriation for the fiscal year beginning on October 1, 1984 and to items of appropriation for the fiscal year beginning on October 1, 1985.

Mr. MATTINGLY. Mr. President, today I am offering an amendment to grant the President authority to veto individual items in appropriations bills. This amendment, however, is more tightly controlled than earlier proposals introduced in the Senate. There are important safeguards in this amendment that should allay the fears of those who say the line-item veto would alter the balance of power between the executive and the legislative branch.

Specifically, my amendment would: First, grant the President authority by legislation rather than a constitutional amendment to veto individual items in appropriations bills; second, allow Congress to override items vetoed by the President under this authority by a majority vote rather than the traditional two-thirds override requirement; and third, contain a provision to sunset the line-item veto authority after 2 fiscal years.

For many years, there has been a need for some form of spending control. With deficits projected at near $200 billion for the next several years, that need has reached the crisis point. We are facing a test of the legislative and executive will. Together, we must put aside partisan politics and not worry about the next election. What may be even harder for us to do, is to put aside our jealous guarding of every scrap of power and influence we, individually may have cornered in the legislative process. We all swore an oath to defend this country against all enemies, foreign and domestic. I say to all my fellow Senators that the massive deficit this country now faces is a powerful domestic enemy. We created this enemy and we must now take strong action to destroy it.

While I strongly support a constitutional amendment that would require a balanced Federal budget, we cannot wait for the enactment and ratification of such a proposal. It may take a call for a constitutional convention to prod Congress into putting the balanced budget amendment to our State legislatures for ratification. On that subject, I ask unanimous consent to have inserted into the RECORD at the conclusion of my remarks a recent article by former Attorney General Griffin Bell.

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

(See exhibit 1.)

Mr. MATTINGLY. Just as we cannot wait for a constitutional amendment on the balanced budget, we cannot wait on a constitutional amendment on the line-item veto. We need an interim response and enactment of my amendment will serve that purpose.

There are those who will say the line-item veto will undermine our budgeting process. To that I say our budgeting process needs change. It needs improvement. when we passed the Budget Act in 1974, the Federal Government was spending 18.5 percent of the gross national product. Now Government is spending nearly 25 percent of the gross national product. If the process is working, why is Government spending so completely out of control?

If we were running a business that went into the red ink year after year, our stockholders would not expect us to continue business as usual. They would demand change in the process. They would probably also demand a change in their leadership.

As Senators, we have perhaps the most long suffering stockholders in history. They are the American taxpayer. But if we do nothing in the face of the deficit disaster, the public will be justified in seeking a new board of directors.

What the line-item veto will do is put a magnifying glass on the budget and spending. It will be a tool to draw a clear focus on items that may or may not be worthy.

The budget has grown so large that no one person can know every item included. Its very size precludes a proper study and an informed vote. I serve on the Appropriations Committee. I know how hard our chairman and the rest of my fellow committee members work to bring forth reasonable legislation. It is a Herculean task and I marvel at the accomplishments of our chairman in the last 3 years. Some departments have their first appropriations bills in many years. But one excellent committee chairman will not solve the problem.

We need to look at the States and learn from their experience. The Governors of four-fifths of the States have line-item veto authority. They exercise that authority and as a result, most States have a balanced budget. Governors have to balance their State's budget. If they did not they would be voted out of office. It is long past time we brought the same authority and commonsense to Washington.

Mr. President, some will argue that enactment of my amendment will disrupt the constitutional balance of powers. I disagree. Under my amendment, the ultimate authority for spending will remain with the legislative branch. Any Presidential line-item veto can be overriden by a simple majority vote.

If any appropriations item cannot get a majority vote in both Houses of Congress, it does not deserve to be passed. In theory that is what the appropriations item had to have to be passed in the first place. So this is not adding any new burden. This will just let any doubtful or hidden project be judged on its own merits—not on the fact that it is attached to the funding for other popular and necessary programs. As I stated before, my amendment will just allow a magnifying glass to be focused on certain items in the budget.

The simple majority override also answers the questions of those who fear that a President with the support of just one-third of one House behind him could prevent the funding of any program. I have heard conservatives worry about defense funding and liberals worry about their social programs under the line-item veto. The simple majority override should calm those fears.

There is another safeguard against altering the balance of powers. My amendment will sunset in 2 years. I say let us try this approach and see how it works. If you do not trust the experience of nearly every State government in the Union, let us give the line-item veto a 2-year trial. If it is not successful, it will automatically die at the end of 2 years.

So we have two safeguards on the balance of power between the executive and the legislative branch: First, is the simple majority overide. Second, is the automatic 2-year sunset.

There are those who will say we should not rush into enacting the line-item veto. They will say there should be much more study given to the proposal first. To that I answer, this is not a new idea. Far from it. Most Presidents since the Civil War have favored the line-item veto. In 1790, appropriation bills were so small and acted on in such a timely manner, that the President did not really need a special veto. But once the Government grew to even the level of 1870, it became apparent that the threat of vetoing an entire appropriations bill was no longr enough to control the congressional appetite for spending. From Ulysses S. Grant to Franklin Roosevelt to Dwight Eisenhower, the call for the line-item veto has gone out.

Hearings have been held on the issue through the years including one last month before a Senate judiciary subcommittee where I discussed this very amendment we are considering today.

Until 1974, the President had the power to not spend or to impound moneys appropriated by Congress. By taking that right away from the President through legislation, Congress made a bad problem worse. It is time we returned to the President through another piece of legislation, some tool in which he can bring more control to Federal spending.

This is not a partisan effort. There are Members of both parties on both sides of the issue. This is not even a conservative/liberal issue. There are conservative and liberal opponents and supporters. Let me say right now, that I am not doing this for the benefit of the Reagan administration. I am doing it because I believe it would be the best for our country.

Mr. President, I know I am asking Members of this body to commit what some would consider heresy by voting for this amendment. But some times it is necessary to move in new directions. The adoption of my amendment would be the first step toward returning responsibility to the congressional budget process.

Mr. President, I ask unanimous consent to have printed in the RECORD several items and editorials on the line-item veto.

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

[From the Atlanta Journal, Apr. 11, 1984]

MATTINGLY TAKES THE LEAD IN FIGHT FOR LINE-ITEM VETO

Sen. Mack Mattingly is proving to be an effective watchdog on federal spending practices. He has used his committee appointments to expose pork-barrel projects and unnecessary partronage employees. Georgia's junior senator also has fought effectively against the murky budget lines for consultants in every federal department.

But his most recent fight is his biggest. Mattingly is taking the point on the restoring the balance of federal spending by giving the president the power to veto individual budget items. The line-item veto is the best proposal we've seen to discipline a profligate Congress. Our definition of "profligate;" is the uninterrupted river of red-ink passed by Congress since 1974.

The line-item veto has flaws, for certain. But those flaws seem a far more acceptable risk than current practice. Look to last November, for instance, when President Reagan had only "up" or "down" options on a $316-billion continuing resolution passed out of Congress. To veto to it was to shut down the government. To sign it, as Reagan did, was to approve billions in pork-barrel spending.

How much more effectively we would operate if Reagan had the opportunity to veto individual spending lines, passing them back to Congress for justification and debate (and into the public spotlight). A Congress certain of its priorities should be able to muster a two-thirds vote to overturn the veto.

Mattingly's plan, either by law or constitutional amendment, carries precedent. The governors of 43 states have such power. Gov. George Deukmejian of California vetoed $1.2 billion in spending last year. It is no accident that Deukmejian has restored his state's economy, held the line on taxes and now boasts a huge surplus.

Most governors use the process to trim 1 percent to 3 percent of their legislatures' spending requests. An analyst with the American Enterprise Institute points out that Reagan could easily trim $10 billion from the budget each year at that modest rate. At 2 percent, the president could trim close to $100 billion in five years. Federal deficits would be manageable soon if such a tool were in place.

For those who fear a presidential meat-ax aimed at social programs, it is worth noting that 55 percent of the budget is permanently appropriated in the form of interest payments and entitlements. Because of other limitations, only about 20 percent of federal spending would be subject to the line-item scalpel. Entitlement reform awaits another vehicle.

But Congress has proven it cannot manage responsibly its current grip on the budget. The line-item veto will restore budget balance. And it will give Congress an out for its lack of courage and discipline.

[From the Savannah Ga. Morning News, Apr. 11, 1984]

"HERESY" SOMETIMES NEEDED

Georgia's Senator Mattingly admits to "heresy" in proposing that the Congress surrender some of its power in the President of the United States. It's time, though, for a little of the heresy he's talking about.

Our senator is the sponsor of one of the several proposals that would allow the president to veto line items in spending measures. His proposal, in spite of the heretical character he assigns it, would help to restore some fiscal sanity to the federal government.

Instead of a constitutional amendment, as several lawmakers have proposed. Mr. Mattingly's proposal is for a law that would give the president line-item veto authority only for two fiscal years. If the law proved unworkable, then it would expire in two years; if it proved workable, Congress could extend the measure.

The line-item feature, while strange to Congress, is nothing new. Forty-three states, Georgia included, have such a law on the books. It gives governors a safeguard against reckless legislative spending.

The proposal has merit because of the way Congress attaches amendments to various pieces of legislation, amendments sometimes wholly unrelated in subject or substance to the measures to which they're attached. Also, Congress has a way of tacking pork-barrel projects onto more serious spending measures—a dam out West, or a post office down South, for example. Congress can do all sorts of things with a piece of legislation.

Well, why can't a president share some of that authority? And the Mattingly measure has built into it a safeguard for Congress against reckless presidental vetoes. It would require only a majority vote to override a line-item veto, rather than the two-thirds majority now required for any override.

The Mattingly proposal would provide a safeguard in both directions, and it makes sense. It bucks the system at a time when the system begs for bucking.

[From the Athens (Ga.) Daily News, Apr. 11, 1984]

LINE-ITEM VETO COULD CUT DEFICIT

Economically, the nation's deficit is the greatest problem facing the United States today. So far little, if anything, has been done to solve this problem. All anyone wants to do is blame someone else.

Congress blames the president, who in turn blames Congress. Democrats say the deficit is larger than ever under a Republican administration. Republicans say it is the legacy of Democratic administrations that has created this monstrous problem.

Meanwhile, each side tenaciously clings to every ounce of power it can muster, which is not to be confused with struggling to solve the problem.

Georgia's own Republican senator, Mack Mattingly, however, has introduced a measure we have discussed here before—the line-item veto. We think the idea deserves positive action.

The Associated Press story that reported Mattingly's bold move stated that he had "committed political heresy" by urging Congress to turn over some of its power of the purse to the President. Considering the federal deficits of late, we think that political heresy is just what is needed. Martin Luther, father of the Protestant reformation, was considered a heretic too.

President Reagan asked for a line-item constitutional amendment in his State of the Union address three months ago. He pointed out that 43 states allow their governors the freedom to single out individual appropriations for veto rather than approve or veto an entire spending measure as sent to him by Congress.

The beauty of a line-item veto is that it would make Congress more prudent in its spending priorities if it were aware that the president could delete individual programs.

Mattingly is not the first to propose the line-item veto, but his proposal is not for a constitutional amendment, which would have to be ratified by the states to take effect. Instead, Mattingly has proposed that Congress pass a law giving the president line-item veto authority for two fiscal years. Congress could override budget items vetoed by the president by a simply majority vote, rather than with the two-thirds vote required to override other vetos.

The two-year duration of the bill, if nothing else, would be a practical lesson in civics to prove that the proposal will really work. We have no doubts it will work, and we urge its implementation. And while Mattingly's bill is being tested, let's go ahead and start the process to amend the Constitution to give the president this power permanently. It will bring some fiscal sanity to the federal budget process.

[From the Jacksonville (Fla.) Times Union, Apr. 10, 1984]

PRESIDENTIAL LINE-ITEM VETO IS NEEDED TO CONTROL SPENDING

Hearings begin today before the U.S. Senate Judiciary Committee on the question of an executive line-item veto. Properly controlled, it would be a useful device that could help hold down federal spending.

As the system works today, the president is presented with bills proposing the expenditure of hundreds of billions of dollars and must accept them or reject them en toto.

They may contain billions of dollars of pork-barrel projects that fatten the deficit but do nothing for the vast majority of hard-working, taxpaying Americans. But he can't root out those projects.

In 43 states, the chief executive can pare bills one item at a time. Ronald Reagan had the power himself when he was governor of California. But, like virtually every president since the Civil War, he has asked for and been refused the line-item veto.

Currently, the president has one option. He can ask Congress for recission of a spending measure. But unless both houses approve the recission by two-thirds vote within 45 days, the original appropriation stands.

In fairness, Congress has not been insistent in this regard. It has gone along with the president 59 percent of the time since 1975.

Sen. Mack Mattingly, R-Ga., would give the president the power to use a line-item veto by a constitutional amendment, which some authorities believe is necessary.

Another proposal would give Reagan limited power to defer or rescind spending whenever the federal debt exceeds limits set by Congress.

Another reason the line item veto is only a limited tool is that 55 percent of federal spending such as interest payments and entitlements is permanently authorized and not subject to presidential review. Another 20 percent of the budget is carried over from previous years and cannot be vetoed. So about 30 percent, or $200 billion in the 1985 budget, would be subject to veto.

There are several reasons to be cautious. Advocates of a strong defense would note that two-thirds of the $200 billion is defense spending that would be subject to veto. Also, there is the possibility that any antagonistic Congress could load up bills with items they knew Reagan would veto, making them the hero and him the villain.

There is concern that it would upset the balance of power. But Mattingly's proposal would allow a line-item veto to be overridden by majority vote instead of two-thirds, which might help to maintain that balance.

The proposal would give the country some defense against the congressional propensity for slipping terrible pork-barrel projects into bills that otherwise are necessary and desirable. If Congress would act responsibly, the line-item veto would not be needed; but the line-item veto is needed.

[From the Gainesville (Ga.) Times, Apr. 16, 1984]

NEW LINE-ITEM VETO IDEA DESERVES A CAREFUL LOOK

"We can tuck all manner of spending goodies into legislation knowing the president will swallow the unwanted in order to receive the approval of funding for the vital elements of government."

Sen. Mack Mattingly described succinctly the root of the problem of budget-busting federal spending. The process by which "Christmas tree" projects get included in the budget is a vital part of the legislative checks and balances that prevent the smaller states from being run over by the few large ones whose delegations can make up a majority.

Today's problem is that like so many worthwhile processes, this one has been terribly abused in ways unintended. A cure is needed, but let's not destroy the process in prescribing the cure. The line item veto has been proposed a number of times as a cure. As previously proposed, it was more like cutting off the arm to cure the finger.

Mattingly has conceived a modification that could make the line item veto more palatable. He would give the president line item veto powers over spending legislation, but Congress would be able to override the veto by simple majority vote rather than by the now-required two-thirds majority.

If a majority passed the objectionable appropriations in the first place, isn't that same majority likely to override the veto? Probably. But the veto would have the effect of subjecting those vetoed line items to more intense public scrutiny and debate. Sometimes specific spending measures sail through unnoticed by the public as part of a larger package. Our representatives don't hesitate to vote for them knowing we probably won't find out about it. Subjected to individual attention, the vote might be different.

In other words, if our representatives believe we know what they're doing, they're apt to do differently.

Mattingly's proposal deserves a close study before it is summarily rejected.

[From the Savannah Morning News, June 24, 1983]

THE LINE-ITEM VETO

While Mack Mattingly has caught on fast and made good inroads since Georgians sent him to the Senate in 1980, some of his congressional colleagues must wonder if he's forgotten so soon that the members of Congress hold certain special-interest and bondoggling tools. He sometimes acts more like a taxpayers' advocate than a senator.

There's nothing wrong with being a taxpayers' advocate. But it's somewhat strange for a member of Congress to want to give up a special privilege whereby he can tack on to a major piece of legislation some special-interest amendment that may benefit only a small part of his constituency. Bravo, Senator Mattingly.

What the Senator has proposed is a bill that would permit line-item presidential vetos on an appropriations bill.

The change that would create has some members of Congress worried, especially Texas Jim Wright, the House majority leader. Goodness gracious, to allow a president to veto certain items in a bill would upset a lot of apple carts.

Under the present system, a president must sign or veto a bill in its entirety. If he objects to an appropriation for an unneeded dam in Podunk, the president still must approve it or an entire bill containing some very essential and worthwhile appropriations will suffer from a veto. Especially is this true when Congress fails to override a veto, and overriding is a difficult process.

Majority Leader Wright and other Democrats contend the power of line-item veto would make the president a dictator of sorts. Georgia's governor has line-item-veto power, but no one's called him a dictator, or any of his recent predecessors. Governors of 42 other states also have that power.

The line-item veto may be just one of the things this nation needs to harness the growing national deficit. One of its effects

would be to place a heavier burden of responsibility on the president's shoulders. Also, it would not remove the authority of Congress to take back any vetoed line item and make an attempt to override. If the sponsor of a dam in Podunk can convince his colleagues that the course of civilization will change tragically, if the dam isn't built, they'll override. Otherwise, it will be good riddance to a worthless project.

Senator Mattingly may have upset some of his colleagues on Capitol Hill, but the people of America probably would welcome such a change as he has proposed. Wish the measure success.

[From the Augusta Herald, Oct. 18, 1983]

DICTATORIAL VETO?

Sen. Mack Mattingly, R-Ga., has introduced a sensible measure that would permit the president a line-item veto of appropriations bills. As it stands, a president each year receiving only a handful of multibillion-dollar bills that cover everything from A to Z. He must either approve such bills or veto them in toto. In effect, this means that a president if forced to be the bag man for a lot of special-interest whoopee money, because a veto would deprive many crucial federal agencies of funding.

Of course, opposition to the "surgical" veto will be fierce. Rep. Jim Wright, D-Texas, the House majority leader, charges that giving the president a line-item veto would confer on him "dictatorial powers." Well, the governors of 43 states, including South Carolina and Georgia, enjoy line-item privileges, and as far as we know none of them has begun to resemble Idi Amin. Also, as Lloyd Cutler, former counsel to President Carter has stated, "We are the only country where the legislature can vote a larger budget than the executive proposes."

To be sure, instituting a line-item veto would shift political heat, as well as power, to the president. Yet congressmen who have built careers on brokering for various interest groups won't change their ways willingly. But they shouldn't resort to this "dictatorial powers" guff. A president (with his party) would be judged on his use of line-item-veto power in the next election. That is democractic, not dictatorial.

Naturally, anyone who favors expanding the president's powers in this fashion ought to remember that the sword cuts both ways. Faced with an omnibus appropriations bill, a president might cheerfully approve much needless social-welfare spending, while smacking down funding for national defense. Even so, the public could call one individual to account. Now responsibility for federal expenditures is spread 536 ways—that is, spread so thin it's invisible. That's no way for a democracy to operate.

Reaganomics generally is working, but interest rates are still too high because of huge federal deficits that are deepened by ungoverned federal spending. A line-item veto could solve that problem, too, and make President Reagan an economic wizard in the public eye. Could that prospect explain much of the opposition to the veto reform?

[From the Atlanta Journal, 1983]

MATTINGLY MOVES OUT AHEAD ON START FOR LINE-ITEM VETO

Sen. Mack Mattingly of Georgia has moved out ahead of the Reagan administration with what we have suggested should be a major issue in the coming presidential campaign.

He has introduced a bill to allow the president a line-item veto inside appropriations bills. The Journal has urged a constitutional amendment granting the president those powers, but if it is legally permissible for Congress to pass such a measure, it would be a less cumbersome process.

We view the line-item veto as a far more sure control on federal spending than the constitutional amendment mandating a balanced federal budget. That amendment lacks only the approval of two more states before it becomes the trigger for a constitutional convention. Such a convention, without controls, could be a divisive morass. An amendment for a line-item veto is a way to avoid that.

Virtually every state gives its governor the power to strike individual budget items. It is far more vital that the president have that power, given the complexity of the federal budget process and the profligacy of a Congress whose subcommittees are increasingly the hostages of special interest groups.

The president would by no means have the last word. Any veto can be overridden by a two-thirds vote.

In the monstrous federal budget process, the President gets only 13 choices—he must vote them up or down. That's the number of appropriations bills Congress sends to the White House. Too often, one or more of those bills is needed "to keep the government running," or it carries a program or rider the president considers vital.

Too often as well, those 13 appropriations bills are far beyond overall spending targets. But by their very size and complexity, the president has little choice but to sign them.

This week Treasury Secretary Donald Regan said he was prepared to push the issue as a campaign theme. White House Counselor Edwin Meese is behind it as well. Sen. Mattingly has done well to put the issue before his colleagues.

LINE-ITEM VETO: TRIMMING THE PORK

(By John Palffy, Policy Analyst)

INTRODUCTION

Congress begins consideration of President Reagan's call for a line-item veto April 10th with hearings before the Senate Judiciary Committee. The proposal could come to the Senate floor by late April, when an increase in the debt ceiling is debated. The controversial initiative to strengthen presidential control over appropriations recently has earned surprising, if tentative, respect—largely because Congress seems unable to control the budget process it created ten years ago.[1]

The problem is that under current law the President is faced with only two unpleasant options when unacceptably large appropriations bills, such as last November's $316 billion continuing resolution, land on his desk. He can "rubber stamp" the bills in their entirety, replete with billions of dollars of special interest spending. Or he can shut down government operations by vetoing the bill. No middle ground is available. A line-item veto would permit the President to "blue pencil" individual items from congressional appropriations, so that pork-barrel or special interest spending is not approved merely by "riding the coat-tails" of essential appropriations.

There is nothing new about the line-item veto. Forty-three state governors have the power, and the veto has been requested by virtually every President since the Civil War. Many bills to give the President line-item veto power have been put before Congress—and failed. The line-item veto has not been considered seriously by Congress as a budget control device until today.

Opinions are divided, however, on the merit and legality of the proposal. Opponents claim that the line-item veto would be unconstitutional, and that it would grant the President undue power over spending priorities—without significantly reducing the deficit. Proponents respond that it would be constitutional, that safeguards could be added to control White House power, and that the cumulative impact on spending could be considerable. If Presidents during the last ten years had used line-item veto to cut just 1 percent from yearly spending, the FY 1985 deficit could be half its projected level.

Many practical concerns and constitutional objections need to be answered before the line-item veto is enacted. Despite such problems, however, greater control of federal spending is a legitimate responsibility of the President. And more effective executive control of spending is needed to counter the current institutional incentives for Congress to spend taxpayers' money so freely. The line-item veto, therefore, deserves very serious consideration.

WHY ACTION IS NEEDED

Because, under current law, the President must approve or disapprove entire appropriations bills, Congress is able to pass special interest and non-germane "riders" by incorporating them into major last-minute funding bills and resolutions. If the President refuses to sign such "Christmas tree" bills, he often must shut down the government agencies covered by the legislation. The President can, of course, petition Congress to cancel any spending plans, but unless both Houses of Congress approve the rescission by a two-thirds vote within 45 days, the President must spend the funds. Since the Budget Control Act went into force in 1975, 41 percent of all such presidential rescission requests have been ignored by Congress. None of President Reagan's 1983 rescissions were approved.

A line-item veto would strengthen the President's rescission powers. The President would be able to rescind individual appropriations and allow the rest of the bill to pass. This rescission would stand unless Congress explicitly overrode the veto.

Senator Mack Mattingly (R-GA) has proposed two methods to convey the line-item veto power to the President—a constitutional amendment (S.J. Res. 178) and a legislative rule (S. 1921). The amendment would involve the lengthy amending process, requiring approval by 34 states after passage through both Houses of Congress S. 1921 would grant the President statutory power for the line-item veto. In theory at least, this could become law in time to give the President line-item veto power for the FY 1985 budget. But this could face serious constitutional challenges and, of course, it would be subject to repeal at any time.

A modification of the line-item veto proposal, offered last November by Senators William Armstrong (R-CO) and Russell Long (D-LA), failed in the Senate by only three votes. Armstrong has promised to present it for a vote again this spring, when Congress debates the debt ceiling. A similar proposal (H.R. 5000) has been introduced in the House by Minority Leader Robert

[1] See John Palffy, "Giving the Budget Process Teeth," Heritage Foundation Backgrounder No. 305, November 11, 1983.

Michel (R-Ill.) Under the Long-Armstrong proposal, the President would be required to defer or rescind spending whenever the federal debt exceeds quarterly limits imposed by Congress. This power would be limited, however. He could not eliminate an entire program or project, or reduce any program by more than 20 percent. Nor could he restrict payments to individuals.

Because the President would still have to accept or reject entire appropriation bills under the Long-Armstrong proposal, and because there would be precise limits on the occasions when the President could employ it, the amendment technically is not a line-item veto. Rather, it strengthens existing rescission powers. Senator Pete Domenici (R-NM) has noted,[2] however, that tying the line-item veto to the debt ceiling may not be very effective; Congress, for instance, could simply raise the ceiling to prevent presidential action.

THE CASE FOR A LINE-ITEM VETO

Deficit reductions

The fiscal effects of the line-item veto would be limited because 55 percent of federal spending (interest payments and most entitlements) are permanently authorized, not "appropriated," and thus are not subject to presidential review. Moreover, a President cannot veto appropriations committed from previous years—and these appropriations make up approximately 20 percent of each fiscal year's spending. So less than 30 percent of federal spending (or $260 billion in the proposed FY 1985 budget) would be subject to line-item veto. The House Budget Committee, in a recent analysis, has argued that even 30 percent might prove an over-estimate.[3] By assuming that President Reagan would not veto any defense spending, the Committee concluded that less than $90 billion would actually be subject to a Reagan line-item veto in FY 1985.

The House Budget Committee analysis is subject to at least two criticisms, however. It is not clear, for instance, that defense spending would be exempt from a Reagan line-item veto. The Administration knows well that the defense budget is not immune from pork-barrel spending—Pentagon and White House officials have tried for years to close a number of unneeded military installations, for example, only to be ignored by Congress. And, while President Reagan might focus the line-item veto on the non-defense side of the budget, the converse would likely be assumed the case during a Democratic administration.

American Enterprise Institute budget analyst Norman Ornstein contends that a President would use the line-item veto to cut only 1 percent a year from the budget. While a 1 percent cut in the FY 1985 budget would amount to only $9.2 billion—a tiny fraction of the projected $200 billion deficit—the compounding effects of cutting 1 percent from the budget every year soon would become signficant.

Table 1 illustrates such cumulative effects. The table indicates what federal spending might have been in past years if the President had used a line-item veto to make very modest cuts in the budget every year, beginning in 1974. As the table indicates, a line-item veto of just 1 percent of total spending would have reduced the projected FY 1985 deficit by $105 billion. If the President had cut 2 percent of discretionary, or "controllable," government spending ($265 billion in FY 1985), the projected deficit would be reduced by $49 billion.

TABLE 1.—THE LONG-TERM EFFECTS OF A LINE-ITEM VETO

[In billions of dollars]

	Actual spending	Assuming 1 percent cut of all spending per year	Assuming 2 percent cut of "controllable" spending per year
1974	268	265	266
1975	324	318	320
1976	365	354	361
1977	401	386	394
1978	448	426	438
1979	491	462	477
1980	577	538	561
1981	657	687	636
1982	728	665	702
1983	796	720	764
1984 (estimated)	854	764	816
1985 (projected)	928	823	879
Reduction in fiscal year 1985 deficit		105	49

Note.—1984 and 1985 "actuals" are CBO estimates.

Table 2 illustrates the likely consequences of instituting a line-item veto for FY 1985. If the President cut 1 percent from the budget each year, the total savings over the next five years could amount to $174 billion, and the FY 1989 spending would then be reduced by $65 billion. If the President were to cut two percent from only "controllable" items, the total five year savings would still be $99 billion, and the fiscal year 1989 spending reduction would be $37 billion (assuming controllable outlays remained at 27 percent of total budget outlays).

TABLE 2.—THE LONG-TERM EFFECTS OF A LINE-ITEM VETO

[In billions of dollars]

	Projected spending	Assuming 1 percent cut of all spending per year	Assuming 2 percent cut of "controllable" spending per year
1985	928	919	923
1986	1,012	992	1,001
1987	1,112	1,080	1,093
1988	1,227	1,179	1,200
1989	1,342	1,277	1,305
Reduction in fiscal year 1989 deficit		65	37

Source.—Calculations based on CBO budget projections.

It is not clear which constituency has the most to lose from a line-item veto. For instance, of the $260 billion that could be made subject to the line-item veto in FY 1985, two-thirds would be defense spending. That means that for every $1 of non-defense spending open to the line-item veto, the Pentagon would risk up to $2. Moreover, the fastest growing segments of the budget, interest and entitlements (constituting 55 percent of the budget) would not be affected by the veto. Advocates of a strong defense are understandably cautious about a line-item veto that puts at risk twice as much defense spending as non-defense spending.

Cuts in pork-barrel programs

The line-item veto could be an effective deterrent to the practice known as "logrolling." This occurs when members of Congress vote with one another on a *quid pro quo* basis to pass appropriations for programs benefitting local areas and interest groups—even though each program would fail to win a majority on its own. The result is that Congress passes appropriations bills loaded with costly amendments and riders that provide benefits to local constituencies.

A line-item veto specifically would allow for the President, the only official in the U.S. who must answer to the country as a whole, to cancel such spending on a case-by-case basis according to national interests. By returning these projects to Congress for reconsideration on an individual basis, the President would have the power to break the logrolling coalition. The line-item veto seems to be the best available defense against logrolling and omnibus spending resolutions.

OBJECTIONS TO THE VETO

Passing the buck

The line-item veto is viewed by some, however, as just an excuse for Congress to abandon the search for a responsible appropriations process. Senator Lawton Chiles (D-FL), for instance, fears that Congress: "would add to program after program, making all our constituents happy and never have to look at the bottom line. We could pass that responsibility over to the President. He would cut the bill back down to size and be the spoilsport."[4]

State experience gives some support to this view. Political observers argue that the Illinois legislature, for instance, adds funds to the budget in hope that the governor will veto them. But strong institutional constraints on total spending, such as balanced budget legislation, reduce such politicizing at the state level. At the federal level, a strong binding budget resolution would also reduce such opportunities. But it should not be forgotten that the line-item veto is an executive branch responsibility, with potentially significant political liabilities as well as benefits.

Presidential pork-barrelling

State experience also suggests that "just by having [the line-item veto], you can avoid getting a bill you don't want," says Robert Wilburn, former Pennsylvania budget secretary. "Exactly," retort opponents—the President could use the threat of a line-item veto to further his political interests. He could, for instance, hold hostage discretionary projects supported by Congress to force significant increases in defense spending, they argue, or he could target his veto against political opponents in election years.

Upsetting the balance of power

Many congressmen claim the line-item veto violates a literal interpretation of the Constitution—which vests spending power in the Congress. No state or federal court has handed down any decision to this effect, and the Law Division of the Congressional Research Service has determined that Senator Armstrong's beefed-up rescission proposal would be constitutional.[5] Since there seems to be little difference in principle between Armstrong's rescission proposal and a line-item veto, the veto's constitutional critics need to marshall better evidence to support their case. Moreover, there is historical precedent for a presidential refusal to accept specific appropriations. Between 1921 and 1974, the President possessed unilateral

[2] *Congressional Record*, November 16, 1983, p. S16331.

[3] *The Line-Item Veto: An Appraisal*, Committee on the Budget, U.S. House of Representatives, January 1984.

[4] *Congressional Record*, August 4, 1983, p. S11729.

[5] Letter from Raymond Celada, Congressional Research Service, to Senator William Armstrong, October 17, 1983.

and absolute impoundment powers; he could refuse to spend appropriations without any explanation to Congress. The 1974 Budget Control Act stripped the White House of such power.

Opponents also fear that the line-item veto would grant nearly unilateral authority to the President, because he could veto a program if he could hold the backing of just one-third of one chamber of Congress. But if the veto could be overridden by a congressional vote of only fifty percent, as Senator Mattingly's proposal provides, this objection might be overcome—since any program of truly national importance presumably could win majority support.

The general argument that a line-item veto would circumvent the intent of the Founding Fathers holds less weight when viewed in the context of the structural changes that have altered the institutional balance of power firmly in favor of Congress. Moreover, although the Constitution specifically limits the president's veto powers to entire bills, it is not exactly clear, according to some experts, what the Founding Fathers meant by a "bill." In early years "bills" were limited in their scope of authorizations and financing—it is unlikely that the Founding Fathers envisaged the passage of single bills with $316 billion of spending authority (a tenth of the nation's entire output). As Senate Finance Committee Chairman Robert Dole (R-KS) noted in congressional debate during the Carter Administration, "the growth of the size of appropriations bills has eroded the intent of the original veto provision of our Constitution and I believe that erosion should be reversed." [6]

The balance of power has also shifted away from the President in the last ten years as the rules on germaneness have become largely ineffective.[7] The Constitution did not intend for Congress to attach non-germane authorizing language to critical appropriations bills in order to pressure the President into accepting those special interest additions.

Moreover, while Congress has assumed more extensive budgetary powers, it has failed to assume the corresponding fiscal responsibilities. The line-item veto proposal offers a means to effect such fiscal responsibility, and to restore the balance of power existing prior to 1974. It is not a revolutionary attempt to create an "imperial" presidency.

STATE EXPERIENCE

Forty-three state governors now have line-item veto power over appropriations. These states adopted the veto after the Civil War and none of the states subsequently has withdrawn it—clear evidence that the veto is both popular and workable.

California Governor George Deukmejian "popularized" the line-item veto in the media last summer when he "blue pencilled" $1.2 billion in legislative requests to avoid tax increases. But Deukmejian has not been the only governor to flex his line-item muscles. In Illinois, Governor James Thompson routinely slices about 3 percent off appropriations bills each year to keep the budget balanced. And during his eight years in Sacramento, Ronald Reagan used the line-item veto to reduce the legislature's spending plan by an average of 2 percent a year.

Learning from the States

The simple fact that no line-item veto law has been repealed in any of the 43 states that enacted it is clear testimony to its success and acceptance. But state experience also suggests that some problems would need to be solved before a federal version of the veto would be successful.

The primary hurdle would be the ambiguity over the term "item." Opponents of the proposal contend that the vagueness surrounding the term would mean granting the President uncertain power. The issue could be a stumbling block in the line-item veto initiative. Litigation in the states has centered on the precise meaning of the term "item" and whether it would encompass reductions as well as disapprovals. Contradictory decisions have been handed down in different states; for instance, in Oklahoma and Illinois.[8] A bill that specifies that the President must approve or reject an entire line appropriation, might lead to such questions as: Would individual projects within a military construction or mass transit appropriation be subject to line-item scrutiny, or would the President be confined to action only on major appropriation headings?

Senate Majority Leader Howard Baker (R-TN) is concerned that this confusion would allow Congress to manipulate the language of bills to avoid the line-item veto. Says Baker: "I am really afraid if we had line-item vetoes Congress would start sending the President appropriations bills with just one line."

Senator Mattingly's bill may deal with this problem by granting the President sweeping authority to reduce or disapprove any part of an appropriation. This would eliminate any ambiguities and potential court conflicts over presidential power, but it would also grant the President very extensive power over the federal purse-strings—and so is not likely to receive congressional approval in its present form. The senator has sought to balance this sweeping power, however. A recently introduced amended version of S. 1921 would allow Congress to override a line-item veto with a simple majority. It would also require the veto to be "reapproved" after two years.

CONCLUSION

The line-item veto faces considerable opposition from two groups within Congress. Legislators who wish to protect their ability to force acceptance of pork-barrel spending and non germane authorizations have every reason to oppose the proposal. In addition, legislators who are concerned that critical defense systems could be the primary targets of future presidential vetos understandably hesitate supporting the device.

Senator Dole has reminded the first group that they have clear obligations to the country. "I do not impugn those members of the Senate who support such (pork-barrel)," says the Finance Committee chairman, "because it is our duty to do as much as we can for our states. However, as a group I believe that we could all endorse an institutional change which would eliminate some of this."

The fears of the second group, however, must be weighed carefully in assessing the full political costs and benefits of the line-item veto. Moreover, critics of the line-item veto should remember that the Constitution was written in the context of one set of political parameters and institutional conditions and that those parameters and conditions have changed. The budgetary process can only achieve the purposes of the Constitution if it is adopted to these new circumstances. A legislated line-item veto could restore the balance of power originally intended by the Founding Fathers, without intruding on the clear intent of the Constitution.

Most concerns over the constitutionality of the line-item veto appear to be little more than political rhetoric. The President enjoyed unilateral impoundment powers for over fifty years during this century.

Yet the line-item veto proposal is still wrought with practical problems. Conservatives, for instance, must ponder the fact that a liberal President could block certain weapons systems approved by Congress. And the best mechanism for introducing such a veto is by no means clear. State experience suggests that the least problematic method of instituting a line-item veto would be to accompany it with a statutory rule granting the President the right to disapprove or reduce any part of any appropriation bill. Such language would carry the principle of executive review to its logical conclusion. A rule of this kind could be achieved by amending existing rescission powers such that a rescission would stand unless Congress explicitly overrode it. In order to make such sweeping executive review palatable, and to reduce the danger of a President preempting spending priorities, it would be prudent to allow congressional override with less than a two-thirds vote.

A line-item veto would be no fiscal panacea. It does not even address the primary federal spending problem—the spiraling growth of entitlements. Nor would it deal with many of the serious shortcomings of the congressional budget process. But by taking the handcuffs off the President in the appropriations process, the line-item veto would constitute an important first step toward fiscal responsibility.

Mr. MATTINGLY. Mr. President, there was a speech given not too long ago before the New York Economic Club, on April 3, 1984, by Senator DOLE. I will submit the entire speech for the RECORD. Mr. DOLE said:

But if we fail to beat the deficits, we will once again be plunged back into boom-and-bust, inflation-and-recession cycles.

The huge borrowing needs of the Treasury will force the Federal Reserve to choose between inflation and high interest rates. Either way, the chance for extended prosperity will be lost.

He said:

Some see the deficit as a problem, but I see it as a tremendous opportunity. We can work together and remove this last impediment to a secure, prosperous America. And if we can pull it off, we will have done more than strengthen our economy. We will have made a major contribution to restoring the faith and trust in our political institutions.

Mr. President, that is the purpose of this line-item veto, to help beat the deficits.

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[6] *Congressional Record*, March 10, 1977, p. S7199.

[7] The standing rules of the Senate provide that "no amendment which proposes general legislation shall be received to any general appropriations bill, nor shall any amendment not germane or relevant to the subject matter of the bill be received. . . ." Congress typically ignores these rules in order to attach politically controversial amendments to critical appropriations bills.

[8] See *State University* v. *Trapp*, 28 Okla. 81, 1911, and *People ex rel. State Bd.* v. *Brady*, 227 Ill. 124, 1917.

EXHIBIT 1

HOW THE PEOPLE CAN FORCE CONGRESS TO CURB DEFICIT

(By Griffin B. Bell)

(Griffin Bell, who served as U.S. attorney general during the Carter administration, now practices law in Atlanta.)

Like most Americans, I am deeply concerned by the federal government's continuing failure to control budget deficits. The interest payments on the debt now amount to 12 percent of the current budget. Basic to this failure is that no counterforce exists against the special-interest groups that are the driving force behind excessive government spending.

Because Congress has failed to control runaway deficits, the people have acted through their state legislatures, 32 of which have called for a constitutional convention to draft a federal balanced-budget amendment. When 34 states have so acted, Congress, under Article V of the Constitution, must call a convention.

We are now hearing predictions of doom and gloom that have not been heard since the passage of the 17th Amendment 72 years ago. In our original Constitution, Senators were appointed by the state legislatures rather than elected by the people. By 1912, the people had concluded by a wide margin that the Senate should be elected, not appointed. The House of Representatives agreed, five times passing a proposed Constitutional amendment to make the Senate elective.

But five times the Senate killed the amendment in committee, thereby forcing the people to take action. State legislatures began passing conditional calls for convention, if Congress did not approve the amendment.

At that time, the two-thirds required was 32 legislatures. When 31 states had acted, the Senate read the handwriting on the wall and passed the amendment. Without the use of the alternative route in Article V of our Constitution, the 17th Amendment would not have been passed and senators would still be appointed.

This is precisely what the founding fathers had in mind. They provided for amendment through action of state legislatures to deal with situations in which the people and the legislatures saw the problem and the need for change, but in which Congress was part of the problem and would not act. That situation prevailed in 1912. It prevails equally in 1984.

Aside from the specious argument that a convention is "alien" to the constitutional process, we hear other objections. It is argued that our friends abroad would recoil in horror at the prospect of a constitutional convention that would presumably destabilize America.

But the free world has been decimated by our interest rates and the dollar exchange rate, which foreign financial experts attribute to our huge deficits and general fiscal profligacy. A serious effort to install long-term constitutional control over U.S. fiscal practices would be welcomed by our friends abroad.

Also, we are bombarded with ominous stories about a "runaway" constitutional convention which, presumably, would repeal the Bill of Rights, dismantle the Constitution and install some sort of totalitarian regime. Well, while we have not had a federal convention since 1787, there have been more than 200 conventions held in various states, many of whose constitutions provide for periodic conventions to propose amendments. Such gatherings have brought out the best, not the worst, in people's government.

It is claimed that James Madison said that a "new" constitutional convention would be a cloud over the Constitution. He did indeed utter those words, but in response to critics who declared that the Constitution written in Philadelphia in 1787 should be rejected and a new convention be held immediately. Thomas Jefferson, author of the Declaration of Independence, assumed that we would have a new convention about every 20 years.

In fact, fears about a "runway" convention are groundless. The various state applications to Congress not only exhort Congress to pass the Tax Limitation-Balanced Budget Amendment but limit the scope of a convention to the sole and exclusive purpose of the balanced-budget issue.

Those who wring their hands over the prospects of a convention run the risk of exposing their elitism, implying that the average citizen cannot be trusted. At the same time, they are willing to place their full faith in Congress, the very institution that has precipitated the fiscal mess which, in turn, has prompted the constitutional Tax Limitation-Balanced Budget movement.

But suppose that other resolutions were offered at the balanced budget convention. Congress would not be compelled, nor would it have any incentive, to send along to the states for ratification any proposals emanating from the convention that exceeded the scope of the call. And 38 states are not about to ratify any proposal that does violence to or seeks to dismantle fundamental constitutional protections and guarantees.

Finally, it is important to understand that a convention will not necessarily take place upon the application of 34 states. The state calls have said: If Congress does not pass the amendment, then a convention for that purpose is called. The calls are conditional, not absolute.

I believe there will not be a balanced budget constitutional convention. Congress simply will not abide letting mere citizens decide its taxing and spending power. Congress will act, I predict, as it did on the issue of the direct elections of senators—when overwhelming pressure from the states and the people can no longer be ignored.

Mr. EVANS. Mr. President, will the Senator from Georgia yield for a question?

Mr. MATTINGLY. Yes; I will.

Mr. EVANS. Mr. President, is it the Senator's understanding that the line-item veto, as he has proposed it, would allow the President not only to strike in entirety a particular item of appropriation, but line through and reduce the amount of a particular item?

Mr. MATTINGLY. Yes; I think that would be the implication. I am familiar with what the former Governor, now Senator from Washington, is referring to, the authority permitted in his State, I believe.

Is that correct?

Mr. EVANS. Not in my particular State, although I had very strong item veto authority. In a number of States, that particular authority, in precisely that form, does exist.

I further ask the Senator from Georgia, that if this was done, would not this reflect, in essence, just an enhanced rescission authority? In other words, the President would have the opportunity to initiate by reducing an appropriation and Congress would have the authority by majority vote to deny that to the President whereas under present law, the President must request a reduction and Congress has to take a positive action of approval.

Mr. MATTINGLY. That is correct, Mr. President. By implication, I would say that that is the intention.

Mr. EVANS. I thank the Senator.

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

Mr. EVANS. Mr. President, if the Senator will withhold, I wish to endorse the proposal of the Senator from Georgia. He has pointed out that I had the opportunity to serve as Governor and I find myself, of course, in a different position now as a Member of a legislative body. I understand the difficulty of a legislative body appearing to give up some of its authority and expanding the veto authority of the President. But I believe in this case, it is appropriate to do so.

The President has a more stringently restricted veto authority than almost any other chief executive in the United States. Virtually every Governor has broader veto authority than the President in terms of items or sections of particular pieces of legislation. I would truly view this not as increasing the authority of the President as some of our colleagues would suggest, but as an evenhanded rescission authority that gives to the President an opportunity to initiate action, with the opportunity for Congress to deny it. Whereas today, the President must ask, Congress must initiate, and that is a much more difficult task in terms of getting control of the budget, which is now very much out of control.

Some suggest that this is not really effective because it applies to a relatively small percentage of the budget. After all, no President can reduce our obligations to pay interest on the national debt; no President, through veto, can change the obligations we have made to our entitlement programs—which take almost half of our total Federal budget. But even if the opportunity to use this tool is restricted to a relatively small part of the budget, it is still an important tool and should be viewed just as that. We need a whole kit, we need a large number of tools to deal effectively with a budget now out of control. That may not be a hammer; it may be a pair of pliers. Whatever it is, it is one tool and, I suggest, Mr. President, an important tool as we move ahead on the budget reduction package we are now debating.

The Gallup poll of last November, in asking about this question, had a 67-percent affirmative reply from citizens who were asked whether they thought

the President ought to have veto authority. I believe strongly that, as we look at specific ways either to close tax loopholes or to reduce expenditure, we ought to be looking quite seriously at the other tools we can use to control budget expenditures now and in future years.

These tools clearly should include an item veto or an evenhanded rescission authority. It ought to include, I believe personally, a commitment to move toward a 2-year budget with stronger congressional oversight responsibilities. And there may well be other tools. We ought not to ignore those procedural acts as we deal with the dollars that we have been debating over the past weeks.

I thank the Chair.

Mr. CHILES. Mr. President, this issue has been before us several times. Now we find it again in the guise of a statute. I think this avoids the real deficit issue. We are talking about a deficit problem in which only about 18 percent of the budget in nondefense discretionary programs would fall within the ambit of the line item proposal. If you look at these programs, you will see they are not growing faster than the gross national product. They are all growing slower. Congress and the President together have already restrained the growth of these programs. So either the existing veto is working, or the present budget system is working. We do not see a problem there. The major problems are coming from our entitlements. The line item veto is not going to help in that area.

With the interpretation that has been placed on this by the Senator from Georgia, we see that the President will have the right to really take the basic power Congress has, the power to write legislation. If he can reduce items or modify them, I take that he could strike a legislative prohibition; he could reduce any of the amounts proposed by Congress. So, Mr. President, it seems to me that the one power that Congress has, that ability to write legislation, would be taken away.

Legislation like this would make Congress less responsible. I can envision that it would be a lot easier to vote for programs, saying, "The President will take care of this; he will line-item veto this. I can go ahead and please the home groups that want us to put in more for veterans, for example, knowing that. Somebody in the administration will take care of that. They will reduce that item." That would be safer for us than being held responsible.

The other thing that has always concerned me, Mr. President, is that a line-item veto is not going to be exercised by the President of the United States. It is not even going to be exercised by the Director of the Office of Management and Budget. It is going to be exercised by some faceless, nameless bureaucrat, who wears a little green eyeshade. He sits down in the bowels of the building somewhere. He does not change whether the Republicans are in power or the Democrats are in power and generally, he "ain't never liked that program nohow." He has always wanted a chance to "get it." So he puts it on the list for the line-item veto.

That will happen time after time. Then a Member of Congress, who has had some program brought to his attention by his constituents or through an oversight hearing, may find himself facing the fact that he got the Congress of the United States to override the President's veto on this little line item. It may be the Mississippi Seashore gatehouse at the park.

How in the world are you going to be able to deal with that? A gatehouse is something the bureaucrat has never felt they needed, and so he gets it put on the list.

Just multiply that by the number of items that may be involved. That has always concerned me.

The other thing that has concerned me is that you would be giving tremendous power to the executive and his team. If they do not think that CHILES has been behaving lately, they can ask the computer to give them a list of the things in which CHILES is now interested. They would look for the "little one," and send him a message. The administration might look at CHILES or some other Senator and decide he is not answering our calls right now. He is not paying attention to us right now. We do not like his record right now. So let us send him a message, but we will not do anything real big, nothing prominent. We will just find a few here and there. The printout will come through, and they can look over it and circle a few things. That is a tremendous power.

Mr. President, I am seriously concerned that we are talking about rewriting the Constitution of the United States. We are going to do it with a statute. There have been attempts before to try to amend the Constitution. There have been constitutional amendments proposed. They have been going on since the time of President Jackson and before, urging the administration to change the veto power. Thus far that has not happened. I would hate to see us now attempt to achieve that change with a statute. I do not think it would be a very wise thing to do. I think we would be altering the separation of power.

States have evolved differently from the U.S. Congress and Constitution. They have different powers. Generally speaking, in the States they have had citizen-type legislators who do not operate full time. Their budgets are much smaller and the line items are fewer. In my State, we had so-called legislative courtesy. Any time there was a line-item veto, the Senate would go into executive session and say, "What does the Senator from Polk County want to do on this item? And you would just indicate up or down, and that was what determined whether that line-item veto was overridden or not. It was a perfunctory thing. So the States have worked their will on what they would do on this particular matter.

Mr. President, I ask for the yeas and nays.

Mr. MATTINGLY. I object.

The PRESIDING OFFICER. The Senator may not object. The Senator has a right to ask for the yeas and nays.

Is there a sufficient second? There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. DIXON. Mr. President, I wonder if my distinguished friend and colleague from Georgia will yield for a question or two from the Senator from Illinois?

Mr. MATTINGLY. Yes.

Mr. DIXON. May I ask my colleague from Georgia whether his amendment concerning a statutory line-item veto power provides in essence that if there was a line-item veto of any appropriation item by the President, an override could take place in both Houses by a constitutional majority as distinguished from the two-thirds majority now required when the President fully vetoes a bill?

Mr. MATTINGLY. Yes.

Mr. DIXON. May I further pursue the question by asking my friend from Georgia whether he has made some inquiries of respected legal counsel as to the opinion of those individuals of the constitutionality of a statutory as distinguished from constitutional approach to the question?

Mr. MATTINGLY. There are different opinions on that, as the Senator well knows. I think the 1974 Budget Act probably raises similiar difference of opinions.

Mr. DIXON. May I say to my colleague from Georiga that I am delighted to see him present this amendment. At the appropriate time, I would like to speak, Mr. President, in favor of this point of view, although I share

the very serious legal reservations as to the constitutionality of the approach he is taking. In view of the overriding importance of addressing all of these fiscal problems when we face a $1.5 trillion budget deficit, I should like, Mr. President, when my friend has concluded, to express my supporting point of view on this matter.

Mr. MATTINGLY. I will not take long, I say to the Senator from Illinois. I have just a few very brief comments.

I suggest, in order to respond to some of the questions by the distinguished Senator from Florida, that this or any other President will not be unduly influenced by the green eyeshade people. The buck still stops in the Oval Office when a decision is made on vetoing line items or anything else.

In reference to the line-item veto only addressing a small part of this Federal budget, the line-item veto is really a scalpel approach rather than a meat ax approach or cleaver approach. That seems to really be an argument in favor of the adoption of this technique rather than to be opposed to it.

According to some students of the line item-veto, they make the comment that if the line-item veto had been applied against only the so-called controllable items of the budget for the last 5 years, cutting no more than 2 percent each year, the savings would be $99 billion.

So the line-item veto is not being offered as a panacea for all the budget miseries we have. It is only one solution to our fiscal problems. A balanced budget amendment would be another asset.

In addressing the comment made about items that may be under question that were possibly from Mississippi or from Georgia or from any other State, I think it would require justification of such items. I think, so long as it were justified, it would stand the scrutiny of the magnifying glass.

Is it a tremendous power we are giving to the President of the United States, since it applies to so little of the Federal budget? I do not think we are giving away tremendous power. I think, rather, what we see are those who oppose this legislation because they fear losing some of their own personal power, which I really do not think would happen at all. I think it would probably end up making us stronger representatives in the Congress.

As far as the constitutional amendment addressing that issue, with a $200 billion deficit today and facing deficits down the road of $200 billion, you cannot wait on a constitutional amendment. You cannot wait on the $200 billion deficits. So why not try to address it legislatively by statute?

I yield to may friend and colleague from the State of Illinois.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. First, I ask my colleague from Georgia whether he has any objection to my joining him as a cosponsor of this amendment?

Mr. MATTINGLY. Mr. President, I am happy to have the Senator as a cosponsor.

Mr. DIXON. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment.

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

Mr. DIXON. Mr. President, I say to my colleagues that I have not introduced any of the bills to achieve a statutory line-item veto power in the President because, as a lawyer, I have some difficulty about the constitutional viability of this approach. But since my friend from Georgia has done it, I want to support it, at least to make it clear on the record how supportive some of us are of the concept involved.

Let me make this statement on the constitutional issue.

I was in the Illinois Legislature for 20 years—12 years in the house and 8 years in the senate—in leadership capacities in both places, and during all those years, we used to discuss the question of an income tax in Illinois. Throughout the years, it was accepted as a constitutional fact that if you adopted an income tax in Illinois, it had to fall on corporations with the same percentage effect as on people.

Finally, when Richard Ogilvie was Governor of our State, there was such a tremendous revenue drop that the Governor, who happened to be a Republican, suggested an income tax. The whole session was devoted to debating the question of an income tax.

Finally, it became apparent that no tax could pass unless corporations were taxed at a higher rate than people. Everybody said: "You can't do that constitutionally. We all know that. For decades we have not done it because we know you can't do it that way." Everybody said, "Well, we'll try, anyhow."

The bill was passed. The question which was supposed to be a constitutional given was taken to the supreme court of the State of Illinois, and the supreme court said: "It is a reasonable way to do it. You can do it that way."

So, after all the decades that had not been done because it was an article of faith that you could not, when it was finally done as a compromise, because it was the only course to follow, the supreme court said it was OK.

Why do I tell that story? For this reason: Because there is a lot of difference between trying to get a two-third majority in the House and in the Senate to accomplish a line item and reduction veto in the Constitution, on the one hand, or to adopt the amendment of my colleague and friend from Georgia, which requires only a simple majority, on the other hand.

In other words, if my friend from Georgia can prevail here today by a simple majority in this place, we can send this question to the House. If it prevailed there, at their tender mercy—and I have some doubts that it would—it would go to the President, and then we would let the Supreme Court of the United States decide.

So I dispose of the constitutional question by saying it is for the courts, not the Senate. Nobody knows, because the courts have never ruled. This country is more than 200 years old, and this question has never been dealt with in court, so nobody really knows.

It comes down, then, to the question of whether this is a good idea. I do not know whether we even are a simple majority in the Senate for the support of the idea of a line item and reduction veto in the President. But I want to answer the objections to it one point at a time.

The first is this: Are we really giving away our powers as a legislative body, as a Congress, as a House of Representatives, as the U.S. Senate, if we give a line item and reduction veto power to the President of the United States? I say, positively no, we are not. We do not because, under this amendment, a simple constitutional majority in both places could override the President of the United States. Since it takes that kind of vote in the first place to pass legislation, what in the world is the matter with saying that we should give the President of the United States a fiscal tool to address the problem, leaving to us the strength, under the democratic system we live in, to override in both places? It makes good sense.

Will it save money? That is a reasonable question.

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

Mr. DIXON. I yield.

Mr. DOMENICI. I merely want to 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. DOMENICI. I thank the Senator for yielding.

Mr. DIXON. I thank my friend from New Mexico.

Mr. President, based on the Illinois experience with the item veto, we can save between $25 billion and $30 billion by giving to the President of the United States a line item and reduction veto power. I think it makes good sense to give this power to the President.

I suggest once again that 43 of the 50 States of the Union have given this power to their Governors, and it has worked well. There has not been one effort in those States to attempt to take away from the Governors of those States the power for a line item and reduction veto.

The other night, when we debated the tax bill, we spent a good deal of time debating the question of changing the depreciation allowance on real estate from 15 years to 20 years. I opposed changing it from 15 to 20 years. My distinguished friend the chairman of the Finance Committee said it would be a terrible thing. We would lose a billion dollars if we did not go along with the Finance Committee's tax recommendations. One billion dollars—and we fought all night. Here is a chance to save $25 billion to $30 billion if it can be done constitutionally.

I suggest that we should bite the bullet and try it. I suggest that we should not be so jealous of our prerogatives. I suggest that we should do what we can to save money in this budget and to give everybody in Government effective tools to save money.

So I am delighted to join my friend from Georgia, even though I have some reservations about the constitutionality of the amendment in suggesting that we should try to put a majority vote on this amendment and to put it in this bill, send it to the House, call upon the House to put up or shut up, send it to the President, and say to the President:

"Now, Mr. President, you put up or shut up. You take this power. You show us where you will make the cuts, reserving to us the right to look at it again in our wisdom as a Congress and by a majority, a simple majority in both places express our points of view."

I say this is fair. It makes sense. It will save money and an overwhelmingly majority of the people of this country whenever they have been polled on this question have favored doing this.

I should think it ought to be an issue that is before us as long as these outrageous deficits are before us, and I call upon the Senate to take this opportunity to express its point of view and let the courts ultimately decide the constitutional question.

Mr. THURMOND. Mr. President, I am pleased to be a cosponsor of this amendment offered by the distinguished Senator from Georgia (Mr. MATTINGLY). This proposal would grant the President statutory authority to veto individual items in appropriations legislation.

For at least the last decade, the problem of deficit spending by the Federal Government and the concomitant problem of a compounding national debt have been the focal point of criticism of Federal fiscal practice. This increased awareness of the severity and persistent nature of these problems has spawned various suggestions as to how this situation could be corrected. One of the possible solutions which has been proffered is the line-item veto.

Simply stated, the item would place in the Chief Executive the power to disapprove a line item or individual statement of the Government's allocation of funds to a particular purpose. This power would apply to appropriations contained in both acts and joint resolutions. However, this authority would not apply to appropriations for the legislative and judicial branches of the Government.

Further, under this measure, only a simple majority vote of each House would be necessary for the Congress to override an item veto, as opposed to the two-thirds vote normally required to reverse such a Presidential act.

As of this time, 43 States have this budgetary device available in some form. When I was Governor of South Carolina, the line-item veto proved to be a most useful fiscal tool. On January 25, 1984, President Reagan gave the concept of an item veto his endorsement in his state of the Union address. I, also, support it and believe it would be most helpful, particularly at this time when there is a great urgency to reduce Federal spending, for the President to have this authority.

On April 9, 1984, the Constitution Subcommittee of the Senate Judiciary Committee held a hearing on Senate Joint Resolution 26 and Senate Joint Resolution 178, line-item veto constitutional amendments, and S. 1921, A statutory proposal with a similar purpose, the latter two of which have been introduced by Senator MATTINGLY and which I have cosponsored. As a member of that subcommittee and chairman of the Judiciary Committee, I was pleased to participate in the hearing and to give my endorsement to this important legislation. As I indicated during the hearing, I support either the proposed constitutional amendment, which would have greater permanency, or the statutory approach, such as is embodied in the pending measure.

Since the statutory change can be enacted by simple majority vote of both Houses and signature of the President, it would seem to offer the most expeditious means of granting the President this enhanced authority over discretionary spending. I urge the Senate to act favorably on this important, much-needed change in the legislative process with respect to appropriations measures.

Mr. President, it has been said that billions of dollars could be saved if this line-item veto is passed. I would prefer the constitutional procedure, but I am not too sure we can get two-thirds of both bodies to submit that to the people for consideration and ratification.

We can pass this. We can try it out for 2 years. If it does not work, then we will let it expire. A majority of both bodies would be able to override the President. If you do not get a majority that would end it.

I see no harm in this. It might give us a testing ground, it might be a forum in which we can determine whether we should give the greater authority later and place this matter in the Constitution which then under Senate Joint Resolution 178, would require two-thirds vote to override. Now if we can just enact a statute in which a majority vote can override the President on a line item, we can decide later whether to go farther and put it in the Constitution.

It seems to me that the meritorious claim for this, that it will save billions of dollars, is certainly worth trying.

I remind the Senate again the budget had not been balanced but once in 23 years. If this will assist in helping us to get a balanced budget, I certainly think it is worth making a test out of it and trying it out.

I hope the Senate will see fit to pass this measure.

Mr. MATTINGLY. Mr. President, I think it is important to note a few other items.

First, I appreciate the Senator from South Carolina (Mr. THURMOND) cosponsoring and speaking on this legislation.

In addition, Mr. President, I wish to add Senator DIXON, Senator EVANS, and Senator EXON, as cosponsors, and ask unanimous to do so.

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

Mr. MATTINGLY. As I said, Mr. President, I think it is important to note that the line-item veto would restore the balance of powers between the executive and legislative branches. Much of the President's constitutional veto power has been taken away by the congressional practice of passing continuing appropriations bills containing riders and other nongermane amendments.

Currently, Congress is subject to pressure from all manner of well-organized, vocal, and demanding special interest groups, all interested in continuing their favorite spending programs. Those interested in reducing the Federal spending are represented by no such lobbying group, meaning the taxpayer. Thus, the line-item veto will help to remedy that imbalance.

I wish to read a quotation from the late Senator Arthur Vandenberg. He said:

The line-item veto does not give the President one single additional, affirmative power. He cannot start anything as a result. He can only stop something long enough to focus the attention of the country on it.

Mr. President, I think faced with $200 billion deficits we have a plan

before us, a deficit reduction plan of approximatly $145 billion over a 3-year period of time. It is however backloaded. If I am not mistaken there is something around somewhere between $15 billion and $20 billion in fiscal year 1985 in this deficit reduction package. That is not much. That borders on being insufficient.

I think putting the line-item veto in for 2 years, trying it, seeing if it will work, trying to apply it in this appropriations process would be one tool that we could use to help make certain that we do control the Federal budget, that we do control this defict.

Mr. President, I find it intriguing that some of the opponents of this proposal appear to be attacking it on the basis of its presumed constitutional deficiences rather than on its specific content and intent. The debate over its constitutionality is an interesting one and has been going on for some time.

With all due respect, I suggest that we will not be able to resolve that matter on the floor today, despite the fact that there appear to be worthy arguments on both sides of the issue. In particular, I bring to the attention of my colleagues the study conducted by the chairman of the House Judiciary Committee, Hatton W. Sumners, in 1938, in which Chairman Sumners studied the question of the constitutionality of an item veto through ordinary legislation and advised that he thought the power existed in Congress to enact a bill.

One might argue that by giving the line-item veto authority to the President, the Congress is merely ceding back to the Executive the constitutionally approved veto powers that to a great degree have been removed by the congressional practice of passing such legislative hybrids as continuing resolutions, omnibus appropriation bills, nongermane provisions, and similar items and thus making it next to impossible for the President to exercise his veto powers without shutting down Government agencies or creating similar disruptions.

Furthermore, some of those who have studied the question believe that the necessary and proper clause contained in article 1, section 7, clause 18 of the Constitution provides the authority needed to legislate a line-item veto.

But the question that we should be debating today is the $200 billion deficits reaching as far as the eye can see and what steps this Senate and this Congress is going to take to put our fiscal house in order. I am willing to let the constitutional questions be decided in their proper judicial forums: Is this Senate willing to make the critical decisions necessary to reduce ballooning deficits?

(Mr. RUDMAN assumed the chair.)

Mr. HATFIELD. Mr. President, I rise to oppose this amendment which would grant the President new authority to item veto appropriations. I have repeatedly spoken out against this notion and my views are hardly new at this time, but I am forced to restate them. I will be very brief and merely highlight what I believe to be the most fundamental reasons to reject this proposal.

A colleague of ours describes the line-item veto as "more power than a good man would want, and more than a bad man should have." This may be a little bit of hyperbole, but it is also, I believe, something that goes to the heart of the issue.

There can be no dispute that the line-item veto represents a significant grant of power to the Chief Executive at the expense of the legislative branch. And equally true at this time, and perhaps more arguable, is that there is no sound reason why this shift of power should be seriously considered and certainly none which outweighs the profound and untoward impact it may have.

First, it should be made clear in any discussion of the line-item veto that it is not a mechanism to achieve meaningful reductions of the Federal deficit.

Mr. President, I want to reiterate, this is totally false. Somehow we are reaching blindly for a way to control this deficit, and we have lost our sense of reason in doing so when we expect that the line-item veto is going to have any meaningful effect on this deficit. That is just false.

Proponents of this scheme play on a misperception of the composition of the Federal budget, either out of ignorance or out of the fact they do not want to face the truth.

The line-item veto cannot be applied against some of the largest and fastest growing portions of the budget, such as the permanently funded entitlement spending, which is $300 billion, and other mandatory costs, such as the interest on the Federal deficit, which will be $140 billion. Nor can this veto be used to reduce entitlements funded in annual appropriations acts, which represents another $100 billion.

These items, these few items that I have enumerated constitute about 55 percent of the total budget. Of the remaining 45 percent, two-thirds is defense spending. What is left, with less than 15 percent of the budget, is nondefense discretionary programs. That is a simple analysis of the budget.

This small fraction of the budget has always borne the brunt of spending reductions, and it is obvious that it will be the target of any line-item vetos. These activities include education assistance, community and regional development, law enforcement, environmental protection, health and safety research, securities and economic regulation, energy development and a host of other vital Federal responsibilities. They could all be eliminated and you still would have a substantial deficit. Furthermore, since there has been virtually no growth in this portion of the budget, reductions here will not curb the spiraling cost increases projected for Federal programs in future years.

That is an elementary, simple, almost childlike analysis of where we are and why this has absolutely no relevance to the proposition that somehow we are going to cure the deficit with this idea of a line-item veto for the President.

As a means to balance the Federal budget, the line-item veto is meaningless—but this is not to say that it has, I suppose, no scintilla of significance. In fact, it will make a substantial shift in the balance of power between the executive and the legislative branches of Government. That is the impact. It is not on the budget.

Currently, the President very effectively uses his veto power to enforce his aggregate budgetary plan on congressional spending bills. The line-item veto, however, will empower the President to go beyond simple control on overall spending, and allow him to virtually dictate spending priorities over individual programs and activities. With this power the President can frustrate a decision of the Congress on any individual program, be it for political or ideological reasons—or simply because of personal bias.

Now if that is what the Members want, why do they not review their role here in the Senate? Maybe they ought to go home and find a job in business or maybe they ought to go home and run for Governor. I think it is really ridiculous to think they want to be U.S. Senators unless they want only the title and be a figurehead and prance around and make fancy speeches. Maybe that is all they believe a Senator should do.

But if they believe in the Constitution, that there is a responsibility here in the Congress instead of trying to find someone else to blame and someone else to take the action and bite the bullet on the tough decisions on this budget, they ought to review their roles as a Senator.

Perhaps, more significantly, this is more than a question of who prevails on whether any particular activity is funded. The line-item veto has wide ranging ramifications on the gamut of decisions made by the Congress. We have all witnessed the power of the President when he lobbies Congress by telephone. It does not take much imagination to consider how much more persuasive he would be if his words were buttressed with a veto stamp over individual projects and activities within our States or districts.

Much has been made of the fact that 43 States currently grant their Governor some form of line-item veto authority. The argument here is that it works for the States and what works for the States ought to work for the Federal Government. I was a Governor for 8 years, and I had a line-item veto.

Without getting into the question of how well this authority works in the States, this rationale ignores the major differences between Federal and State responsibilities. The most obvious difference is simply the size and power of the Federal Government. The greater the scope and reach of the power the more critical it is that such power be held in check, balanced between the three, coequal, branches of Government.

Furthermore, unlike States, the Federal Government bears the responsibility for national defense, foreign policy, and broad-based social welfare entitlement activities like social security. States do not have this. These costs drastically alter the structure of the Federal budget from that of the States, so while a line item veto in the hands of a Governor could be used as an effective tool to make large budget reductions, such application at the Federal level is impossible.

Little concrete data is available on the actual effect that the line item veto has had in State budgeting. But what we do know is instructive. President Reagan, for example, reduced the California State budget by an average of less than 2 percent per year when he was Governor. If this rate of reduction were applied against the amount in the Federal budget for all nondefense discretionary programs, the projected Federal deficit would be reduced by only 1 percent. We also know that the legislatures in States which have the line-item veto routinely "pad" their budgets with projects which they expect or even want their Governors to veto. This is certainly not a practice which we would like to see in Congress, but if we abdicate our budget responsibilities to the President, should not he also take the blame as well?

Ten years have elapsed since the Congressional Budget Act was passed. That measure's principal goal was to make Congress more effective in its discharge of its constitutional role to control the purse strings of the Treasury. It is indeed ironic that 10 years later, when confronting the largest and most challenging budgetary problems ever, we find proponents of a scheme to diminish the responsibility of Congress over the budget. They would have us pass open ended shopping lists of spending items, to be culled through and selectively implemented by the President.

Mr. President, I am not arguing that the budget process we now employ in Congress is the best or the most effective in terms of assuring responsible spending decisions. Our difficulty in grappling with the current deficit is evidence enough of its shortcomings. But I am equally certain that the answer to our problems is not to delegate further responsibility to the executive branch. Our representative democracy should not and cannot risk such a concentration of power in one man. The prolonged and tortuous debate over the Federal budget reflects the enormous significance this issue has for our Nation. Let us get on with that debate, and put aside these notions of finding simple solutions to our budget problems.

Mr. President, the Mattingly amendment attempts to change the constitutionally established authority of the President to approve or disapprove legislation passed by the Congress, by a simple statutory device. This raises serious constitutional questions and while I am not a lawyer, I have grave doubts whether this amendment is a legally sound or permissible strategy, beyond the fundamental policy issues involved. Less than a year ago the Supreme Court affirmed the principle of Presidental presentment. That decision, I.N.S. against Chadha, struck down a wide variety of legislative veto statutes because they failed to provide for final legislative action at the time of presentment of a law to the President. The Mattingly amendment is merely a variation on that same constitutionally impermissible theme, and in effect, would allow Congress to veto what constitutes an impoundment of budget authority by the President.

Mr. President, I will recount briefly in closing that it is interesting to me that history is so poorly recalled, and so frequently forgotten. I can remember when the Congress was really sort of nothing but a rubberstamp to the President of the United States during the early part of the New Deal when the Republicans had 17 Members on this side. In fact, the Democrats went around this whole Chamber, and encircled the minority—that handful, stalwart bunch led by Oregon Senator McNary of 17 Republican Senators. That is all they had. The battle cry was Mr. Roosevelt had so much power that he was running the country singlehandedly, and they could not get much excitement about that until Roosevelt presented a proposal to pack the Supreme Court. Then some of those Democrats began to rise. Millard Tydings, Senator Russell, Senator George, and some of the other great constitutional lawyers of the South began to focus on this question of the balance of power between the legislative, the executive, and the judicial branches of government.

Let us remember our heritage. We hung to that small minority because we believed in the check and balance, and not to put everything into the hands of any President. This was Mr. Roosevelt sitting in the White House. What a cry would come up from this Chamber's Republican side.

The Democrats were trying to grant Mr. Roosevelt with more and more power. Here we are now with a delightful President, a Republican President, and one I support. But it is not a question of whether his name is Reagan, Roosevelt, or Republican, or Democrat. The question is the institutional question; that Congress was walked over, the Congress was a rubberstamp, the Congress was little other than an amen quarter for Mr. Roosevelt in his whole New Deal up until they began to realize that Congress had certain constitutional responsibilities.

Let us bear in mind that we are not trying to solve the budget problem here. It is really not honest to even raise this as a point to try to solve this budget problem.

Second, let us bear in mind that we have to look beyond the Republican President we trust with such power, and think in terms of Presidents that we may not have trusted in the past, or we might not trust in the future, and realize it is also not a question of just personal trust. It is a question of institutional checks and balances. We ought to bury this, forget it was ever even raised, and maybe ask for forgiveness for even having had such a thought.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I do not know how far I should respond to the chairman of the Appropriations Committee. He is a distinguished Senator and a friend. In his comments he referred to my honesty, and about the honest approach to this piece of legislation. He referred to it however as being a silly idea, and a simple solution. I think he suggested I go back home. I had written some of those comments myself. I was not however going to use them. So I am certainly glad he did, and I did not. But I would like to introduce for the RECORD an article in U.S. News & World Report, by Joseph Bower. He said, "Run the Federal Government Like a Business? Forget It." I would like to submit that for the RECORD.

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

RUN THE FEDERAL GOVERNMENT LIKE A BUSINESS? FORGET IT

TWO DIFFERENT WORLDS OF MANAGEMENT

Business and political leaders have a hard time understanding each other because they operate in very different management systems. For the technocratic manager, the most pressing problem is getting the work done. The name of the game is efficiency. The legitimacy of businesses is grounded in their performance.

In politics, by contrast, the goal is to get consensus, not to achieve efficiency. The political system works on the distribution of costs and benefits. It's a world in which fairness and accountability, not return on investment, are key. Politicians have to explain themselves to the public, and it is what the public thinks that counts.

MECHANISMS FOR DEALING WITH REAL PROBLEMS

The higher the level of elected government, the less likely it will be efficient. The top levels shouldn't be given jobs that require efficiency. Just as in a big company, you've got to push decision making closer to the market. In many ways, you can't make government more efficient except by getting parts of it out of Washington. You can't run anything that big that well, and its limited ability is needed for macroeconomic policy, foreign policy and defense. Though local government is not always efficient either, it is more likely to be.

In order to get more efficiency, you need a certain stability in what government is trying to achieve. But the last two decades have seen a tremendous shifting of goals. Adding to the problem is turnover at the top. Several thousand key people come and go with each administration. When people change jobs in companies, the enterprises run extensive programs of acculturation. A lot of effort is made to bring people together socially so they know each other and know that they play on the same team. But in government what would happen if you took 50 senior managers to a nice place, let them eat decent food for a while and socialize—and work didn't dominate 92 percent of the agenda? It would be a scandal!

Despite all of its problems, government does give us mechanisms for dealing with real problems. The U.S. is very heterogeneous. Parts of the country are now Spanish speaking and have a totally different attitude than, let's say, New England. Government provides a way of trading those disparate interests and keeping us together, and it does respond. It's quite remarkable.

WHEN WALL STREET GOES TO WASHINGTON

When businessmen go into government, the differences in management approaches between the two spheres can lead to difficulties. I don't know that anybody has made a systematic survey of how business leaders have fared in Washington, but my sense is that those who come from manufacturing and service backgrounds have not had a very good record.

Businessmen out of Wall Street, however, have had remarkable success because they are accustomed to a deal-to-deal, day-to-day way of doing things. That's much closer to political management than the chemical or auto industries, where you make a decision today that's going to work out five years from now.

SACRIFICING EFFICIENCY FOR "DEMOCRATIC VALUES"

At the top of the corporate structure, the work is more like that of managing a political organization than at middle-management levels. In a healthy company, there are constituencies both within the organization and outside of it. The head of such a company is constantly aware of the need to mobilize those who will support him and try to meet their needs—or at the very least keep at arm's length those who can block the accomplishment of goals.

Still, the head of a corporation is given a lot more leeway than a political leader. The presumption is that affected constituencies give up a lot of democratic values to let corporate heads get on with it—unless they really make a mess of things—whereas in government we'd rather see a mess of things than give up democratic values.

Mr. MATTINGLY. I will quote from the article. He says, "When businessmen go into Government, the differences in management approaches between the two spheres can lead to difficulties." I guess that is the difference between a professional politician and somebody who has not been in politics all their life, and comes into this arena from the private sector.

He went on in the last paragraph—and said, "Still, the head of a corporation is given a lot more leeway than a political leader. The presumption is that affected constituencies give up a lot of democratic values to let corporate heads get on with it—unless they really make a mess of things—whereas in Government we would rather see a mess of things rather than give up democratic values."

The bottom line, Mr. President, irrespective of whether you like the amendment, support it or do not support it, or you think it is a simple solution or a complicated solution, or whether you think it is a shift of power—there is a lot of fear in people about something they have not seen before in the Federal Government. But I think what the overriding question again is what are we going to do about the deficit. Nobody has said the line-item veto would dissipate a $200 billion deficit.

But this approach is to try to get a technique into Government practice to try to impose responsible spending by the Federal Government. This is just one tool. If we used it, that could lead to responsible action by the U.S. Congress. And the solution is simple enough. It only requires a majority override.

Once again, as I said in the beginning, what it does is focus the attention of the public, and the attention of the Congress like a magnifying glass upon different items in the Federal budget that would not be brought out in the open unless that focus or attention was directed to it. That is the purpose of this legislation. That is the purpose of trying to control spending by our Government.

Mr. President, speaking from experience, I can state that one of the problems facing those Americans who are in fact currently involved in the business sector, and who daily struggle in the marketplace, are the enormous problems created by the Federal spending that has run amuck. It appears to have defied all attempts at using the tools to impose control. As I stated earlier, it is time to move in some new directions with such useful tools as the line-item veto.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Washington.

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

Mr. MATTINGLY. Yes.

Mr. HATFIELD. If the Senator thinks this is another important tool for the control of the budget, would the Senator be willing to amend his amendment to include the line-item veto for the President on revenue measures?

Mr. MATTINGLY. It is probably worth discussing.

Mr. HATFIELD. Pardon?

Mr. MATTINGLY. It is probably worth discussing.

Mr. HATFIELD. If the Senator would not oppose it, would the Senator consider entertaining an amendment to his amendment for that purpose?

Mr. MATTINGLY. No; I do not believe this amendment is amendable. It is not amendable.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I listened with great interest to the Senator from Oregon, my colleague. He suggested that perhaps his colleagues here in the Senate ought to go back home and run for Governor. Mr. President, I did that three times. During the first 2 years of my service, I had the privilege of serving as a neighbor to the distinguished Senator from Oregon as neighboring Governors.

There is a difference between this Congress and State legislatures, between a President and a Governor. But what I find most disturbing is the fact that we here in Congress lay on the President's desk huge trainloads of pork attached to vital pieces of legislation. We make it almost impossible for a President to veto what is absolutely necessary to carry on the operations of Government, but may be required to sign that legislation and accept a whole series of expenditures which could not stand on their own merits.

If we are frightened by the concept of a line-item veto, then it seems to me that this Congress, and particularly the Senate, might well be more careful in insisting on the germaneness of amendments to pieces of legislation before this body. That question of germaneness is constantly brought to the fore, at least in the State Legislature of Washington. With the Governor having line-item veto authority, which serves as a check for germaneness, he is seldom presented a bill that is not clear and consistent and within the framework of the title under which it passed.

The suggestion has been made by the Senator from Oregon that this is not an effective tool, that it only applies to a small piece of the budget. He also suggests that it is a major shift in

the relative responsibility between the Congress and the President.

I think that he overlooks something that is terribly important. That is, this amendment is in the nature of a trial. It sunsets after 2 years. If it does not work, we do not have a permanently disabling piece of legislation under which we must live. If it does not work, we simply do not extend this legislation.

But if we try it and if it does work, and if it has the effect even of a small tool in helping bring this as well as future budgets under control, then I suspect this Congress might well continue such a proposal. Perhaps on a 2-year basis, so that Congress would always retain control as to whether it continued or died, but would allow a President the privilege and the opportunity of using this small tool, in conjunction with others, to bring our budget deficits under control.

I do not think there is anyone in this body who believes that in the next 2 years we are going to attain a balanced budget. But if this tool works; then in 3 years, 4 years, 6 years, or 10 years from now it may well be continued and, in being continued, offer some future administration and some future President an opportunity to deal with, perhaps, a broader spectrum within the budget than that which the current administration might be interested.

Let me just reiterate in closing that it is only a trial, it is only for 2 years. It gives us the opportunity to see if it works. If it does not, it gives us the opportunity to cast it aside. But if it does work, to be more certain at the end of 2 years whether this provision is worth continuing: not just for the present, not just for this administration, not just for this Congress, but for the future.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, it is my understanding that if there are no other Senators who desire to speak—does the Senator from Georgia know of other Senators who want to speak in favor?

Mr. MATTINGLY. No; but I wanted to have an opportunity to present concluding remarks.

Mr. DOMENICI. I will speak for about 5 minutes and then my good friend from Mississippi will speak. Then perhaps the Senator from Georgia can conclude.

Mr. STENNIS. Mr. President, may we have quiet?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMENICI. Mr. President, I am not going to speak very long. We have had this issue before us on a number of occasions. It has always failed to pass. We have had a much more elaborate proposal by the distinguished Senator from Colorado and it did not pass. We had a line-item constitutional amendment and it did not pass. We had a legislative line-item proposal and it did not pass. Frankly, I do not think this ought to pass today either.

First of all, I am convinced that it is unconstitutional. I do not agree at all with my good friend, the junior Senator from Illinois, that something as patently unconstitutional as this ought to be passed anyway, by using the analogy that in his State a tax law for years was used in one way and then used the other way and the courts said it was all right.

Clearly, the framers of our Constitution did not have this in mind. One might argue that if they knew what kind of government we have today they might have had a different U.S. Constitution. Perhaps. But we address that issue all the time. That is what constitutional amendments are all about.

When you read the simple language of the U.S. Constitution with reference to this, it says, "Every bill * * * shall * * * be presented to the President of the United States; if he approves he shall sign it but if not he shall return it."

I just cannot believe that that means line item veto. In fact, I have looked over this legislation and I do not know what it will mean if the President has the line-item veto. What is the "item?" We do not have things called items. Read the defense appropriations bills and see if you can find what the items are. There are some items that are so long that the whole bill could be called an item. Maybe it means he can edit it, that he can go through it and put in parentheses or strike something where we do not write English too well. That sounds like a line item. I do not think the Senator has that in mind because that will not reduce the deficit.

On the other hand, I do not think this proposal will reduce the deficit substantially either.

I would like to ask the Senator from Georgia a question: Are defense appropriations included in this?

Mr. MATTINGLY. Yes.

Mr. DOMENICI. I was thinking that if I were to propose and argue for a line-item veto, it would involve the item of defense because this President might use it on some things that we put in which the military would not want, and that veto would stick. I would congratulate the Senator from Georgia for including it, but that would not change my mind. If you pick up a couple of weapons systems that we might put in because we like jobs and not because it is what the military needs, the President might fix those up.

On the other hand, the arguments have been made as to why it really will have very little effect. There is not that much Federal spending which is appropriated other than defense, in terms of percentages. Nobody would argue that it applies to entitlements like social security, medicare, medicaid. Nobody would argue that it applies to any of the pension programs. So it is pretty obvious to me it is not going to have any serious effect on this growing deficit.

I really do believe, however, that it has the potential for dramatic change in the relationship between the President and Congress. Frankly, I am not ready to make that change in a statute. I think it clearly speaks for a constitutional amendment if we want to do it at all. The country ought to have a full debate across this land about what that might mean in terms of Congress and its powers to tax and appropriate, and how they relate to the President's.

I also think it is very interesting to note that the distinguished chairman of the Committee on Appropriations raised the issue of taxes and suggested that perhaps line-item vetoes should be involved in revenue bills. He was talking about a very interesting concept. If we are talking about spending money, many think that every tax bill that comes along has a type of pork in it. We talk about pork here as if the only pork is a bridge or a street. You know, when you put all those little loopholes in there, that is in effect spending tax dollars. Should the President have the right to veto those? I do not know. Frankly, I am not for that, either, but I just raise the point.

I think the proposal is unconstitutional; I think it is unclear; I think it has the potential for dramatically shifting the relationship between the President and the Congress.

I was thinking the other day, not that the President who is currently in the White House would ever have done anything like this, but when we had the Panama Canal question, there arose an interesting question. I was one of those who thought about it a long time. It seems to me that the line-item veto in the hands of a President with a Panama Canal Treaty, needing one or two votes, could produce some rather dramatic results. I would like to point out that my State is tremendously dependent on the Federal Government because we have all the national labs that provide services for the entire country. I could enumerate, but it would take a long time. I am not implying that anybody would do anything about those. I am not so sure I would like Presidents to be able to look over those facilities, especially when they have favorite legislation down here they would like me to consider.

In summary, I do not think we ought to vote for the proposal, but I also

think we ought to decide ourselves here today whether we think it is constitutional or not. There is such a process, there is a way to propose a line-item veto that would be constitutional, and I hope somebody does that and that we pass judgment on it.

Just remember, the language of the Constitution is so clear. Then we have this amendment that says, "Send it to the President, and if he vetoes it by line item, whatever that means, it comes back over here and a simple majority could put that item back in whole or in part." I think that is really a rather strange process. Clearly, the Constitution did not envision it. I do not think it will work, so I think we ought to dispose of the question rather quickly.

I yield the floor, Mr. President.

Mr. STENNIS. Mr. President, the time is not controlled, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. I shall be very brief, Mr. President.

We have had a wonderful debate here the last few days on these different plans that are submitted, one by the President of the United States, another one by the Senator from South Carolina, a member of the Budget Committee, another plan by the Senator from Florida (Mr. CHILES) also a valued member of the Budget Committee, and one by the chairman of the Budget Committee, the Senator from New Mexico, who is opposed to this proposal.

Having really gotten into this meritorious debate, one of the the best I have ever heard here, frankly, we stop now and go to arguing about the legislative proposal tacked onto this budget question, reconciliation and so forth, setting out a plan, one might say, of how to veto a bill or an item in the bill. Let us see what the Constitution of the United States is. With all deference to the author, and he is a very valuable Member of this body and a hard worker, I do not believe this proposal touches top, side, or botton of the real Constitution that we have and live under.

The Constitution provides that all revenue bills shall originate in the House of Representatives, period. That is clear and unmistakable, that they meant at least everything those words say. That is the way the Government operated, totally that way, for a long time, as I understand. In the House of Representatives, the bills raising revenue and the bills appropriating the money were all handled by the same committee. They were jealous and they are still jealous of that power, the sole power of originating an appropriations bill. I think they have a basis for it. I have always been on their side in maintaining that as part of the Constitution.

They finally created a second committee on the general subject, with the understanding that the new committee, which is now called the House Appropriations Committee, would be considered a revenue committee for those purposes and things would go on the same way, that the House has the authority, the only authority, to originate a bill of that kind. We respect that generally. I am not meaning it violates the law; it is no violation, but it is an abrogation of the law. We cannot turn aside in one of the times of peril to our Nation, and that is what is in reference to these fiscal affairs, a time of peril, not only in my opinion but in the opinion of people like Mr. Volcker and others who have basic knowledge and background and experience in that field. Mr. Volcker said we are fast approaching a position of a debtor nation.

With deference again to the author of this amendment and those who might favor it, I do not think there is any doubt that it does not have a constitutional thread in it, that it is something that has some appeal that maybe this will help balance the budget and maybe it will be a step that will help out. There has been no hearing on it, not on this identical proposal. There has been no committee consideration of it. There has been no special study of it made by people who are versed in the field, including Members of this body.

Right here, when we are in a critical time, a crucial time, I suggest that we dispose of this amendment when all speak who wish to, forthwith dispose of it, and get on with the passage of this highly important legislation. It will be all right to come back to this in a formal way sometime.

I thank the Chair.

● Mr. LEVIN. Mr. President, I support substantial deficit reduction. I voted for the Hollings budget plan which would produce a deficit almost $100 billion lower in fiscal year 1987 than the President's most recent proposal. This was real deficit reduction through a program of shared sacrifice.

The proposal we have before us now to give the President a line-item veto should be unnecessary and would be unwise. It should be unnecessary because the President already has the primary budgetary power—he proposes the budget in the first place. If he wants to have a budget which substantially restrains spending, he already has the power to propose a budget which sets the benchmark against which that restraint can be measured. It is somewhat disingenuous for a President to propose budgets with $200 billion deficits and then claim that he needs a line-item veto to restrain spending on the grounds that Congress is fiscally irresponsible. In a very real sense, the buck not only stops at the White House—it begins there as well.

The line-item veto would also be an unwise step because it would make Congress less accountable and would be a substantial shift of power to the executive branch. It would allow Congress to abdicate its responsibility in budgetmaking while at the same time it frees the President from the need to compromise as he participates in the process. It is clear from all the budget proposals which we have looked at during this debate as well as the ones which have yet to be offered, that substantial deficit reduction will require sacrifice and possibly pain. If this is the case, the Members of Congress should be forced to put their names on the line in support of spending reductions. They should not be able to hide behind the President's line-item veto when asked by their constituents why one spending reduction or another took place. Otherwise, Members of Congress could pass all the spending programs they wanted, please whatever constituencies they wanted, and then leave the dirty work up to the President. However, this would not be consistent with responsible or accountable government.

At the same time, giving the President the line-item veto would give him a preeminent, if not unassailable, position in the budget process. All the Members of the Congress have to compromise when it comes to spending bills. Within a particular bill, there are frequently some projects or programs which they prefer, some to which they are neutral, and some which they outright oppose. In the last case, Members always have the opportunity to offer amendments to strike those provisions. But if they fail with these amendments, they must analyze the bill and weigh the good against the bad, and cast their vote. The line-item veto would exempt the President from this process. He alone would be able to pick and choose and enact his preferences without compromise. Further, reversing his veto of particular projects which affect only one or two congressional districts may very well be impossible, even if it is a majority veto as provided for by the Mattingly amendment.

A line-item veto would, thus, neither be an appropriate nor wise solution to our budgetary crisis.●

Mr. MATTINGLY and Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, first, I congratulate the distinguished Senator from Georgia for his good work. He is a valued Member of this body, the Senate, and of the committee on which he serves. I think his effort here is another example of his initiative and good thought on how to get

the budget situation under control. But, Mr. President, I have three points to make; then I shall state that I shall not support this amendment. If a point of order is made, which I expect it will be, I intend to support the point of order.

The first point is a little story that does not take long to tell. I believe it really happened, but if if did not, it should have. I am told that at the time we passed the War Powers Act, the President of the United States called in one of his advisers and said, "I have got to decide whether to veto this or sign it."

His adviser, who told me this story and whom I shall not identify, said, "Let us see, Mr. President; the Constitution says here that you are Commander in Chief. Is that right?"

The President said, "Yes."

"And you are manager of the foreign policy of the United States?"

He said, "Yes, that is right, too."

"And this act apparently either removes part of that authority or limits it. Is that correct?"

He said, "Well, it appears to."

The adviser said, "Mr. President, what I would recommend you do is don't either sign it or veto it, but send a nice note back to the Congress and say, 'Gentlemen, thank you for your interesting idea.' "

The point is, Mr. President, that there is a doctrine of the separation of powers. One of the powers that is separated is the power to appropriate money.

As the Senator from Mississippi pointed out, it is vested in the House to originate such measures and the Senate to concur or to decline to concur and the President to approve or disapprove. It is a nice symmetry, and it has worked pretty well. But if we get into a line-item veto, I believe we have created a new constitutional power, and that is the power of a President to originate and appropriate an item, or the equivalent of that.

Now, my President does not agree with that. He argues with me at leadership meetings at the White House about it, but we remain good friends on most issues. And someday I may regret saying this. It may be someday that I will have a different view on what a President ought to be able to do, perhaps not. But right now I feel constrained to tell you really what I think, and what I think is this is a bad idea.

Now, let me tell you something else, Mr. President. This proposal, as I understand it, says that the President can veto an item, a line item. I will promise you, Mr. President, that I do not care whether it is Senator STENNIS or Senator HATFIELD, Republican or Democrat, who is chairman of the Appropriations Committee; one way or the other they will get around that. The way which occurs to me, just off the top of my head, is every appropriation bill from now on, if this were to pass, would have one item, just one line. It might have a lot of exhibits and references. But I will promise you that will not work.

The third item, Mr. President, I would make is I do, indeed, think that by this amendment we are attempting to deal with a constitutional issue in a statutory form. That is what prompted my story about the War Powers Act.

I do not think we can do that. I think you could by constitutional amendment. Maybe I would have a different view of that. But I am convinced, Mr. President, we are dealing with an item that violates the fundamental tenents of the Constitution in this respect, and that if a point of order is made on the constitutionality of this proposed statute, it should be sustained.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. In conclusion, nobody can be more eloquent than our majority leader, of course, but I would like to make a couple of brief comments to what the Senator from New Mexico said in reference to this amendment.

If we look at last year, we did not have one single appropriation bill vetoed by the President of the United States, and there were some bills that were over the budget. If we had had a line-item veto, I am certain that many in this body would have seen the President use that line-item veto authority.

The Senator from New Mexico said he would not be able to figure out what an item is on that appropriation bill, but I think most people would understand what an item is. I do not think you would end up with just one big item, no matter what he may say. The Senate does not move that fast where you could conjure up everything into one big item. They have not figured out how to put the M-1 tank in with the F-16, although I figure they might be able to do it within a few years.

The Senator from New Mexico also made a comment about we need a debate across the land. There is a debate now going on across our land. That debate is, "What is Congress going to do about the deficit?"

Well, we need to use every tool that we can, and once again that is the purpose of the line-item veto.

As far as the constitutionality of this issue today, that is what we have the courts for. Let the courts decide if this amendment is constitutional or not.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I raise a point of order that the bill is legislation which changes the Constitution of the United States.

The PRESIDING OFFICER. The Chair advised the Senator from Florida that under Practices and Precedents of Senate Procedure the Chair does not have the power to pass on such a point of order. The Chair, therefore, under the precedents of the Senate submits the question to the Senate: Is it in order to offer such an amendment to the pending bill? That point of order is debatable.

Mr. CHILES. 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. MATTINGLY. Mr. President, I move to table the point of order. 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 clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arkansas (Mr. PRYOR), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER (Mr. SPECTER). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 45, nays 46, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—45

Abdnor	Goldwater	Nunn
Armstrong	Grassley	Percy
Biden	Hecht	Pressler
Boren	Heinz	Proxmire
Boschwitz	Helms	Quayle
Chafee	Humphrey	Roth
Cochran	Jepsen	Simpson
D'Amato	Kassebaum	Specter
Denton	Kasten	Stevens
Dixon	Laxalt	Symms
Dole	Leahy	Thurmond
East	Lugar	Trible
Evans	Mattingly	Warner
Exon	McClure	Wilson
Garn	Nickles	Zorinsky

NAYS—46

Andrews	Danforth	Huddleston
Baker	DeConcini	Inouye
Baucus	Dodd	Johnston
Bingaman	Domenici	Kennedy
Bradley	Durenberger	Lautenberg
Bumpers	Eagleton	Levin
Burdick	Ford	Long
Byrd	Gorton	Mathias
Chiles	Hatch	Matsunaga
Cohen	Hatfield	Melcher
Cranston	Heflin	Metzenbaum

Mitchell	Riegle	Stennis
Moynihan	Rudman	Tower
Packwood	Sarbanes	Weicker
Pell	Sasser	
Randolph	Stafford	

NOT VOTING—9

Bentsen	Hawkins	Pryor
Glenn	Hollings	Tsongas
Hart	Murkowski	Wallop

So the motion to lay on the table the point of order was rejected.

The PRESIDING OFFICER. The question is, is it in order to offer this amendment to this bill?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that the yeas and nays on the point of order be vitiated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. McCLURE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. RANDOLPH. Mr. President, Members cannot hear what is going on in the well of the Senate.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I withdraw my request.

Mr. RANDOLPH. Mr. President, will someone please tell Senators who are seated what is going on in the well of the Senate?

The PRESIDING OFFICER. A quorum call is in progress.

Mr. BAKER. 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. BAKER. Mr. President, I withdraw my unanimous-consent request. Would the Chair restate the matter pending before the Senate?

The PRESIDING OFFICER. The request has been made for a restatement of the pending question.

The question is: Is the point of order well taken? The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DIXON. Mr. President, a point of inquiry. My friend and colleague from Florida has raised a question of whether this is, in fact, in violation of the Constitution. Was that the ruling of the Chair?

Mr. BAKER. The Chair does not rule on that.

Mr. DIXON. On a prior occasion, it was my understanding that the Senator from Florida had asked for that ruling from the Chair.

The PRESIDING OFFICER. Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order raising a violation of the Constitution of the United States.

Mr. DIXON. So the question is for each Senator as to whether it is in violation of the Constitution, or ultimately the question for the courts, is that right?

The PRESIDING OFFICER. Under the practices of the Senate, the Chair submits the question to the Senate. The Chair did that and there was a motion to table the point of order and the motion to table failed.

Mr. DIXON. Mr. President, may I be heard briefly on the question?

The PRESIDING OFFICER. The point of order submitted to the Senate is debatable. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I just want to briefly state what I said on a prior occasion in supporting my friend, the Senator from Georgia, and that is this: The Chair has not ruled on this question and the court has not ruled on this question.

We have a $1.5 trillion national debt, and we are trying to convince the people of this Nation that we want to do something about it. It is therefore a reasonable idea to pass this amendment, and let it be a question for the Supreme Court of the United States as to whether you can legislatively address this problem.

Now, you can keep on sweeping these things under the desks, but the question of a line item and reduction veto power is going to be before us as long as there is burgeoning national debt, which is increasing at the rate of almost $200 billion a year as far as the eye can see.

Now, you can go home once or twice and say that this is not anything but a procedural question, but that is a lot of baloney. This is a substantive question about how to balance this budget.

Let every Senator understand, this Presiding Officer has not ruled on this question. It is up to 100 Senators about whether this violates the Constitution.

I urge my colleagues to oppose the point of order raised by the Senator from Florida.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I hope we will get on. Let me frame the question now. We are not voting on the merits of the proposal. We are voting on the point of order made by the Senator from Florida that this amendment violates the Constitution of the United States.

It is true that the Supreme Court of the United States can review and pass on the enactments of the Congress, but it is equally true, and the precedent is just as old, that the Senate of the United States must first exercise its own judgment as to whether a matter before it conforms with or violates the Constitution. It is a precedent as old as the Republic.

Mr. President, I submit that this does. I hope that the point of order will be sustained.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the distinguished majority leader is correct. I would say to the Senate the point of order specifically is very easy to understand and does not address the substantive issue of a line-item veto. It is this: Is this legislation changing the Constitution of the United States? The Constitution states:

> Every bill . . . shall . . . be presented to the President of the United States; if he approves, he shall sign it, but if not he shall return it.

It is a rather overwhelming proposition to change that with a line-item veto. We may want to do that some day, but the issue here is whether you do it with a piece of legislation that patently flies in the face of the Constitution. That is the point of order. Are you changing the Constitution?

Mr. DIXON. Will the chairman yield for a question on that?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. I yield the floor.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, the Senator from North Carolina, Mr. Ervin, a fine constitutional lawyer, had a statement he was fond of. He said, "I understand English. It is my mother's tongue." And if you can understand English, you can read the language in here and it says:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it.

Now, that is just about as clear as it can possibly be. If you think the deficit is too big and you want to overrule the Constitution of the United States, fine. If you want to do anything else if the end justifies the means, fine. But if you can read your mother tongue, you will know that this is unconstitutional.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I think everybody knows we are not going to vitiate the yeas and nays; that we are going to have another vote on it.

The Senator from Illinois put it very clearly. You have a $200 billion deficit out there. The vote was 46 to 45 on the previous vote.

You are not talking about it being a constitutional question. What you are talking about is whether you are going to try to control the Federal spending of this Government. That is what it is. That is the botton line. You can talk about doing it in the same old way. Well, the same old way "ain't" been working.

Now, what we are trying to do is put a new tool, and now you constitutional lawyers are talking about this as not having any impact on the budget because it only impacts just a small part. If it impacts just a small part, then let us try it.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator form Illinois.

Mr. DIXON. Mr. President, I want to ask by distinguished friend, the ranking Member on this side, the Senator from Florida, if either he or my colleague, the distinguished former Supreme Court judge from Alabama, or any Senator can cite one single case in America that says what we are trying to do is unconstitutional. Everybody knows that there is settled law on many, many questions. There is no case on this question.

Mr. CHILES. The Senator is right. It is so clear that no court, from a justice of the peace on, has ever had to rule on it.

Mr. DIXON. Well, if my colleague thinks that any protion of the law is so clear, then that amazes me, as a practicing attorney who practiced for many years.

This question of law is unsettled. The only question is whether we have the courage to let the Supreme Court of the United States decide. This Senate is not the place where 100 separate Senators make that kind of judicial decision, and we desperately need to reduce these deficits.

Mr. EVANS. Will the Senator yield?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. DIXON. Yes; I yield.

The PRESIDING OFFICER. The Senator from Illinois still has the floor and has yielded for a question from the Senator from Washington.

Mr. EVANS. Mr. President, not being an attorney, I seek the advice of the distinguished Senator from Illinois. Everyone is talking about whether or not this proposal is constitutional. We have just heard an exchange which indicates that no court has ruled on the question.

Is it possible for a court to overrule on this question unless Congress takes action, puts the bill into effect to see whether the court can say it is constitutional?

Mr. DIXON. Well, there may be possibilities for doing that under other methods. But the best method, may I say to the Senator as a Member who is a lawyer, is to pass legislation and let the Supreme Court of the United States determine that.

There are people here that would argue that the War Powers Act is unconstitutional. They say that is a clear case of something that flies in the face about what the Constitution says about the President being the Commander in Chief. But this Senate passed a War Powers Act and the Constitution has never been challenged yet by the Supreme Court of the United States.

I say to my friend from Washington that until such time as we pass legislation there is no determination about whether we can constitutionally do this. I say to my friend from Washington as a lawyer that I have doubts and reservations about whether we can do it. But I want to do something to reduce our budget deficits. I want to pass this amendment, send it to the House, have them pass it, have the President sign it, and let the Supreme Court decide whether it is constitutional to do this.

Mr. EVANS. I agree with the Senator from Illinois, and I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I notice in this bill there is the provision that in the event Congress wishes to override the veto of the President, it provides for a majority vote. The Constitution provides for a two-thirds vote to override a President's veto. I believe there is a difference in fractions. The President has requested a legislative veto. He requested it in the form of a constitutional amendment. I think that clearly reflects the views of the people that have studied it. Therefore, I think is not proper.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, very briefly since we are discussing the substance of the issue as the Senator from Illinois has eloquently described, and the Senator from Georgia has proposed, it ought to be recognized that this Congress during the past several years has cut the President's budget. A line-item veto allows the budgetmakers to veto. The President is not going to be the one that makes vetoes of small amounts. It is going to be the Office of Management and Budget, or one of the Federal agencies, that is going to make the small line item vetoes to make it conform to what their budget was when it was submitted, even though Congress has cut their budget below the total amounts.

So much for the argument that we have the huge deficit, and we have to do something about it. We do something about it every Congress. We have been cutting those budgets. But the real question on the substance is can somebody in the Office of Management and Budget—or one of the agencies who really does not care and does not want a small irrigation project, a small water project—have the opportunity for a line-item veto that might have been worked in the Senate for 6 or 8 years before it was finally appropriated, and finally gained enough votes out of both the Senate and the House to get in the appropriation bill.

I ask my friends who proposed this whether they really have considered what happens to some of these agricultural appropriations that finally get into a bill, whether it is on one of the nutrition programs such as summer feeding programs for youth, or whether it is on soil conservation.

These are small items. They do not get the President's attention. They get the attention of the bureaucracy. That is where a line item veto really, truly lies and where the benefit is, if there is a benefit. I do not subscribe that there is a benefit to this on balance because for the most part it will knock out small items that Members of both the House and the Senate have worked on for a long time—years in many instances—to have an appropriation bill contain the amount necessary to carry out the will of Congress.

I would just as soon vote on the substance myself. But it patently is unconstitutional, and for those who want to have that opportunity for the President, they should submit a constitutional amendment so it would be valid. But on the substance of it, I say, no.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I must say that I find the arguments made by the Senator from Illinois and the Senator from Georgia profoundly disturbing. It seems to be their position not that the proposal for this amendment is constitutional. I have not heard either of them make any argument in the form that they claim it is constitutional. The most that has been stated by the Senator from Illinois is that because Congress has never tried this before, because therefore there has not been a court decision on it, we ought to go ahead with it even in the face of the plain words of the Constitution, because the substantive issue involved is important.

That argument goes to the proposition that, if Congress is frustrated and does not feel it can solve the problem

in one way within the Constitution of the United States, it may ignore the Constitution. It may ignore the necessity to amend the Constitution in a particular fashion. It is analogous to going before a U.S. district court, or even a U.S. court of appeals, and saying to the judges of that court because you do not have the final authority to interpret the Constitution, because your judgment may be appealed, go ahead and do this good idea, come up with a judgment in favor of me because I have a good idea, and, if you are wrong on the Constitution, you can be reversed by the Supreme Court of the United States.

I say quite profoundly to the Senator from Illinois and the Senator from Georgia that you swore an oath, as I did, when you became Members of this body to uphold the Constitution of the United States. You cannot hide behind the fact that the Supreme Court of the United States has final authority on constitutional questions. You cannot hide behind that proposition to ignore your own duty properly to interpret the Constitution, which you have inherited after 200 years of history. It is your duty to make a judgment as to whether or not this amendment is constitutional.

If you can in good faith say you believe that it is, you can vote in the way which the Senator from Illinois has made a claim. But to duck your responsibility on the ground that sometime, at some future date, the Supreme Court will have final authority over the question is to ignore the oath which you swore when you became a Member of this body.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I agree completely with the distinguished Senator from the State of Washington, who has just spoken. I hope Members will stop for a moment, and think very seriously about the issue that is before us. No one I have heard has advanced any case containing any reasonable argument that this legislative proposal before us is constitutional. It clearly alters the Constitution. If that is to be done, you need a constitutional amendment. Then we are told there is no case making that point.

The distinguished Senator from Florida is absolutely right. The reason there is no case is that the proposition is so patently unconstitutional that it has never been put. Suppose someone submitted a legislative proposal to change the term of the President to 2 years, or the Senate to four, or the House to three. Suppose I put in that legislative proposal; then say, well, the Supreme Court has never ruled on this question.

There has never been a case saying that a statute changing the term of the President of the United States to 2 years is unconstitutional, and, therefore, you ought to pass this legislation changing the President's term to 2 years, and let the Supreme Court of the United States decide the case.

What happens to our own responsibility to make a judgment to uphold the Constitution, and make a judgment with respect to whether a proposition before us has any slim claim to constitutional validity? That is the issue that is put here. The Senator from Florida is absolutely right, in my judgment, to press a point of order. I hope the Members of this body will support that point of order.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I can only echo what the distinguished Senator from Washington and the distinguished Senator from Maryland have said. This is a very important debate, and I think the points that have been made here today have been highly edifying.

Each one of us held up our hand, took the oath of office, and said we will uphold the Constitution of the United States.

There was no caveat. You did not say, "I will uphold the Constitution of the United States only on those cases where precedent is well-established." You did not say, "I will uphold the Constitution unless something is presented to the Senate that the Court has never ruled on, in which case I will vote for it so the Supreme Court can rule."

You say you will uphold the Constitution.

The Senator from Maryland has made a very poignant case, that if we were trying to change the term of the President, to change the term of a Senator, if I were to offer an amendment to this body that said, "Henceforth and forever more the Roman Catholic Church will be the official church and the official religion of this country," what language would you have concerning the first amendment? But that amendment is no clearer on the hypothetical case which I have just stated than it is on this case.

Ben Franklin and all the Founding Fathers, Madison especially, when they got down to the question of how shall the Constitution be amended, made it tough. They did not want Members of the U.S. Senate and the House of Representatives to wake up every morning and just, by whim and caprice, change the fundamental organic law of this Nation. So they said, "You have to have a two-thirds vote by both houses."

This is the law that has made this country great for 200 years. I will be eternally grateful to our Founding Fathers because they made it very difficult to change it. They wanted every proposed change in the Constitution to be thoroughly aired, and the American people totally informed on all the possible implications of changing that document.

To come in here and say by a simple majority vote you are going to change the fundamental law of this Nation, which effectively abolished Congress, at least the Appropriations Committees of the two houses, and say we have to do this in the interest not because we have a consitutional responsibility but because we have the responsibility to duck it and kick it up to nine people on the Supreme Court.

I did not come here for that purpose, and I do not intend to vote for this amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I hasten to suggest to my colleagues that I am somewhat bothered by protracting this argument, but I think something tremendously specious has been suggested by some of my friends, whom I greatly respect, when they tell you that this is so clear that that is the reason it has never been tested before.

I do have some reservations about whether you can do this statutorily. But the fact is that there is a respectable body of opinion in this country by respectable attorneys and others who have written on this that suggest that you can do it by statute. There is a difference of opinion about it.

I have not been in this place long, but I do know that an issue is not necessarily settled simply because it is said to be settled. I want to tell you about two experiences in my lifetime that were supposed to be settled that were absolutely reversed in my time in public service.

The first is this: When I went to the Illinois Legislature in 1950, the year that Everett McKinley Dirksen beat Scott Lucas, for all of those years, for a half century, they had not reapportioned Illinois. We represented by area in the Senate and in the House by population, and everybody said that is the way it is constitutionally. You cannot change it.

But while I was there the Supreme Court of the United States said one man, one vote was the way you did it and they did change it.

In all those years I was there, we argued about an income tax and they said it had to be the same percentage on people and the same percentage on corporations. There are people from the press in my State in the balcony that know that. When Governor Ogilvie proposed the State income tax he wanted a flat 4 percent on people and a flat 4 percent on corporations. Everybody said you had to do it that way, it was the only way that it was constitutional. We Democrats fought it and it ended up being 4 percent on corporations and 2½ percent on people. They said, "You cannot do

that. It is unconstitutional. Everybody knows that you cannot do that." It went to the supreme court of our State and they said, "Absolutely you can do it. Sure you can do it. It makes good sense to do it."

Let me tell you, I respect the Senator from Washington, I respect the Senator from Alabama, and I respect the Senator from Arkansas. But not one of the three of them is on the Supreme Court of the United States.

I practiced law all my life. I do not know any more about the Constitution than them, but I do not believe there is not any man or woman sitting in this place who positively knows what the Constitution says on this.

There is only place in the world that can decide it and that is the Supreme Court of the United States.

I do not mind if Senators cop out on the issue. I copped out on a couple in my life myself. But do not tell me you are not voting for this because you think it is settled.

I want to come in your State and debate that question in any public place. It is not settled. It is only going to be settled when the Supreme Court of the United States decides.

Mr. CHILES. Will the Senator yield?

Mr. DIXON. Sure.

Mr. CHILES. The Senator would not imply that because some Member of the Senate did feel that this was unconstitutional and so voted to uphold the Constitution that the Senator was copping out, would he?

Mr. DIXON. No. Each Senator should vote the way they please, according to their own conscience. But I suggest the constitutional question is not settled.

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

Mr. DIXON. Sure.

Mr. MELCHER. The two instances that the Senator from Illinois presented to us in favor of his argument——

Mr. DIXON. Do you want another? I will give you more.

Mr. MELCHER. In those two instances, the Senator will admit where the Supreme Court of the United States directed the State of Illinois that they had flaws in their laws.

Mr. DIXON. One case involved the Federal Constitution; the other was solely an Illinois constitution issue. And let me cite another case. Separate but equal was OK in the schools for a long, long time, for decades and decades. But a new case was brought back to the Court again and the Court said, "We changed our mind, it is not."

There are all kinds of things that have changed in the history of this country, and this question is open to doubts.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, it is a little difficult to follow the distinguished Senator from Illinois. I do not know whether he argues with passion or with conviction. I happen to be one of those who supports the concept of line item veto but now feels compelled to vote in the negative as to whether or not this proposal is constitutional.

A few moments ago I voted to table the point of order because I wanted us to be able to get a full debate on the substance of the issue of whether or not we should give the President the power of line-item veto.

I believe very strongly that we should. As Governor of Oklahoma, I had the opportunity under the State constitution of our State to have the power of line-item veto on appropriations bills. I utilized that power, I believe, more than all the Governors of Oklahoma combined in the State history during the 4 years that I served, to try to keep spending under control in our State at that time.

I think given the economic conditions of the country, this is a power that the President of the United States should have. Therefore, I wanted to see us have an opportunity to discuss this question.

But now, the question on which I must vote is not whether or not I support the line-item veto. I do support it. The question on which I must vote is, is the current proposal to make this change by statute rather than constitutional amendment consistent with the Constitution of the United States?

On that particular question, as much as I favor the line-item veto, I feel I have no choice but to vote that it does not comply with the Constitution of the United States. I say with all sincerity to my colleague from Illinois that I do think, as the Senator from Washington said earlier, that each of us has a responsibility under our own oath to read the Constitution and to uphold the Constitution. I do not believe that we can evade that responsibility to read the Constitution and study its meaning very carefully by simply saying that it is an issue that the courts must ultimately decide. I am one who has been concerned from time to time by what I thought was a misreading of the Constitution of the United States by the Supreme Court and other Federal courts. I think the Constitution of the United States does have clear meaning, and I think we have a responsibility to read it closely.

This is an economic emergency, I grant, and I admire the concern of the Senator from Georgia. On many occasions, he has led valiant efforts to bring spending under control. I think he has expressed on many occasions the fact that if we do not get these deficits under control, we are going to destroy our entire economy and we threaten to tear apart the social fabric as a result.

But, Mr. President, this is a dangerous and slippery slope on which we have embarked. Are we to declare, if an emergency exists in this country for one reason or another, social unrest or otherwise, that we should suspend the Bill of Rights, guaranteed by the Constitution to take care of that emergency? Are we to say that the right of free exercise of religion or the right of freedom of speech is something that we have no individual responsibility as elected officials to preserve, protect, and defend, that we should simply allow some court to decide whether or not the language of the Constitution means what it says it means? I think not.

This is not a situation, I say to may friend from Illinois, like the question of legislative apportionment, as to whether or not the apportionment of a State legislature based upon area rather than population violates the equal protection clause. We are not here interpreting a nebulous clause like that clause of the Constitution which says no citizen shall be denied equal protection of the law. We are here dealing with language of the Constitution under the legislative articles of the Constitution that spells out with great clarity the manner in which the laws of the United States shall be enacted, and the President of the United States shall consider a full bill under the legislation of the Constitution. And if the President vetoes a bill, it is not a simple majority of the Houses of Congress that is called upon to overrule such a veto.

If the Senator from Georgia were offering a constitutional amendment, I would be a cosponsor of it. I believe in giving the President line-item veto authority. If we were to research and find other ways, perhaps limited powers of rescission to be granted to the President of the United States in a manner that could pass constitutional muster, I would be supporting it.

I sympathize in terms of substance with what he is urging us to do, but I cannot say that I think anything, any current issue, any current emergency, any prevailing opinion in the country, any Gallup poll, anything that brings me political gain in the short term or political loss in the short term, overrules the responsibility that I have to uphold the Constitution of the United States.

I urge my colleagues who feel as I do that the line-item veto is a good idea to seriously consider this matter. I urge my colleague from Illinois and my colleague from Georgia, who are very sincere in their views, to consider it and to ponder whether or not we should return to this issue on another day, in another forum, with language drafted in another way.

I say to both of them that if we come back on another day, either with a constitutional amendment or with a different kind of statutory language

that more arguably would pass constitutional muster, this Senator would be firmly in their corner. But as of today, I have to vote not on the legislative veto question but on the question of whether or not the proposal before us passes muster under the Constitution of the United States. I cannot delegate to another individual the responsibility which I have as an American to uphold the constitutional process.

I must with regret, Mr. President, say I think it is my duty as I see it—I cannot define anyone else's duty for them. I know how I understand the Constitution, I know how I read the Constitution. To me, personally, it is clear; therefore, I must do my own individual duty as I see it and vote that this does not pass constitutional muster.

Mr. MATTINGLY and Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator from Oklahoma for his statement and I think he is perfectly right in voting his conscience as he sees it. My conscience tells me exactly the opposite and I shall vote exactly the opposite way. That does not mean he is right or that I am right. He is doing what his judgment tells him is his responsibility as a Member of the Senate of the United States and every one of the 100 Members here should do it. Nobody should vote for the point of order because he is against the line-item veto provision; equally, no one should vote against it because he is for the line-item veto. I happen to be against the Mattingly amendment and shall vote against it if we get to that point. I do not, however, believe that it is clearly unconstitutional.

We have had recent attempts on the part of the Congress of the United States to enact legislative veto and many within this body, including the Senator from Idaho, felt the courts were wrong in saying that the legislative veto was an improper exercise of legislative authority. I think there is another reasonable interpretation that the courts should have found and could have found. To suggest that there is only one point of view available or only one point of view possible begs the question about whether or not the Supreme Court should decide on this issue. If it were that easy, we would not need a Supreme Court. But the Supreme Court is not final because it is infallible; it is infallible because it is final. This body is neither infallible nor final and each of the 100 Members must exercise his own judgment.

I am against the line-item veto in this particular instance, because I agree with the statement of the distinguished Senator from Oregon outlining its deficiency. It is not the appropriation process that is failing in this body; it is the fact that we have created entitlement programs and do not have the courage to change them.

It is not the appropriations process, which could be reached by line-item veto, that is going to solve the budgetary problem. We shall have done something but have done something virtually meaningless if we grant the President of the United States the authority to reach those things that are governed by appropriations and not able to touch at all, all those other questions which are beyond the ability of the appropriations process to constrain.

I am opposed to the line-item veto because I think it deals with the wrong end of the problem. However, I do believe that we are not violating our oath of office if we vote against the point of order to say that it could be constitutional and we could, with good conscience, vote in favor of it if we are so disposed.

I shall vote against the point of order. I am pleased that we have the opportunity to vote against that point of order and I hope the point of order will be turned down. Then in turn, we shall vote on the substance, which I hope we shall get to before long.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, let me read from a study conducted by the chairman of the House Judiciary Subcommittee of an earlier Congress. Hatton Sumners stated that it is constitutional for the legislature to enact the line-item veto. He said:

> Members of Congress are sent to the seat of Government by the people charged with the responsibility of enacting the laws and fixing public policy, and are by general and specific grants as well as by implication given all the power and discretion essential to complete responsibility to the people for the discharge of those duties. When, therefore, the Houses of Congress, in order to add to their efficiency, guided by their judgment and acting under their responsibility to the people in the discharge of their constitutional responsibility, so draw an appropriation bill that in their judgment each item may be separately considered by the President and approved or disapproved, and as drawn and approved items may stand as complete and harmonious items of legislation while the items disapproved may be sent back to the Congress for further consideration, they act, it seems clear to me, within their constitutional powers and discretion.

Mr. President, if we are to begin legislating on the basis of what the courts may rule in the future, then it seems to me we unilaterally relinquish much of our constitutionally mandated authority. Some of us in this body believe that certain provisions of the War Powers Act and the Budget Act of 1974 are unconstitutional. That does not mean, however, that we should preempt whatever court challenges may be made to those acts and repeal them today. The question should be, should we substitute ourselves for that constitutionally approved judicial review system?

What this debate has done—and wish my colleague from Oklahoma was still in the Chamber when we were talking about going through the process of the constitutional amendment on the line-item veto, which I think we need to consider in the future—is to show that something must be done immediately. The deficits are not going to wait for a constitutional amendment to run its merry way through this Congress and the land to be approved or disapproved. Once again, I think what has happened is this debate today on the line-item veto has placed us and this budget deficit under a magnifying glass. It has created the focus where it belongs. If we lose, those who would try to include different items into an appropriation bill which, believe me, are not justified and should not be there, will probably think twice.

Mr. President, I ask unanimous consent to place in the RECORD that letter by Mr. Sumners.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., December 17, 1937.

Hon. EDWARD T. TAYLOR, M.C.,
Chairman, Committee on Appropriations, House of Representatives, Washington, D.C.

MY DEAR COLLEAGUE: With reference to House Joint Resolution 515, introduced by you, proposing an amendment to the Constitution authorizing a veto of separate items in appropriation bills, which resolution has been referred to the Committee on the Judiciary, beg to advise that after an examination of the applicable provisions of the Constitution I have reached the conclusion which I submit for your consideration that the Houses of Congress, without an amendment to the Constitution, may authorize the President to veto separate items in an appropriation bill.

Article I, section 1, of the Constitution provides:

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Each of the Houses of Congress is authorized under the Constitution to establish its own rules of procedure. (Art. I, sec. 5, clause 2.)

Article 1, section 7, clause 2, of the Constitution provides:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be

reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law."

This section, as you will observe, is a limitation upon the general powers of Congress and is to be strictly construed. Does the word "bill" necessarily mean all the separate items assembled under one caption, each of which might have been the subject matter of a separate bill but which for convenience sake in expediting the public's business are assembled under one caption? It is clear that the sole purpose of this section is to make certain that no item of proposed legislation shall be law until it is approved by the President, or, if disapproved by the President, is again passed by both Houses by two-thirds vote, the objections of the President notwithstanding.

To hold that the word "bill" necessarily means all the items assembled under one caption would be a construction operative against the purpose and plan of the Constitution. That construction would compel the President officially to approve items which he does not in fact approve in order to avoid striking down other items which he does approve. On the other hand, such a construction would force him to disapprove items which in fact he does approve in order to reach other items which he disapproves. If, however, Congress draws an appropriation bill so that without doing hurt to the effectiveness of legislation the President is permitted to disapprove separate items and approve the remainder, permitting those items which have been agreed to by the Houses of Congress and approved by the President to become law, that would be in harmony with the plan and purpose of the Constitution. Under that arrangement the items which are disapproved by the President would be cut away from the rest of the bill and returned to Congress, with his objection, for reconsideration, as in other cases of veto, which arrangement likewise would be in harmony with the plan and purpose of the Constitution.

It would be necessary, as I view it, before the President would be authorized to veto a separate item in an appropriation bill, for the Houses of Congress by appropriate resolution to indicate to the President that they have drawn the bill so that each item may be regarded as a separate bill for the purpose of his examination and approval or disapproval, and that it is the will of Congress that the bill be thus examined and acted upon. Otherwise, we would have a situation under which the President could cut away parts of a bill, leaving as the law an incomplete item of legislation which the Houses of Congress would not have approved in that form as an original proposition. The Houses of Congress must have control over legislative processes in order that the people may hold them to full responsibility for the results of legislative processes. The power to do is always essential to the right to hold responsible for the fact and the method of the doing. Hence, the rule of strict construction of limitations upon general powers.

It would not seem necessary for the determination of this question to do more than examine, in the light of the general plan and philosophy of our system of government, the directly applicable provisions of the Constitution referred to. However, the general scope and character of the responsibility and discretion conferred by the Constitution upon the Houses of Congress by general and specific grants throw light upon the question being examined.

Congress is given the power to lay and collect taxes (there can be no more far-reaching power than that) to pay the debts; to provide for the common defense and the general welfare of the United States; to borrow money without limit on the credit of the United States; to regulate commerce with foreign nations and among the several States; to coin money and regulate the value thereof; to constitute public offices and provide for officers; to declare war and raise and support armies and navies (which is a great power and a great discretion) and to make rules for their government; to exercise entire legislative jurisdiction over territories, forts, arsenals, etc. In addition to that, the Senate exercises a veto power over the President's appointments. The personnel which constitutes the two Houses of Congress, functioning as separate entities under the impeachment provisions of the Constitution, is given the power to remove the entire judicial personnel from the Chief Justice down and the entire executive personnel from the President down.

In addition to making the rules for their procedure, the House and the Senate judge of the election and qualification of their respective Members and may remove them. They may not be questioned anywhere else as to what they say in debate. In other words, except for a few limitations upon the general powers contained in the Constitution, Members of Congress are sent to the seat of Government by the people charged with the responsibility of enacting the laws and fixing public policy, and are by general and specific grants as well as by implication given all the power and discretion essential to complete responsibility to the people for the discharge of those duties. When therefore, the Houses of Congress, in order to add to their efficiency, guided by their judgment and acting under their responsibility to the people in the discharge of their constitutional reponsibility, so draw an appropriation bill that in their judgment each item may be separately considered by the President and approved or disapproved, and as drawn and approved items may stand as complete and harmonious items of legislation while the items disapproved may be sent back to the Congress for further consideration, they act, it seems clear to me, within their constitutional powers and discretion.

Respectfully submitted.

HATTON W. SUMNERS.

I asked the legislative reference service of the Library of Congress to give me a statement as to the number of States and the provisions of each State on this subject. They have complied with my request, giving me the exact language of the constitutional provision of each one of the 39 States that have this provision in their Constitution. Under my leave to extend my remarks in the RECORD, I enclose those provisions herewith:

ITEM VETOES—TEXT OF STATE CONSTITUTIONAL PROVISIONS

1. Alabama (constitution, art. V, sec. 125):

"Every bill which shall have passed both houses of legislature, except as otherwise provided in this constitution, shall be presented to the Governor; if he approve, he shall sign it; but if not he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. * * * If the Governor's message proposes amendment, which would remove his objections, the house to which it is sent may so amend the bill and send it with the Governor's message to the other house, which may adopt, but cannot amend, said amendment; and both houses concurring in the amendment, the bill shall again be sent to the Governor and acted on by him as other bills. If the house to which the bill is returned refuses to make such amendment, it shall proceed to reconsider it; and if a majority of the whole number elected to that house shall vote for the passage of the bill, it shall be sent with the objection to the other house, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that house, it shall become a law. If the house to which the bill is returned makes the amendment, and the other house declines to pass the same, that house shall proceed to reconsider it, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided * * *."

Alabama (constitution, art. V, sec. 126):

"The Governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or parts of the bill approved shall be the law and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of bills over the executive veto; and he shall in writing state specifically the item or items he disapproves, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the Governor's objection."

2. Arizona (constitution, art. V, sec. 7):

"* * * If any bill presented to the Governor contains several items of appropriations of money, he may object to one or more of such items while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items which he declines to approve, together with his reasons therefor, and such item or items shall not take effect unless passed over the Governor's objections as in this section provided. * * *"

3. Arkansas (constitution, art. VI, sec. 17):

"The governor shall have power to disapprove any item or items of any bill making appropriation of money, embracing distinct items; and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto."

4. California (constitution, art. IV, sec. 16):

"* * * If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as

bills which have been disapproved by the Governor."

California (constitution, art. IV, sec. 34):

"* * * In any appropriation bill passed by the legislature, the Governor may reduce or eliminate any one or more items of appropriation of money while approving other portions of the bill, whereupon the effect of such action and the further procedure shall be as provided in section 16 of this article * * *."

5. Colorado (constitution, art. IV, sec. 12):

"The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in manner following: If the general assembly be in session, he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto."

6. Connecticut (constitutional amendments, art. XXXVII):

"The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items while at the same time approving the remainder of the bill, and the part or parts of the bill so approved shall become effective and the item or items of appropriation so disapproved shall not take effect unless the same are separately reconsidered and repassed in accordance with the rules and limitations prescribed for the passage of bills over the executive veto. In all cases in which the Governor shall exercise the right of disapproval hereby conferred he shall append to the bill at the time of signing it a statement of the item or items disapproved, together with his reasons for such disapproval, and transmit the bill and such appended statement to the secretary. If the general assembly be then in session he shall forthwith cause a copy of such statement to be delivered to the house in which the bill originated for reconsideration of the disapproved items in conformity with the rules prescribed for legislative action in respect to bills which have received executive disapproval."

7. Delaware (constitution, art. III, sec. 18):

"* * * The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills, over the executive veto. * * *"

8. Florida (constitution, art. IV, sec. 18):

"The Governor shall have power to disapprove of any item or items of any bills making appropriation of money embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto."

9. Georgia (constitution, art. V, sec. 1, par. XVI):

"* * * He may approve any appropriation, and disapprove any other appropriation, in the same bill, and the latter shall not be effectual, unless passed two-thirds of each house."

10. Idaho (constitution, art. IV, sec. 11):

"The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, and the part or parts approved shall become a law and the item or items disapproved shall be void, unless enacted in the manner following: If the legislature be in session, he shall within 5 days transmit to the house within which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto."

11. Illinois (constitution, art. V, sec. 16):

"* * * Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them, respectively, their several amounts in distinct items and sections, and if the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it.

"The Governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter te objections at large upon its journal and proceed to reconsider so much of said bill as is not approved by the Governor.

"The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two houses of the general assembly, it shall become part of said law, notwithstanding the objections of the Governor. * * * "

Indiana: The Governor has no power to veto items.

Iowa: The Governor has no power to veto items.

12. Kansas (constitution, art. II, sec. 14):

"* * * If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, while approving the other portion of the bill; in such case he shall append to the bill, at the time of signing it, a statement of the item or items to which he objects, and the reasons therefor, and shall transmit such statement, or a copy thereof, to the house of representatives, and any appropriations so objected to shall not take effect unless reconsidered and approved by two-thirds of the members elected to each house, and, if so reconsidered and approved, shall take effect and become a part of the bill, in which case the presiding officers of each house shall certify on such bill such fact of reconsideration and approval."

13. Kentucky (consitution, sec. 88):

"* * * The Governor shall have power to disapprove any part or parts of appropriation bills embracing distinct items, and the part or parts disapproved shall not become a law unless reconsidered and passed, as in case of a bill."

14. Louisiana (constitution, art. V, sec. 16):

"The Governor shall have the power to disapprove of any item or items of any bill making appropriations for money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over veto."

Maine: The Governor has no power to veto items.

15. Maryland (constitution, art. II, sec. 17):

"* * * The Governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be the law, repassed according to the rules or limitations prescribed for the passage of other bills over the executive veto."

16. Massachusetts (constitutional amendments, art. LXIII, sec. 5):

"The Governor may disapprove or reduce items or parts of items in any bill appropriating money. So much of such bill as he approves shall upon his signing the same become law. As to each item disapproved or reduced, he shall transmit to the house in which the bill originated his reason for such disapproval or reduction, and the procedure shall then be the same as in the case of a bill disapproved as a whole. In case he shall fail so to transmit his reasons for such disapproval or reduction within 5 days after the bill shall have been presented to him, such items shall have the force of law unless the general court by adjournment shall prevent such transmission, in which case they shall not be law."

17. Michigan (constitution, art. V, sec. 37):

"The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items; and the part or parts approved shall be the law; and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto."

18. Minnesota (constitution, art. IV, sec. 11):

"If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the House in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money."

19. Mississippi (consitution, sec. 73):

"The Governor may veto parts of any appropriation bill, and approve parts of the same, and the portions approved shall be law."

20. Missouri (constitution, art. V, sec. 13):

"* * * If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items or portions of items while approving other portions of the bill. In such case he shall append to the bill at the time of signing it a statement of the items, or portions of items, to which he objects, and the ap-

propriations, or portions thereof, objected to shall not take effect. If the general assembly be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items or portions thereof objected to shall be separately reconsidered. If it be not in session, then he shall transmit the same within 30 days to the office of the Secretary of State, with his approval or reasons for disapproval: *Provided, however,* Nothing herein contained shall be construed as authorizing the Governor to reduce any appropriation for free public-school purposes."

21. Montana (constitution, art. VII, sec. 13):

"The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall become a law, and the item or items disapproved shall be void, unless enacted, in the manner following: If the legislative assembly be in session, he shall within 5 days transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto."

22. Nebraska (consitution, art. IV, sec. 15):

"* * * The Governor may disapprove any item or items of appropriation contained in bills passed by the legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner herein prescribed in cases of disapproval of bills."

Nevada: The Governor has no power to veto items.

New Hampshire: The Governor has no power to veto items.

23. New Jersey (constitution, art. V, sec. 7):

"* * * If any bill presented to the Governor contains several items of appropriations of money, he may object to one or more of such items while approving of the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the item to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by a majority of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the Governor. All the provisions of this section in relation to bills not approved by the Governor shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money."

24. New Mexico (constitution, art. IV, sec. 22):

"* * * The Governor may in like manner approve or disapprove any part or parts, item or items, of any bill appropriating money, and such parts or items approved shall become a law, and such as are disapproved shall be void unless passed over his veto, as herein provided."

25. New York (constitution, art. IV, sec. 9):

"* * * If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money."

New York (constitution, art. IV-A, sec. 3):

"* * * The legislature may not alter an appropriation bill submitted by the Governor except to strike out or reduce items therein, but it may add thereto items of appropriation provided that such additions are stated separately and distinctly from the original items of the bill and refer each to a single object or purpose. None of the restrictions of this provision, however, shall apply to appropriations for the legislature or judiciary. Such a bill when passed by both houses shall be a law immediately without further action by the Governor, except that appropriations for the legislature and judiciary and separate items added to the Governor's bills by the legislature shall be subject to his approval as provided in section 9 of article 4."

North Carolina: The Governor has no power to veto any bill or part of bill.

26. North Dakota (constitution, art. III, sec. 80):

"The Governor shall have power to disapprove of any item or items, or part or parts, of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void, unless enacted in the following manner: If the legislative assembly be in session he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto."

27. Ohio (constitution, art II, sec. 16):

"* * * The Governor may disapprove any item or items in any bill making an appropriation of money and the item or items so disapproved shall be void unless repassed in the manner herein prescribed for the repassage of a bill."

28. Oklahoma (constitution, art. VI, sec. 12):

"Every bill passed by the legislature, making appropriations of money embracing distinct items, shall, before it becomes a law, be presented to the Governor; if he disapproves the bill, or any item, or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the house in which the bill shall have originated, but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in the preceding section in reference to other bills: *Provided,* That this section shall not relieve emergency bills of the requirement of the three-fourths vote."

29. Oregon (constitution, art. V, sec. 15a):

"The Governor shall have power to veto single items in appropriation bills and any provision in new bills declaring an emergency without thereby affecting any other provision of such bill."

30. Pennsylvania (constitution, art. IV, sec. 16):

"The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto."

Rhode Island: The Governor has no power to veto items.

31. South Carolina (constitution, art. IV, sec. 23):

"* * * If the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the bill with his objections to the items or sections of the same not approved by him to the house, in which the bill originated, which house shall enter the objections at large upon its journal and proceed to reconsider so much of said bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is provided in case of an entire bill returned by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of each house of the general assembly, it shall become a part of said law notwithstanding the objections of the Governor. * * *"

32. South Dakota (constitution, art IV, sec. 10):

"The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in the following manner: If the legislature be in session, he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto."

Tennessee: The Governor has no power to veto items.

33. Texas (constitution, art, IV, sec. 14):

"* * * If any bill presented to the Governor contains several items of appropriation, he may object to one or more of such items and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the legislature be in session he shall transmit to the house in which the bill originated a copy of such statement and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be part of the law, notwithstanding the objections of the Governor. If any such bill containing several items of appropriation, not having been presented to the Governor 10

days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have 20 days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect."

34. Utah (constitution, art. VII, sec. 8):

"* * * If any bill presented to the Governor contains several items of appropriations of money, he may object to one or more such items, while approving other portions of the bill; in such case he shall append to the bill at the time of signing it a statement of the item or items which he declines to approve, together with his reasons therefor, and such item or items shall not take effect unless passed over the Governor's objection as in this section provided."

Vermont: The Governor has no power to veto items.

35. Virginia (constitution, art. V, sec. 76):

"* * * The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the general assembly without his approval. If he approve the general purpose of any bill, but disapprove any part or parts thereof, he may return it, with recommendations for its amendment to the house in which it originated, whereupon the same proceeding shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided, that if after such reconsideration, both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then, and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. * * *"

36. Washington (constitution, art. III, sec. 12):

"* * * If any bill presented to the Governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items, to which he objects and the reasons therefor, and the section or sections, item or items, so objected to, shall not take effect unless passed over the Governor's objections, as hereinbefore provided."

37. West Virginia (constitution, art. VII, sec. 15):

"Every bill passed by the legislature making appropriations of money, embracing distinct items, shall before it becomes a law, be presented to the Governor; if he disapproves the bill, or any item or appropriation therein contained, he shall communicate such disapproval with his reasons therefor to the house in which the bill originated; but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless repassed by a majority of each house according to the rules and limitations prescribed in the preceding section in reference to other bills."

38. Wisconsin (constitution, art. V, sec. 10):

"* * * Appropriation bills may be approved in whole or in part by the Governor, and the part approved shall become law, and the part objected to shall be returned in the same manner as provided for other bills. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, or the part of the bill objected to, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become a law. * * *"

39. Wyoming (constitution, art. IV, sec. 9):

"The Governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void unless enacted in the following manner: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto."

It will appear from that statement that there are only nine States that do not have that provision, those being the States of Maine, New Hampshire, Vermont, Rhode Island, Nevada, Tennessee, North Carolina, Iowa, and Indiana. I look upon this matter as one of the most important subjects that Congress could consider. That provision has brought about savings of hundreds of millions of dollars throughout the various States, and I believe it would be many times more important to the Federal Government than it is to the States. In my judgment, Congress should first decide whether or not the House and Senate could agree to the policy of giving the President that authority; and if so, secondly, as to whether or not they want to undertake it by a constitutional amendment, which would possibly require many years before it could become effective, or by a legislative act, which could be passed at this session of Congress and could be determined by the Supreme Court very expeditiously thereafter if the constitutionality of such an act was brought into consideration. I could give extensive references to the recommendations of the various Presidents and the activities of various committees and speeches on the subject, but I deem it would not accomplish anything that would be materially helpful.

If I may be pardoned for a personal reference, my recollection is that the very first bill I passed when I came to Congress in March 1909 was promptly vetoed by President Taft. I spoke to the chairman of the Appropriations Committee, Hon. James A. Tawney, about it, and he said the bill was meritorious and that he would insert it in an appropriation bill. He did so, and President Taft was required to sign that bill containing the identical language that he had vetoed some 10 days before. From that day to this I have been forcibly impressed with the very great importance of this matter. If Congress would adopt this policy, it will very materially aid in balancing the Budget.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. DIXON. Mr. President, my distinguished friend from Washington has suggested that we all take a solemn oath to support the Constitution. We do. I took that solemn oath, as my friend from Washington took his solemn oath. And I assure him and every Senator that I will do everything during my time in the Senate to keep that solemn oath.

Now, here is an eight-page document from the Congessional Research Service of the Library of Congress by J. R. Shampansky, legislative attorney, American Law Division, dated October 23, 1981. I am going to read one page as follows:

Although the Constitution does not on its face grant the President an item veto, there was no discussion of the possibility of an item veto at the Constitutional Convention, and the President has apparently never attempted to exercise an item veto (see Item Veto Hearings, *supra*, at 65 n. 16), it has been suggested that a President might be able to exercise the item veto power without the necessity of either a constitutional amendment or a statutory enactment. See Item Veto Hearings, *supra*, at 50-51. This view is based on the fact that Art. I, Sec. 7, permits the President to veto a "bill." Although today "omnibus bills" dealing with many unrelated matters are commonplace, it has been said that when the framers of the Constitution used the term "bill," they meant a measure relating to only one individual item. Thus, the argument goes, the framers intended for the President to be able to review each provision of law passed by the Congress, and the President's power to do so should not be restricted merely by Congress' practice of packaging in one bill numerous unrelated items. See Item Veto Hearings, *supra*. However, the view that the President currently possesses the item veto power apparently has few adherents, and given the fact that no President has ever attempted to exercise such a power, it would seem that the better view is that enabling legislation or a constitutional amendment is required.

The argument that a statutory enactment would be sufficient to grant the President the item veto is based on several provisions of the Constitution. Art. I, Sec. 1, grants all legislative powers to the Congress. Art. I, Sec. 8, Cl. 18, the "necessary and proper clause," grants to the Congress the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in Government of the United States . . ."

So I say to my friends, make any argument you want, but I say the question of law and constitutionality of this item veto amendment is unsettled, and this document speaks to that as eloquently as any Senator ever can.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, with all due respect to those who concluded that to wait to see and review this issue we must have a point of order, I think the discussion we have had thus far is evidence in retrospect that that was not such a good idea.

We found, as the discussion has taken place since the last vote, that

there is a Senator, who is for this line-item veto and voted for the motion to table, who is now going to vote for the point of order because he is for the line-item veto but because he thinks a legislative version is unconstitutional.

We have a Senator who voted for the motion to table, who is going to vote for the procedural motion on the Mattingly amendment, who is going to vote against the line-item veto.

You have a Senator speaking now who is not sure whether he likes the line-item veto but is sure that he does not like the idea of deciding whether this amendment is or is not constitutional before we fully debate it.

The problem is we debated around the question of whether or not it was constitutional prior to the last vote. We debated the merits of whether or not it made any sense more than we debated, from what I was able to listen to, the constitutionality. I wonder whether it is possbile—and maybe not—I am not asking unanimous consent for this—for us to get straight to the merits, a vote up and down on the merits and avoid another vote on a precedural matter because although I think it is probably unconstitutional, I believe there is a legitimate point that is distinguishable from that raised by my articulate friend from Arkansas, who said what would it be like if he rose to the floor and asked for the official religion of the United States of America to be Roman Catholicism.

The point is, he might in fact get somebody to vote that way but we all acknowledge that is clearly, patently unconstitutional. I am not sure this is. I think it is.

Now, I voted on tabling, but there has not been nearly enough discussion along the lines that the Senator from Illinois was just pursuing.

I am contemplating the following course of action as far as this Senator goes, either to keep this debate going long enough for us all to do the research to be able to make a sound judgment on the constitutionality question or vote up and down on the issue.

I hate like the devil to be in the spot of voting to say unequivocally that I am absolutely and positively certain that this is unconstitutional and leave it at that, because I am not certain. I have not spent a great deal of time examining the constitutionality of it.

With all due respect to my friend from Georgia, he quoted a Member of Congress from the 1930's talking about a situation different from the one he is now suggesting.

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

Mr. BIDEN. I yield.

Mr. McCLURE. If I understand the Senator correctly, he is suggesting delaying a vote until he can be absolutely, unequivocally certain.

Mr. BIDEN. No; the Senator is saying delay the vote until we can have an enlightened debate. With all due respect to my colleagues, not many of them know a lot about this.

Mr. McCLURE. That, too, is not a requirement in this body. [Laughter.]

Mr. BIDEN. I understand that. But I should like us at least to be able to debate to the point so that we can deal with the merits of the constitutionality, if that is what we are going to do.

I may be mistaken, but I have heard only one citation on the question of constitutionality raised here, and that was raised by a staffer at the Library of Congress.

Really and truly, I think we are making a mistake here. We are making a mistake by saying with finality what the Chair has said. I have great respect for the Parliamentarian. I have great respect for the ability of the Chair to interpret the Constitution.

Mr. GORTON. He did not interpret.

Mr. BIDEN. Maybe I am wrong. Was not the matter we voted on last time that the Chair declared that this is legislation amending the Constitution.

Mr. GORTON. No.

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

Mr. BIDEN. I yield.

Mr. MATTINGLY. Why does the Senator not ask the Senator from Florida if he is willing to withdraw the point of order, and we will vote up and down on the Mattingly amendment?

Mr. BIDEN. Maybe the Senator from Washington can answer.

Mr. GORTON. The Senator from Delaware may not have been on the floor.

Mr. BIDEN. I was not on the floor.

Mr. GORTON. The Chair declined to rule on the constitutionality of the amendment, on the basis of long-established precedent, and submitted the question to the body.

Mr. BIDEN. With the same result, though. We have to decide, on a single vote, without debate, whether this is or is not constitutional. I am not prepared to say—forget certainty—with any reasonable body of knowledge at my disposal, whether or not it is.

So I suggest that if we can find the Senator from Florida, maybe he will withdraw his point of order and let us vote up and down, because I have a number of questions for the Senator from Georgia.

For example, this is a question I do not ask him to respond to now, unless he is so inclined. The amendment reads:

(a) The President may disapprove any item of appropriation in any Act or joint resolution, except any item of appropriation for the legislative branch or the judicial branch of the government.

Why does that exempt us? I assume it is because the Senator believes separation of powers is important. How is that separation of powers exemption much different from the separation of powers as it relates to appropriations? That is a distinction on which I should like to hear the difference. I am not sure there is a distinction with a difference.

I do not want to belabor the point; but if I am compelled to vote on the constitutionality, which is what I am being asked to vote on here, I am not sure what I am going to do.

Quite frankly, I do not plan on being in this body the rest of my life. There are a lot of people on the other side of the aisle who do not plan for me to be here after next January. When I leave here I have to go back to do the thing I did before—be a lawyer. I value very much my intellectual integrity, and I value very much whether or not I conduct myself in a way that reflects upon a very significant portion of the thing I am supposedly professional at, and that is the law, at the bench and the bar.

I do not like to vote like this on something that has not been aired fully.

Mr. President, I have no desire to keep the floor. I ask the Senator from New Mexico: Is there any possiblity, in his mind, of the point of order being withdrawn and our voting up and down?

Mr. DOMENICI. I do not think so. I have talked with a few Senators, and there are a number who think it is a very pertinent issue, that two-thirds does not equal 50 percent. They take it as a very serious proposition that we should consider legislating a constitutional change. So it was not raised in any manner other than a serious one, and they would like to vote on that.

I suggest to my friend from Delaware that the issue is whether this proposal attempts to change the Constitution by statute. If the Senator is uncertain, it seems to me that he should vote against the point of order and reserve his vote for an up and down vote on the issue.

The way I am going to handle it is that I am clear in my mind that 50 percent does not equal two-thirds, and that is on the override provision. I am not suggesting that that is the right position for everyone, but it makes it clear for me that this is an attempt to legislate a constitutional change. That is the issue. So I say, yes, that is what it is, and I do not know that we are going to clarify that very much with more time.

I have great sympathy for the fact that we did not do this in an orderly manner. There are no legal briefs here. But I think we have heard about as much on it as we are going to hear, and I urge that the Senator let us vote.

There are those who have very difficult explanations, as the Senator has described, and are not able to guess on

the vote, based upon the first two votes, but I think that is all right. That has happened a number of times.

The Senator can explain his views, and everyone will know exactly what his vote means. But I think the Senate would like to go ahead and vote on the constitutional issue of legislation attempting to change the Constitution. If the Senator from Florida does not win, we will go to an up and down vote on the substance. I hope the Senator from Delaware can accommodate us. We have been waiting for this a long time and have accommodated a number of Senators.

Mr. BIDEN. I have been here close to 12 years, and on not one occasion in that time have I delayed the Senate. I have spoken at times longer than some of my colleagues wanted to hear me.

I guess we all have to wrestle with our conscience. There is no reflection on anyone who spoke on this, and I can say sincerely that we are not going to get a very scholarly discourse on the constitutionality of this question. Everybody is saying what they think their instinct tells them and how they reach that conclusion. I am not at all certain. I want it to be clear. I do not know how I am going to vote. I have to wrestle with my conscience in the next 3 minutes. I guess that is about all I will have.

If I vote against the point of order, I want to make it clear that I am not voting to say I am certain that this is constitutional. But when I vote, if I vote for the point of order, it seems to me that I find myself in the position of saying that I am pretty well certain that this is unconstitutional. Maybe, for the first time, I should vote "present." I hate to fool around with constitutional issues like this, out of our hip pocket.

I just do not like it. But I understand the dilemma. I understand the nature of the business and the nature of the place. Because of that dilemma, I am voting to uphold the point of order that this amendment, which proposes to give the President line item veto authority, is legislation amending the Constitution.

Two issues have been raised. First is the question as to whether the Congress can legislatively grant line item veto authority to the President. While Congress probably cannot do so, the issue is not entirely clear and cannot be clarified in the short time available today.

However, the second issue is more clear although it has been little debated this afternoon. If Congress could grant line item veto authority through legislation, it could not change the percentage to override such a veto from two-thirds to 50 percent, as this amendment proposes to do. Clearly, therefore, this limited portion of the amendment is unconstitutional. Therefore, I am voting to uphold the point of order on the amendment as a whole.

● Mr. MITCHELL. Mr. President, I will support the point of order raised against consideration of the amendment offered by the Senator from Georgia which would have the effect of altering the Constitution of the United States by legislation.

Article I, Section 7 spells out in detail the President's veto powers and the congressional power to override Presidential vetos. There is absolutely no indication in that section that the Framers contemplated allowing a President to pick and choose which sections of the laws he could approve. Indeed, granting that power in effect usurps the constitutional power of the Congress to enact the laws.

An issue of this gravity ought not be debated as an amendment to this budget bill or to any other legislation. It ought to be the subject of extensive inquiry, both as to its constitutional implications and its practical effects. And the Congress ought to debate whether or not we wish to amend the Constitution in the way properly set forth in the Constitution. We cannot change the Constitution legislatively because we lack the authority to do so.

We have debated other kinds of bills that attempt to make legislative changes in the Constitutionl. We have rejected them, because we lacked the authority to enact them. We should do the same to this proposal.●

SEVERAL SENATORS. Vote.

The PRESIDING OFFICER. The question is, Is the point of order well taken?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. LAXALT), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arkansas (Mr. PRYOR), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 56, nays 34, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—56

Andrews	Bradley	Cohen
Baker	Bumpers	Cranston
Baucus	Burdick	Danforth
Biden	Byrd	DeConcini
Bingaman	Chafee	Denton
Boren	Chiles	Dodd
Domenici	Lautenberg	Pell
Durenberger	Leahy	Percy
Eagleton	Levin	Randolph
Ford	Long	Riegle
Gorton	Mathias	Rudman
Hatch	Matsunaga	Sarbanes
Hatfield	Melcher	Sasser
Heflin	Metzenbaum	Simpson
Huddleston	Mitchell	Stafford
Inouye	Moynihan	Stennis
Johnston	Nickles	Tower
Kassebaum	Nunn	Weicker
Kennedy	Packwood	

NAYS—34

Abdnor	Grassley	Quayle
Armstrong	Hecht	Roth
Boschwitz	Heinz	Specter
Cochran	Helms	Stevens
D'Amato	Humphrey	Symms
Dixon	Jepsen	Thurmond
Dole	Kasten	Trible
East	Lugar	Warner
Evans	Mattingly	Wilson
Exon	McClure	Zorinsky
Garn	Pressler	
Goldwater	Proxmire	

NOT VOTING—10

Bentsen	Hollings	Tsongas
Glenn	Laxalt	Wallop
Hart	Murkowski	
Hawkins	Pryor	

The PRESIDING OFFICER. On this vote there are 56 yeas and 34 nays. The point of order is well taken. The amendment fails.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the point of order was well taken.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. 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. BAKER. Mr. President, I have conversed with the minority leader, and with the two managers of the bill. I am happy to say that I believe we can now arrive at a time certain to vote on the Chiles amendment.

ORDER FOR VOTE ON CHILES AMENDMENT ON TUESDAY NEXT AT 3 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the vote occur on the Chiles amendment at 3 p.m. on Tuesday next.

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

ORDER FOR PRO FORMA SESSION TOMORROW AND RECESS UNTIL 10 A.M., TUESDAY, MAY 8, 1984

Mr. BAKER. Mr. President, with that nailed down, I am now prepared

to say something that I did not want to say. But I have a long, unbroken record of saying things that I did not want to say.

As best I can tell, we are going to be decimated by absentees on Monday to the point where I would recommend against the Senate considering matters of great importance for fear that the outcome might be so unpredictable, or distorted, that it would not be truly representative. Therefore, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on tomorrow, at which time the Senate will be convened in pro forma session; and that as soon as it is convened without any business being transacted without any opening prayer, without any intervening business, and without any debate, that the Chair will place the Senate then in recess until the hour of 10 a.m. on Tuesday next.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

CELEBRATION ON TUESDAY OF PRESIDENT TRUMAN'S BIRTHDAY

Mr. BAKER. Mr. President, Senators are reminded that also on Tuesday at 10 a.m. there is a centennial celebration of the birth of the former President Harry Truman. But I believe that will not interfere with the convening of the Senate, and the routine business that always occupies the Senate in the beginning hours.

With that arrangement, Mr. President, I also wish to say that there will be no more record votes today.

ROUTINE MORNING BUSINESS

Mr BAKER. Mr. President, unless some Senator is seeking recognition to speak on the bill, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not later than 6 p.m., in which Senators may speak for 1 minute each, with the exception of the two leaders who shall not be restricted.

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

Mr. BAKER. Mr. President, there is a little bit of business that can be transacted by unanimous consent, I believe. While our able assistants are pulling that together, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE CALENDAR

Mr. BAKER. Mr. President, I have a few items in my folder that appear to be approved for action by unanimous consent.

I would inquire of the minority leader if he is in a position to consider the following three items: First, I will propose to indefinitely postpone S. 1979, Calendar Order No. 785; then to pass by unanimous consent H.R. 4176, Calendar Order No. 826; and also to pass House Joint Resolution 537, Calendar Order No. 829.

Mr. BYRD. Mr. President, I am happy to say to the distinguished majority leader that those three items are cleared on this side for action.

Mr. BAKER. I thank the minority leader.

ORDER TO INDEFINITELY POSTPONE S. 1979

Mr. BAKER. Mr. President, I ask unanimous consent that S. 1979 be indefinitely postponed.

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, if the minority leader does not mind, I ask unanimous consent that the two remaining measures, H.R. 4176 and House Joint Resolution 537, be considered en bloc.

Mr. BYRD. Mr. President, there is no objection.

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

BOUNDARIES OF THE SOUTHERN UTE INDIAN RESERVATION

The bill (H.R. 4176) to confirm the boundaries of the Southern Ute Indian Reservation in the State of Colorado and to define jurisdiction within such reservation, was considered, ordered to a third reading, read the third time, and passed.

EDWIN B. FORSYTHE NATIONAL WILDLIFE REFUGE

The Senate proceeded to consider House Joint Resolution 537 designating the Brigantine and Barnegat units of the National Wildlife Refuge System as the Edwin B. Forsythe National Wildlife Refuge.

Mr. STAFFORD. Mr. President, Senators BRADLEY and LAUTENBERG introduced a similar resolution, Senate Joint Resolution 280, in the Senate. For the record, I would like to note that that resolution was mistakenly referred to the Committee on Energy and Natural Resources. It is properly the jurisdiction of the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, last month, we marked the passing of a respected citizen of New Jersey and valued Member of the Congress, Ed Forsythe. I am pleased that the Senate is taking such prompt action on House Joint Resolution 537, which was approved by the House of Representatives earlier today. The language is very similar to the language of Senate Joint Resolution 280, which I sponsored with my colleague from New Jersey, Senator BRADLEY. The bill would designate the Brigantine and Barnegat Units of the National Wildlife Refuge System as the Edwin B. Forsythe National Wildlife Refuge. This is a fitting memorial to Ed Forsythe, and his contribution to his district, our State, and the public at large.

Ed Forsythe was in the midst of his seventh term as Representative for the 13th and old 6th Districts, when he passed away. The people of Moorestown, in Burlington County, perhaps know him best of all. Born in Pennsylvania, Ed was reared in Burlington County and was a longtime resident of Moorestown. His family owned a dairy farm nearby. He began his political career in Moorestown as a secretary to the board of adjustment. He rose to other local positions and was elected to the State senate in 1963, where he served in leadership positions until his election to the House of Representatives in 1970.

This measure acknowledges Ed Forsythe's contributions to preserving our precious wildlife and natural resources. He was a defender of our coast. He was a leader in the passage of the Endangered Species Act, the Fishery Conservation and Management Act, and the Nongame Wildlife Act. As ranking member of the Merchant Marine and Fisheries Committee, he occupied a valued role in the protection of the State's natural resources. The House resolution was sponsored by Congressman JOHN BREAUX, Ed's colleague in the House Merchant Marine and Fisheries Committee, and was cosponsored by the entire New Jersey delegation in the House as well as many others.

I urge the Senate to adopt the resolution as it was passed in the House today.

The joint resolution (H.J. Res. 537) was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the measures were passed and agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the final item, perhaps, is a conference report to accompany S. 64. If the minority leader is prepared to do so, I will ask the Chair to present that matter to the Senate.

IRISH WILDERNESS ACT OF 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on S. 64 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 64) to establish the Irish Wilderness in Mark Twain National Forest, Missouri having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

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

(The conference report is printed in the House proceedings of the RECORD of April 9, 1984.)

Mr. DANFORTH. Mr. President, today is not March 17, but nonetheless, it is a great day for the Irish—the Irish Wilderness, that is.

Since 1973, the Senators from Missouri have been trying to win wilderness designation for this small area in the southern part of our State, bordering the Eleven Point River. It is a place of special beauty, very dear to those in Missouri and throughout the Midwest who want to preserve and protect our rare enclaves of wildness unspoiled by man.

The House has now approved the conference report on S. 64, and we have reached the point of final congressional action. This Senator would like to express his special appreciation to the chairman of the Energy Committee (Mr. MCCLURE) and the chairman of the Subcommittee on Public Lands (Mr. WALLOP) for their enormous patience and perseverence in moving this bill along its tortuous track toward enactment.

Mr. President, I urge adoption of the conference report.

Mr. EAGLETON. Mr. President, I am pleased to support the conference report on the Irish Wilderness, S. 64. It is the culmination of 10 years work to preserve some 16,500 acres of wilderness in southern Missouri. This is the final parcel in Missouri's wilderness system, and has been called the "crown jewel" of the Missouri system.

The conference report is a fair compromise between the House- and Senate-passed bills, and I believe represents an equitable balance between the conservationists and mining interests. The conference report splits the difference of acres deleted from the Senate bill, and provides for 1,020 acres to be left open for mining exploration and mining should lead or other valuable gems be found. I would have liked to have protected all of the 17,000 acres, but I believe it is a fair tradeoff.

I am delighted that after 10 years of congressional work on this legislation that the Senate is now ready to take the final vote on protection for the Irish Wilderness.

This could not have taken place without the tireless efforts of so many throughout the years. I would like to thank my colleague Senator DANFORTH for his work; Senator MCCLURE and Senator WALLOP for their efforts in sheparding the bill through the Energy and Natural Resources Committee. Congressman HAROLD VOLKMER and Congressman JOHN SEIBERLING have also provided invaluable time and leadership on this bill.

I would be remiss if I did not also recognize the valiant efforts of all Missourians, and especially note the leadership of Mr. John Karel, Mr. Greg Iffrig, and Mrs. Dorothy Ellis.

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

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

ORDER FOR COMMITTEES TO FILE REPORTS ON MONDAY, MAY 7, 1984

Mr. BAKER. Mr. President, I have not discussed this with the minority leader, but I think he will not object. I ask unanimous consent that the committees be permitted to file reports on Monday from 9 a.m. to 3 p.m.

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

HARRY TRUMAN CENTENNIAL

Mr. BAKER. Mr. President, may I say that there will be a centennial celebration of the birth of former President Harry Truman on Tuesday. While there is no provision for a joint session or a joint meeting of the two bodies, there will be an assembly of Members in the Hall of the House of Representatives. Members are urged to attend that ceremony and to assemble here, in the Senate Chamber, so we may proceed together to the House Chamber for that purpose.

Once again, it is not a joint meeting or a joint session, but it appears desirable that those who are going to attend might assemble in this body so we may proceed to the House together instead of separately.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I have not conferred with the minority leader about the Executive Calendar. According to our notes, there has been only one item cleared for action at this time. I refer to the nomination of Bruce E. Thompson, Jr., of Maryland, to be Deputy Under Secretary of the Treasury. May I inquire of the minority leader if he is prepared to consider that item at this time?

Mr. BYRD. Mr. President, the minority is so prepared.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed into executive session to consider that nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. The nomination will be stated.

The bill clerk read the nomination of Bruce E. Thompson, Jr., of Maryland, to be a Deputy Under Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

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

The motion to lay on the table was agreed to.

Mr. BAKER. 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. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 133

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 Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

Pursuant to the provisions of Section 13, Public Law 806, 80th Congress, I hereby transmit the report of the Commodity Credit Corporation for the fiscal year ended September 30, 1983.

RONALD REAGAN.

THE WHITE HOUSE, *May 3, 1984.*

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 134

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to Section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. Section 1703(c), I hereby report to the Congress with respect to developments between my last report of November 4, 1983, and mid-April 1984, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979.

1. The Iran-United States Claims Tribunal, established at The Hague pursuant to the Claims Settlement Agreement of January 19, 1981, continues to make progress in arbitrating the claims of U.S. nationals against Iran. Since my last report, the Tribunal has rendered 36 more decisions for a total of 118 final decisions. Eighty-five of these decisions have been awards in favor of American claimants. Sixty of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties and 25 were adjudicated. Total payments to successful American claimants from the Security Account stood at over $193.1 million, as of March 31, 1984. Of the remaining 33 decisions, 16 dismissed claims for lack of jurisdiction, 3 partially dismissed claims for lack of jurisdiction, 11 dismissed claims on the merits, two approved withdrawal of a claim and one was an award in favor of the Government of Iran. As of March 31, the Tribunal had held 143 prehearing conferences and 88 hearings on the merits and had scheduled another 19 perhearings and 17 hearings through the end of September.

2. The Department of State continues to coordinate the efforts of the concerned government agencies in presenting U.S. claims against Iran as well as U.S. responses to claims brought by Iran. The Department continues to devote a great deal of time to responding to cases brought by Iran under Articles II(3) and VI(4) of the Claims Settlement Agreement, which establish Tribunal jurisdiction over questions of interpretation and implementation of the Algiers Accords. Since my last report, the Tribunal has issued an award in favor of the United States in one of these cases, holding that it had no jurisdiction over Iran's standby letter of credit claims except as counterclaims to claims brought on the underlying contract. The Full Tribunal has also determined that it does have jurisdiction over claims by individuals possessing both U.S. and Iranian nationality, as well as claims by nonprofit organizations. In both instances, the Tribunal's decisions largely accorded with the position taken by the United States. Although the United States has filed replies in all of the interpretive cases, Iran has failed to do so and most of the hearings scheduled for the past six months have been cancelled.

3. Since my last report, a few government-to-government claims based on contracts for the provision of goods or services have been resolved. The United States withdrew three claims following the receipt of payment from Iran for each claim. In addition, the Tribunal dismissed on jurisdictional grounds one claim filed by Iran and one claim filed by the United States, stating that neither was based on contract. It also issued an award in favor of Iran in one claim arising from monies deposited by the Iranian Department of the Environment with the Environmental Protection Agency. In all three claims, the Tribunal based its decision solely on the pleadings. It will most likely continue this practice with most of the remaining official claims.

4. Over the last six months, the Tribunal has continued to make progress in arbitrating the claims of U.S. nationals for $250,000 or more. More than 25 percent of these claims have been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 381 claims on the docket. The Tribunal has rendered a number of significant decisions for American claimants. It has held that expropriation may be either *de facto* or *de jure* and that compensation for expropriated property must be prompt, adequate and effective. It has also decided that noncontractual Iranian counterclaims based on taxes allegedly owed by the U.S. claimant are outside its jurisdiction. As I reported in my last report, the Tribunal has requested Iran to stay court proceedings in Iran against at least eight U.S. nationals who have filed claims at the Tribunal on similar issues, but to date Iran has not complied with these requests.

5. In December 1983, the Tribunal adopted a test case approach for arbitrating claims for less than $250,000 which, as a result of withdrawals, terminations, and settlements, now number 2,706. (The procedure to be used was described in my last report.) Two additional legal officers have joined the Tribunal's staff to work exclusively on these claims. The Tribunal has selected 18 test cases and has begun to set deadlines for Iran's Statements of Defense and, in some cases, has requested Supplemental Statements of Claim from the United States. In March 1984, the Tribunal selected an additional 50 claims at random for which the United States has been requested to file Supplemental Statements of Claim. The Department of State is accordingly in the process of preparing the factual and legal argumentation for all of these claims.

6. In the last six months, there have also been some changes in the composition of the Tribunal. Richard M. Mosk, one of the three U.S. arbitrators, resigned effective January 15, 1984, and Charles N. Brower has replaced him. Mr. Brower, who had previously been named a substitute arbitrator, is a well-known international lawyer who has served as a senior member of the Office of the Legal Adviser of the Department of State. Mr. Mosk is now acting as a substitute arbitrator. In addition, Carl F. Salans and William H. Levit, Jr. have been appointed substitute U.S. arbitrators. Mr. Salans, a member of the law firm of Salans Hertzfeld Heilbronn Beardsley & van Riel in Paris, France, has an extensive background in international adjudication, arbitration and negotiation. Mr. Levit, an experienced litigator, is a senior partner in the law firm of Godfrey & Kahn, Milwaukee, Wisconsin.

7. The January 19, 1981, agreements with Iran also provided for direct negotiations between U.S. banks and Bank Markazi Iran concerning the payment of nonsyndicated debt claims of U.S. banks against Iran from the $1.418 billion escrow account presently held by the Bank of England. Since my last report, only one additional settlement has been reached. The Bank

of America received $472 million in settlement of its claim, of which $289.1 million was subsequently paid to Iran, primarily for interest on Iran's domestic deposits with the bank. Thus, as of March 31, 1984, there have been 25 bank settlements, totaling approximately $1.4 billion. Iran has received $616 million in settlement of its claims against the banks. About 24 bank claims remain outstanding.

8. On December 22, 1983, the Department of the Treasury amended Section 535.504 of the Iranian Assets Control Regulations to continue in effect indefinitely the prohibition of that section on any final judgment or order by a U.S. court disposing of any interest of Iran in any standby letter of credit, performance bond or similar obligation. The prohibition was promulgated to facilitate the ongoing implementation of the Algiers Accords and, especially, to allow the resolution before the Iran-United States Claims Tribunal of the many claims and issues pending before it involving letters of credit. The prohibition was extended indefinitely because it is not possible to predict how much time will be required in order to resolve these claims.

9. Although the Tribunal has made some progress over the past six months in arbitrating the claims before it, significant American interests remain unresolved. Iran has challenged the validity of four more of the Tribunal's awards in favor of U.S. claimants in the District Court of The Hague and has attempted to delay the arbitral process through repeated requests for extensions and failure to appear at Tribunal proceedings.

10. Financial and diplomatic aspects of the relationship with Iran continue to present an unusual challenge to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

RONALD REAGAN.

THE WHITE HOUSE, *May 3, 1984.*

MESSAGES FROM THE HOUSE

At 10:52 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1212. An act for the relief of 16 employees of the Charleston Naval Shipyard.

At 1:07 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the text of the bill (S. 597) to convey certain lands to Show Low, Ariz.; and that the House recedes from its amendment to the title of the bill.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 64) to establish the Irish Wilderness in Mark Twain National Forest, Missouri.

The message further announced that the House insists upon its amendment to the bill (S. 38) entitled the "Longshoremen's and Harbor Workers' Compensation Act disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. PERKINS, Mr. CLAY, Mr. MILLER of California, Mr. KILDEE, Mr. MARTINEZ, Mr. OWENS, Mr. HARRISON, Mrs. BURTON of California, Mr. ERLENBORN, Mr. PETRI, Mr. PACKARD, and Mr. MCCAIN as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7. An act to make permanent certain of the authorizations of appropriations under the National School Lunch Act and the Child Nutrition Act of 1963;

H.R. 4263. An act to designate certain lands in the Cherokee National Forest, Tennessee, as wilderness areas, and to allow management of certain lands for uses other than wilderness; and

H.R. 5041. An act to promote research and development, encourage innovation, and make necessary and appropriate amendments to the antitrust laws.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 2733. An act to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials;

S.J. Res. 232. Joint resolution to authorize and request the President to designate the month of May 1984 as "National Physical Fitness and Sports Month"; and

H.J. Res. 478. Joint resolution designating the week of April 29 through May 5, 1984, as "National Week of the Ocean".

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 5:49 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 220. Joint resolution to designate the week of May 20, 1984, through May 26, 1984, as "National Arts With the Handicapped Week"; and

S.J. Res. 244. Joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5100. An act authorizing appropriations to the Executive Director, United States Holocaust Memorial Council, for services necessary to perform the functions of the United States Holocaust Memorial Council;

H.R. 5172. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1984 and 1985, and for related purposes;

H.R. 5287. An act to amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multiyear grants.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 295. Concurrent resolution to permit the 1984 Olympic torch relay to be run through the United States Capitol Grounds.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 7. An act to make permanent certain of the authorizations of appropriations under the National School Lunch Act and the Child Nutrition Act of 1963; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4263. An act to designate certain lands in the Cherokee National Forest, Tennessee, as wilderness areas, and to allow management of certain lands for uses other than wilderness; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5041. An act to promote research and development, encourage innovation, and make necessary and appropriate amendments to the antitrust laws; to the Committee on the Judiciary.

H.R. 5172. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1984 and 1985, and for related purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5100. An act authorizing appropriations to the Executive Director, United States Holocaust Memorial Council, for services necessary to perform the functions of the United States Holocaust Memorial Council; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 295. Concurrent resolution to permit the 1984 Olympic torch relay to be run through the United States Capitol Grounds; to the Committee on Rules and Administration.

MEASURE PLACED ON THE CALENDAR

Under the authority of the order of the Senate of May 2, 1984, the follow-

ing bill was read the first and second times by unanimous consent, and placed on the calendar by unanimous consent:

H.R. 5287. An act to amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multiyear grants.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary announced that on today, May 3, 1984, he presented to the President of the United States the following joint resolution:

S.J. Res. 232. Joint resolution to authorize and request the President to designate the month of May 1984 as "National Physical Fitness and Sports Month".

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-3152. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear plants for the third calendar quarter of 1983; to the Committee on Environment and Public Works.

EC-3153. A communication from the Secretary of the Interior and the Secretary of Commerce, jointly transmitting a report on the activities of the two Departments with respect to the Emergency Striped Bass Research Study during 1982 and 1983; to the Committee on Environment and Public Works.

EC-3154. A communication from the Chairman of the United States International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1986; to the Committee on Finance.

EC-3155. A communication from the Secretary of Labor, transmitting, pursuant to law, a quarterly report on the expenditures and need for worker adjustment assistance training funds under the Trade Act of 1974; to the Committee on Finance.

EC-3156. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to April 23, 1984; to the Committee on Finance.

EC-3157. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5 125, adopted by the Council on April 10, 1984; to the Committee on Governmental Affairs.

EC-3158. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5 124, adopted by the Council on April 10, 1984; to the Committee on Governmental Affairs.

EC-3159. A communication from the Adminstrator of the Office of Federal Procurement Policy, transmitting, pursuant to law, a report on the procurement actions of the Department of Defense for the one week period ending September 30, 1983; to the Committee on Govenmental Affairs.

EC-3160. A communication from the Freedom of Information Officer, Environmental Protection Agency, transmitting, pursuant to law, the annual Freedom of Information Act report of the Agency for calendar year 1983; to the Committee on the Judiciary.

EC-3161. A communication from the Chairman of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-3162. A communication from the Chairman of the Advisory Panel on Financing Elementary and Secondary Education, transmitting, pursuant to law, the comments of the Panel on the School Finance Project report submitted on February 29, 1984; to the Committee on Labor and Human Resources.

EC-3163. A communication from the Deputy Administrator of the Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to grant discretion to the Administrator to administer garage and parking appropriations and fees as a revolving fund; to the Committee on Veterans' Affairs.

EC-3164. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a fiscal year 1981 Anti-Deficiency Act violation by the Southeastern Power Administration; to the Committee on Appropriations.

EC-3165. A communication from the Secretary of Transportation, transmitting, pursuant to law, the second annual report on accomplishments under the Airport Improvement Act; to the Committee on Commerce, Science, and Transportation.

EC-3166. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report of the Administration entitled "Annual Energy Review 1983"; to the Committee on Energy and Natural Resources.

EC-3167. A communication from the Acting Administrator of General Services, transmitting a draft of proposed legislation to authorize the Administrator of General Services to convey property to the Committee for a National Museum of the Building Arts, and for other purposes; to the Committee on Environment and Public Works.

EC-3168. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs and the Assistant Secretary Designate of the Treasury for Legislative Affairs, transmitting jointly, pursuant to law, a report on progress toward achieving the goals of Title VII Human Rights of the International Financial Institutions Act for fiscal year 1983; to the Committee on Foreign Relations.

EC-3169. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board for calendar year 1983; to the Committee on Governmental Affairs.

EC-3170. A communication from the Deputy Assistant Secretary of Defense for Administration, transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3171. A communication from the Chief Immigration Judge, Department of Justice, transmitting, pursuant to law, a report on grants of suspension of deportation under sec. 244(a) (1) and (2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-3172. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to amend the Low Income Home Energy Assistance Act; to the Committee on Labor and Human Resources.

EC-3173. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on DOD procurement from Small and Other Business Firms on October 1983; to the Committee on Small Business.

EC-3174. A communication from the Administrator of the Veterans Administration, transmitting a draft of proposed legislation to continue major programs whose continuity is vital in meeting commitments; to the Committee on Veterans Affairs.

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-630. A concurrent resolution adopted by the Iowa Bankers Association of Iowa concerning the distressed economic problems experienced by some of Iowa's farmers; to the Committee on Agriculture, Nutrition, and Forestry.

POM-631. A concurrent resolution adopted by the Legislature of the State of Iowa; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE CONCURRENT RESOLUTION No. 111

"Whereas, the state of Iowa, one of the major agricultural states in the United States, is suffering from a financial crisis in agriculture that affects not only the economic health of this state, but also the economic health of the midwestern and national economies, due to forces beyond the power of the state to control or abrogate; and

"Whereas, the viability of Iowa agriculture rests upon the 115,000 farms in this state, and a percentage of these farms have been beset by circumstances beyond their control including sustained high interest rates, declining land values which have eroded farm equity, commodity prices below the cost of production, and successive years of weather-related problems; and

"Whereas, a survey of farmers and financial institutions in Iowa conducted by the Iowa Department of Agriculture indicates that forty percent of the farms with land and operational loans have a debt-to-asset ratio of 41.7 percent when the state average is 29.5 percent, as compared to a state average of 14.3 percent in 1977, and that possibly ten percent of the farms in Iowa will not survive, resulting in the loss of 11,000 farms and 60,000 farm residents; and

"Whereas, the need for additional credit and refinancing for farmers through federally and state-chartered financial institutions has been exhausted, and the state government's budget reflects the fact that eight out of ten jobs in Iowa depend on the agricultural economy, leaving the state with insufficient resources to address this problem at a time when spring planting is only a few weeks away; and

"Whereas, there are federal emergency assistance programs available, that with

proper and immediate modification, will allow those farms with the greatest need to qualify for additional and necessary assistance; now therefore,

"*Be it resolved by the Senate, the House concurring.* That the Seventieth General Assembly requests the following actions be immediately taken by the federal government to assist the state in providing this emergency assistance:

"1. Modify the Farmers Home Administration Emergency Loan Program for the 1983 drought disaster to include the following:

"a. Allow farmers with negative cash flows but sound equity positions and reasonable prospects of success to participate.

"b. Use 1982 price levels in the calculation of the loss and valuation of equity for collateral.

"c. Waive the 30 percent minimum loss criteria so that more farmers would have the opportunity to obtain some funding for 1984 at advantageous rates.

"d. Extend the sign-up period for an additional 60 to 90 days.

"2. Make additional credit available through the Farmers Home Administration under the low resource category to farmers with negative cash flows but with prospects of survival, especially when the interest rate savings will return their operation to a profitable basis.

"3. Allow deferral of the repayment for the advanced 1983 deficiency payment due in 1984 for at least one year.

"4. Modify the emergency feed grain program to make higher grades of corn available at lower costs, and lower the 30 percent loss criteria to expand the eligibility of livestock producers so that government corn can be utilized and at the same time improve 1984 farm profitability.

"5. Mandate the Small Business Administration to increase the number of loans accepted under disaster applications from agricultural businesses.

"6. Mandate the Internal Revenue Service to allow farmers the opportunity to sell their accumulated capital losses or investment tax credits to outside investors, thus encouraging investment in agriculture at a time when it is critical that new funds be found.

"7. Include grass and hay crops in the Federal Crop Insurance Program.

"8. Lower Federal Crop Insurance premiums for those farms which qualify for emergency disaster assistance.

"9. Pay the deficiency payments due for the 1984 feed grain program in advance.

"10. Allow grazing or baling of diverted acres under the 1984 Farm Program.

"11. Increase funding for the study of alternative uses for corn and soybeans; and

"*Be it further resolved,* That a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, the United States Secretary of Agriculture, and each member of the Iowa Congressional delegation."

POM-632. A resolution adopted by the Town of Provincetown, Massachusetts opposing the use of United States tax dollars for any type of military aid to any government of Central America, or for any overt or covert military activity aimed at destabilizing the government of any Central American nation; to the Committee on Appropriations.

POM-633. A resolution adopted by the Committee of the Township of Green, New Jersey relating to cable television; to the Committee on Commerce, Science, and Transportation.

POM-634. A resolution adopted by the City Council of Florissant, Missouri relating to the Cable Telecommunications Act; to the Committee on Commerce, Science, and Transportation.

POM-635. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Commerce, Science, and Transportation.

"SENATE CONCURRENT RESOLUTION No. 1658

"Whereas, Federal law and regulation permits the formulation of discriminatory freight contracts involving agricultural commodities which unduly favor certain shippers; and

"Whereas, These discriminatory freight contracts generally have been offered to large shippers while small shippers are offered contracts that are not nearly as economical or advantageous; and

"Whereas, This discriminatory practice has placed so large a burden on small shippers trying to remain competitive in the marketplace, that they may be forced out of the shipping business; and

"Whereas, The Staggers Rail Act of 1980 (P.L. 96-448) and the discriminatory freight contracts that have been formulated thereunder have caused rural communities to lose rail service altogether due to the abandonment of rail branch lines; and

"Whereas, In addition, these discriminatory contracts have greatly increased the transportation of agricultural commodities to the large shippers on our highways which places a large burden on the states and their citizens to keep the highways in good condition; and

"Whereas, The Staggers Rail Act of 1980 has allowed the ICC to approve unreasonable high rates on captive coal traffic; and

"Whereas, These discriminatory contracts violate the concept of a competitive economy by providing a chosen few with noncompetitive advantages: Now, therefore,

"*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That we memorialize the President and Congress to amend the Staggers Rail Act of 1980 as follows:

"(1) Require the full disclosure of all economic terms of rail contracts involving agricultural commodities;

"(2) apply a standard of reasonableness to market dominance by a rail carrier so that rail rates may be challenged as unreasonable at some level;

"(3) require mandatory joint-line rates and routes between rail carriers whose lines intersect and join;

"(4) require adequate notice of rail rate changes;

"(5) protest against discriminatory pricing and promote competitive, effective and economical transportation services by and between all modes;

"(6) establish new procedures permitting entry of additional rail carriers onto lines dominated by a single carrier;

"(7) grant agricultural shippers the right to reciprocal switching at reasonable cost to protect competition in all markets where more than one carrier is operating;

"(8) establish a national system of compensation and use that fairly and equitably treats both carrier-owned and shipper-owned and leased rail cars;

"(9) deny the ICC authority to exempt grain and oilseeds from rail regulation;

"(10) require that before an agricultural branch line may be abandoned the railroad must first prove to the ICC that the rate of return on investment on that branch line is less than the overall rate of return on investment of the entire railroad company as determined in the latest ICC's revenue adequacy determinations;

"(11) direct the ICC to interpret the Staggers Rail Act of 1980 in a manner which will be more receptive to the regulation of rates of captive coal shippers which was originally intended by Congress; and

"*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Kansas Congressional Delegation."

POM-636. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources.

"HOUSE JOINT MEMORIAL No. 11

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Forty-seventh Idaho Legislature, do hereby respectfully represent that:

"Whereas, the latest U.S. Department of Interior Northern Rocky Mountain Wolf (Canis lupus irremotus) Recovery 'Technical Review Draft' identifies as 'The Idaho Recovery Area' the Selway Bitterroot, River of No Return, Sawtooth and the Gospel Hump wilderness areas totaling about 3.75 million acres as well as about 3 million acres of U.S. Forest Service lands now managed as multiple use; and

"Whereas, the Northern Rocky Mountain Wolf Recovery Draft Management guidelines call for extreme curtailment of multiple use activities on those lands incorporated into any wolf recovery plan; and

"Whereas, the vast majority of testimony given at public hearings held in Idaho in regard to a wolf recovery project as well as comments submitted by the public on the Northern Rocky Mountain Wolf Recovery Plan overwhelmingly oppose any wolf recovery plan on lands now managed for multiple use and, indeed, to the entire Northern Rocky Mountain Wolf Recovery Plan itself; and

"Whereas, the environmental conditions that existed a century ago that were conducive to wolf habitat no longer exist today, particularly on lands now managed for multiple use; and

"Whereas, the Minnesota Wolf Recovery Plan has shown that the State has no effective control measures once the wolf population is restored: now, therefore,

"*Be it resolved by the members of the Second Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein,* That the United States Department of Interior Fish and Wildlife Service is hereby urged to terminate any program to reestablish wolf populations in the State of Idaho that would deny Idahoans their historic rights and privileges on federal lands now managed as multiple use.

"*Be it further resolved:* That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to President Ronald Reagan, Secretary of the Interior William Clark, Secretary of Agriculture John R. Block, the President of the Senate and the Speaker of the House of Representatives of the United States in Congress assembled, the Chairman of the Senate Energy and Natural Resources Committee, the Chairman of the House Interior and In-

sular Affairs Committee, the congressional delegation representing the State of Idaho in the Congress of the United States, and the Governors of the western states."

POM-637. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Energy and Natural Resources.

"SENATE RESOLUTION No. 128

"Whereas, the State of Hawaii is dependent on imported oil for approximately 90 per cent of its energy requirements and the development of alternative energy sources is a high priority in the State's efforts to increase energy self-sufficiency and to stimulate economic development; and

"Whereas, the BioEnergy Development Corp., a wholly owned subsidiary of C. Brewer and Co., since 1978 has had a cooperative agreement with the United States Department of Energy and later a subcontract with Martin Marietta Energy Systems, Inc., to demonstrate the technical and economic feasibility of developing eucalyptus plantations for energy production in Hawaii; and

"Whereas, the project has received $2.3 million in federal funds through March 1984 and C. Brewer and Co. has contributed resources totalling $630,625; and

"Whereas, the project is unique in the United States because it involves a very short crop rotation time of 6 years in contrast to other tree crops with rotation periods of several decades, and extensive experimentation is being conducted to determine the optimum cultivation and operation practices necessary for commercialization; and

"Whereas, an assessment after the first five years of the project found that '. . . production of biomass for fuel in short rotation eucalyptus planatations on existing land can have returns competitive with alternative land uses'; and

"Whereas, a crucial point has been reached in the project as the first crop is ready for harvest; however, additional funds are needed to verify harvesting costs and to determine further the economic feasibility of the concept; and

"Whereas, BioEnergy Development Corp. has requested a five-year extension of its subcontract with Martin Marietta Energy Systems, Inc., and $314,150 in funds for the year June 1, 1984 to May 31, 1985, and extension of the subcontract and continued funding would result in the greatest possible benefit from the eucalyptus tree demonstration project; now, therefore,

"Be it resolved by the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, That this body expresses its enthusiastic support of BioEnergy Development Corp.'s eucalyptus tree farm demonstration project as an important effort in alternative energy resource development in Hawaii and the nation; and

"Be it further resolved, That this body urges the United States Department of Energy and Martin Marietta Energy Systems, Inc., to provide additional funding to the BioEnergy Development Corp.'s eucalyptus tree farm project on the island of Hawaii, in order to allow continuation of the research and development efforts of six years so that results of the demonstration can benefit other biomass development efforts in the nation; and

"Be it further resolved, That certified copies of this Resolution be transmitted to the Secretary of the United States Department of Energy, the Chief Executive Officer of Martin Marietta Energy Systems, Inc., the Manager of BioEnergy Development Corp., the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairpersons of the Senate Energy and Natural Resources Committee and the House Energy and Commerce Committee, and the members of Hawaii's congressional delegation."

POM-638. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT RESOLUTION No. 1644

"Whereas, The United States Army Corps of Engineers has acquired over 340,000 acres of land pursuant to the Federal Flood Control Act of 1941, as amended; and

"Whereas, The United States Army Corps of Engineers has licensed over 106,000 acres of land it has acquired pursuant to the Federal Flood Control Act of 1941, as amended, to the Kansas fish and game commission; and

"Whereas, Upon acquisition of such land by the United States Army Corps of Engineers, such land is removed from the property tax rolls resulting in substantial loss of ad valorem property tax revenues to the local taxing units in which such land is located; and

"Whereas, The Federal Flood Control Act provides the 75% of all revenues derived from the land under the management of the United States Army Corps of Engineers be paid to the local taxing units in which such land is located as payment toward lost tax revenues from such land after it is removed from the tax rolls when acquired for flood control projects; and

"Whereas, Upon licensing of flood control land to the Kansas fish and game commission, payments to the local taxing units by the United States Army Corps of Engineers cease; and

"Whereas, The present licenses between the United States Army Corps of Engineers and the Kansas fish and game commission required that revenues derived from the land licensed to and under the management of the Kansas fish and game commission be expended on the flood control project of the licensed area, thereby prohibiting any payment to compensate the local taxing units for lost property tax revenues: Now, therefore,

"Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the President and Congress to amend the procedures by which the United States Army Corps of Engineers licenses land to the Kansas fish and game commission to allow the commission to pay to the local taxing units in which flood control land is located a portion of the revenues derived from the land under the management of the Kansas fish and game commission to compensate the local taxing units for lost property tax revenues; and

"Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Senator Robert Dole, Senator Nancy Kassebaum, Representative Pat Roberts, Representative Jim Slattery, Representative Larry Winn, Representative Dan Glickman and Representative Bob Whittaker."

POM-639. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance.

"RESOLUTIONS

"Whereas, the introduction of industrial robots in the United States workplace is occurring without public policies in place to protect American business industry and American workers; and

"Whereas, certain studies indicate that 1.4 American jobs are displaced for every one job created by industrial robots; and

"Whereas, the Office of Technology Assessment (OTA) of the Congress of the United States convened an "exploratory workshop on the social impacts of robotics" in 1981; and

"Whereas, said OTA workshop noted that robots are being produced at a rate of about 1,500 per year, with predictions that this will probably increase to between 20,000 and 60,000 robots per year by the year 1990; and

"Whereas, the OTA identified major users of industrial robots, or planned major users, to include the domestic auto makers and large manufacturers such as General Electric Company; and

"Whereas, there are no national policies in place to help retrain workers displaced by industrial robots, to create public incentives for development of alternate technology systems designed around human beings, to create public incentives to help domestic employers compete fairly with foreign competitors who are more advanced in the use of robotics; and

"Whereas, there are no national policies in place to finance retraining of workers and public incentives for business and industry; and

"Whereas, a transaction tax on foreign and domestic made robots may be deemed to be in the public interest; therefore be it

"Resolved, That the Massachusetts House of Representatives hereby urges the United States House of Representatives and the United States Senate to move expeditiously to develop a national policy to protect American employers and American workers by providing retraining for displaced workers affording public incentives for alternate technology systems for displaced businesses and industries, and by determining the most appropriate tax policies to achieve protection of American businesses, industries and workers displaced by robotics; and be it further

"Resolved, That a copy of these resolutions be forwarded by the clerk of the House of Representatives to the Presiding Officers of both Houses of the United States Congress and the Members thereof from this commonwealth."

POM-640. Recommendations and resolution adopted by the North Atlantic Assembly at their 29th annual session; to the Committee on Foreign Relations.

POM-641. A resolution adopted by the Western States Land Commissioners Association concerning issues which affect significantly the land resources of the West; to the Committee on the Judiciary.

POM-642. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on the Judiciary.

"HOUSE JOINT RESOLUTION No. 1021

"Whereas, Between 1960 and 1975 more than three million American soldiers, sailors, airmen, and marines served their country in Southeast Asia; and

"Whereas, The great majority of such veterans were neither professional soldiers nor volunteers but merely young men called by this country to do their duty; and

"Whereas, Unlike the honored veterans of past wars, the Vietnam veterans returned to indifference, embarrassment, and even hostility; and

"Whereas, A nation ambivalent about the war in which its young men fought and died has gradually increased its recognition and has recently honored the Vietnam veterans for their sacrifice by the dedication of the Vietnam Veterans Memorial in Washington, D.C., in November, 1982; and

"Whereas, The debt owed the Vietnam veterans by their country derives not from the success of its policies but from the nobility of their sacrifice; and

"Whereas, The deeds and actions of these Americans need to be remembered so that all present and future generations may recall their sacrifices; and

"Whereas, The Congress of the United States has declared May 7, 1975, as the termination date of United States involvement in Vietnam; now, therefore;

"Be it resolved by the House of Representatives of the Fifty-fourth General Assembly of the State of Colorado, the Senate concurring herein: That May 7 shall be designated Vietnam Veterans' Recognition Day to honor those who served their country bravely and honorably in Southeast Asia.

"Be it further resolved, That a copy of this Resolution be transmitted to the President of the United States, the Congress of the United States, and the Veterans Administration."

POM-643. A resolution adopted by the Senate of the State of Michigan; to the Committee on Labor and Human Resources.

"SENATE RESOLUTION No. 149

"Whereas, There currently exists on the part of the United States government a desperate need to accelerate its commitment and attention to programs and services for the prevention, treatment, and cure of arthritis and other musculoskeletal disorders. Regarded as the most widespread of diseases afflicting Americans, arthritis debilitates nearly one out of every seven of our countrymen; and

"Whereas, Presently, the federal government arthritis programs are grouped with several unrelated diseases in the National Institutes of Arthritis, Diabetes, Digestive and Kidney Diseases. However, the prevalence of arthritis and related diseases among Americans, and its financial, social, and personal toll, make it imperative that a separate institute be established to concentrate solely on this problem; and

"Whereas, During the Ninety-seventh Congress, both the House of Representatives and the Senate passed separate legislation, supported by the Arthritis Foundation, which contained provisions to create an Arthritis Institute. However, time expired before a single bill could be passed by both houses. Under the proposed legislation, the new institute would conduct, assist, and foster research coordination within the institute and among other research programs in the National Institutes of Health and elsewhere. Moreover, it would operate an information clearinghouse and administer programs of research training in the international exchange of experts. Furthermore, the creation of an Arthritis Institute would result in major advances in the prevention, treatment, and cure of this disease. Certainly, the great human and economic benefit that this institute would offer to the citizens of our nation make it incumbent upon the members of the Michigan Senate to call on the Congress of the United States to adopt legislation establishing such an institute; now, therefore, be it

"*Resolved by the Senate,* That the members of this legislative body memorialize the Congress of the United States to adopt legislation establishing an Arthritis Institute within the National Institutes of Health; and be it further"

* * * * *

POM-644. A petition from Citizens of Illinois relating to Vietnam Veterans; to the Committee on Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 768: A bill to amend the Clean Air Act (Rept. No. 98-426).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S. 1841: A bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws (Rept. No. 98-427).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Res. 329: Resolution expressing the support of the Senate for the expansion of confidence building measures between the U.S. and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers (Rept. No. 98-428).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 258: Joint resolution to designate the week of June 24 through June 30, 1984 as "National Safety in the Workplace Week".

S.J. Res. 260: Joint resolution designating the week beginning on November 11, 1984, as "National Blood Pressure Awareness Week".

S.J. Res. 273: Joint resolution to designate the week of May 13, 1984, through May 19, 1984, as "Smokey Bear Week".

S.J. Res. 274: Joint resolution to authorize and request the President to designate May 6, 1984, as "National Nurse Recognition Day".

S.J. Res. 279: Joint resolution to designate the week of November 11, 1984, through November 17, 1984, as "Women in Agriculture Week".

S.J. Res. 283: Joint resolution to authorize and request the President to designate the week of May 7, 1984, as "National Arson Awareness Week".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

The following-named persons to be members of the Board of Directors of the Legal Services Corporation for the terms indicated:

For the remainder of the terms expiring July 13, 1984:

William Clark Durant III, of Michigan, vice William J. Olson.

Paul B. Eaglin, of North Carolina, vice Robert Sherwood Stubbs.

Pepe J. Mendez, of Colorado, vice Peter Joseph Ferrara.

Thomas F. Smegal, Jr., of California, vice David E. Satterfield.

Basile Joseph Uddo, of Louisiana, vice Howard H. Dana, Jr.

For the remainder of the terms expiring July 13, 1986:

Hortencia Benavides, of Texas, vice Ronald B. Frankum.

Leaanne Bernstein, of Maryland, vice Albert Angrisani.

For the terms expiring July 13, 1986:

Lorain Miller, of Michigan, vice Milton M. Masson, Jr.

Claude Galbreath Swafford, of Tennessee, vice Robert E. McCarthy.

Robert A. Valois, of North Carolina, vice Donald Eugene Santarelli.

For the terms expiring July 13, 1987:

William Clark Durant III, of Michigan. (Reappointment)

Paul B. Eaglin, of North Carolina. (Reappointment)

Pepe J. Mendez, of Colorado. (Reappointment)

Thomas F. Smegal, Jr., of California. (Reappointment)

Basile Joseph Uddo, of Louisiana. (Reappointment)

(The above nominations were reported from the Committee on Labor and Human Resources 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.)

Michael B. Wallace, of Mississippi, to be a Member of the Board of Directors of the Legal Services Corporation for the remainder of the term expiring July 13, 1984; and

Michael B. Wallace, of Mississippi, to be a Member of the Board of Directors of the Legal Services Corporation for the term expiring July 13, 1987. (Reappointment)

(The above nomination was reported from the Committee on Labor and Human Resources, without recommendation subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Fred William Alvarez, of New Mexico, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1988.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. Tower, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nomi-

nations: Gen. John W. Vessey, Jr., to be appointed to serve for a second term as the Chairman of the Joint Chiefs of Staff, Lt. Gen. James A. Abrahamson, U.S. Air Force, to be reassigned in the grade of lieutenant general, and Lt. Gen. William I. Rolya, U.S. Army, (age 56) to be placed on the retired list. I ask that these names be placed on the Executive Calendar.

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

Mr. TOWER. Mr. President, in addition, in the Army there are 10 permanent promotions to the grade of lieutenant colonel and below (list begins with Pamela K. Burns), in the Army there are 978 appointments to the grade of second lieutenant (list begins with Troy A. Aarthun), in the Naval Reserve there are 454 permanent promotions to the grade of captain (list begins with Edward Ronald Abel), in the Naval Reserve there are 25 permanent appointments to the grade of ensign and below (list begins with Richard P. Anderson), and in the Marine Corps there are 166 permanent appointments to the grade of second lieutenant (list begins with Daniel J. Adams). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of April 24, 1984, at the end of the Senate proceedings.)

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. DOMENICI:

S. 2627. A bill to establish a system of natural resources research institutes within the States of the United States-Mexico border region; to the Committee on Labor and Human Resources.

By Mr. DENTON:

S. 2628. A bill to authorize appropriations for title X of the Public Health Service Act; to the Committee on Labor and Human Resources.

By Mr. COHEN (for himself, Mr. TSONGAS, Mr. HATFIELD, Mr. BUMPERS, Mr. CRANSTON, Mr. HART, Mr. PELL, and Mr. SARBANES):

S. 2629. A bill to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low income dwelling units throughout the United States, to create additional employment in weatherization related industries, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BYRD (for Mr. HART) (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. PELL, Mr. TSONGAS, Mr. LEVIN, Mr. SARBANES, and Mr. COHEN):

S. 2630. A bill to amend the Solar Energy and Energy Conservation Bank Act to authorize appropriations for the provision of financial assistance through fiscal year 1990 and to provide financial assistance to builders of highly energy efficient buildings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON (for himself, Mr. HATFIELD, Mr. METZENBAUM, Mr. HART, Mr. PELL, Mr. SARBANES, Mr. TSONGAS, and Mr. COHEN):

S. 2631. A bill to amend the Energy Policy and Conservation Act to improve the administration of the Federal energy conservation program for consumer products, to enhance consumer information programs to encourage the purchase of more energy efficient appliances, and to implement efficiency standards for furnaces, central air-conditioners, and water heaters; to the Committee on Energy and Natural Resources.

By Mr. METZENBAUM (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. PELL, Mr. TSONGAS, Mr. HART, and Mr. SARBANES):

S. 2632. A bill to amend the Energy Policy and Conservation Act to improve consumer information and fuel efficiency with respect to passenger automobiles, light trucks, and tires, to amend the Internal Revenue Code of 1954 to impose a tax on noncomplying manufacturers (in lieu of penalty), and for other purposes; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mr. CHAFEE, Mr. MOYNIHAN, Mr. PELL, and Mr. TSONGAS):

S. 2633. A bill to amend the Fish and Wildlife Coordination Act so as to authorize the Environmental Protection Agency to conduct a study for the purpose of determining the extent of contamination of certain fish and whether such contamination creates a threat to public health; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. DURENBERGER, Mr. EAGLETON, Mr. STAFFORD, and Mr. MITCHELL):

S. 2634. A bill to provide for a mutual and verifiable moratorium on the testing and deployment of new nuclear ballistic missiles and antisatellite weapons and the testing of nuclear warheads; to the Committee on Foreign Relations.

By Mr. STAFFORD:

S. 2635. A bill to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1985; to the Committee on Environment and Public Works.

By Mr. SASSER (for himself, Mr. PELL, Mr. NUNN, Mr. MATHIAS, Mr. SABRANES, Mr. LEVIN, Mr. PRYOR, Mr. BINGAMAN, and Mr. BUMPERS):

S. 2636. A bill to require the Administrator of General Services to notify State and local governments and agencies thereof prior to the disposal of surplus real property; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself and Mr. MELCHER):

S. 2637. A bill to amend the Food Stamp Act of 1977 to modify the amount of dependent care and excess shelter expense deductions which are allowable under such act; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN:

S. Res. 386. A resolution entitled the "Mandela Freedom Resolution"; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. MATHIAS, Mr. DECONCINI, Mr. CHAFEE, Mr. LEAHY, Mr. GORTON, Mr. MOYNIHAN, Mr. NUNN, Mr. MURKOWSKI, Mr. HART, Mr. BINGAMAN):

S. Con. Res. 110. A concurrent resolution in commemoration of the 30th anniversary of the unanimous decision of the Supreme Court of the United States in Brown V. Board of Education; to the Committee on the Judiciary.

By Mr. MATHIAS (for himself and Mr. DURENBERGER):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Congress regarding a mutual and verifiable moratorium on any further deployment of sea launched cruise missiles equipped with nuclear warheads, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 2627. A bill to establish a system of natrual resources research institutes within the States of the United States-Mexico border region; to the Committee on Labor and Human Resources.

BORDER STATES NATURAL RESOURCES RESEARCH ACT OF 1984

Mr. DOMENICI. Mr. President, today I an introducing legislation to support and continue research into the wise management, use, and development of natural resources in the United States-Mexico border region. I am prompted to introduce this legislation because of the extreme pressures that are presently, and will be in the future, placed on this rapidly growing and developing region.

In the United States, the Sunbelt of the Southwest has grown at extraordinary rates, and all projections point to continued substantial growth. On the Mexican side of the border, a national population growth rate of 3.2 percent per year is projected, which translates into a doubling of the national population every 20 years.

This population growth on both sides of the border will place tremendous pressures on the natural resources of the area—including water, land, and air resources. Coupled with the demands of the burgeoning population will be continued development of the substantial energy reserves in the Colorado River Basin. Further development will place additional demands on the limited water resources which will directly affect water users downstream from the development.

Water quality, as well as quantity, is a critical concern of the border region. Recent media attention has focused on the pollution traveling from Mexico to southern California in the New River. This pollution threatens public health in California. Contaminated water of the San Pedro River is traveling from Mexico into Arizona. That pollution threatens agricultural lands and crops, and residents are concerned about possible adverse health effects.

Air resources are similarly threatened. For example, NO_x emissions are significant in the border region. In fact, one study estimates that those border emissions represent 37.7 percent of the national emissions of nitrogen oxide. Additional growth and development will simply place an even further strain on air resources of the region.

Therefore, I am introducing legislation to establish a system of Border Natural Resources Research Institutes within the institutions of higher education of the four border States of Arizona, California, New Mexico, and Texas. The institutes would devote research efforts into developing strategies to effectively manage and develop the resources of the border region. They are eligible for grants from the Department of Education to support such research. The legislation authorizes $1,200,000 for fiscal year 1985, $1,600,000 for fiscal year 1986, and $2,000,000 for fiscal year 1987 for grants, and appropriated funds must be awarded equally among each of the four border States.

Mr. President, this is a modest program, but one that is essential for one of the most rapidly growing areas of the country. The legislation envisions research into problems that presently exist in the area, but also affords us the opportunity to address and avoid problems that could arise in the future because of the demands placed on the area. I believe that this is an exceedingly important program, and urge its adoption.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Border States Natural Resources Research Act of 1984".

SEC. 2. (a) The Congress finds that—

(1) natural resources in the United States-Mexico border region constitute a far-reaching asset of immense significance to the United States;

(2) it is in the national interest of the United States to develop the skilled manpower (including scientists, engineers and technicians) and the knowledge necessary for the prudent utilization and management of these resources; and

(3) the wise management of the border natural resources can substantially benefit the United States and people of the region by providing greater economic opportunities, including expanded employment and commerce, and the enjoyment and use of these resources.

(b) It is, therefore, the purpose of this Act to establish a system of border States natural resources research institutes to—

(1) stimulate, sponsor and assist present research programs on management and utilization of natural resources in the United States-Mexico border region; and

(2) train specialists in natural resources in the United States-Mexico border region.

DEFINITIONS

SEC. 3. For the purpose of this Act:

(1) The term "border State" means the States of Arizona, California, New Mexico and Texas.

(2) The term "institute" means a natural resources institute, center, or other equivalent division of an institution of higher education.

(3) The term "institution of higher education" has the same meaning given such term by section 1201(a) of the Higher Education Act of 1965.

(4) The term "natural resources" means physical, chemical, geological and biological resources.

(5) The term "natural resources research" includes scientific, engineering, legal, social, political and economic studies relating to the management, use, development, recovery and control of the natural resources in the United States-Mexico border region.

(6) The term "Secretary" means the Secretary of Education.

GRANTS AUTHORIZED

SEC. 4. (a)(1) The Secretary is authorized, in accordance with the provisions of this Act, to make grants to one or more institutions of higher education to establish and support border natural resources research institutes in each border State.

(2) In order to receive assistance under this Act an institution of higher education must—

(A) be located in a border State, and

(B) have a competent and qualified natural resources institute.

(b)(1) There are authorized to be appropriated $1,200,000 for fiscal year 1985; $1,600,000 for fiscal year 1986; and $2,000,000 for fiscal year 1987 to carry out the provisions of this Act.

(2) The Secretary shall distribute amounts appropriated under paragraph (1) of this subsection in each fiscal year equally among the border States.

USES OF FUNDS

SEC. 5. (a)(1) Grants under this Act shall be used to initiate and support natural resources research programs and provide for the training of specialists of border States natural resources problems.

(2) Such research may include—

(A) examination of aspects of water resources, land resources, air resources, and other border natural resources problems; and

(B) information dissemination activities (including identifying, assembling, interpreting and publishing the results of research deemed potentially significant for the solution of border States natural resources problems); providing means for improved communication reggarding such research results (including prototype operations); and ascertaining the existing and potential effectiveness of such research for aiding in the solution of practical problems (taking into account the varying conditions and needs of the respective border States and the research projects being conducted by agencies of the Federal and State governments in border States, the agricultural experiment stations, and others).

(b) Funds paid to an institution of higher education for use by an institute may be used for any allowable costs within the meaning of the Federal procurement regulations that establish principles for determining costs applicable to research and development under grants and contracts with educational institutions (41 CFR 1-15.3), including future amendments to such regulations.

APPLICATIONS

SEC. 6. (a) Each institution of higher education located in a border State desiring to receive assistance under this Act shall submit an application to the Secretary at such time and in such manner and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities of the institution of higher education for which assistance is sought;

(2) describe the programs and activities for which assistance is sought;

(3) designate an officer of the institution of higher education as the officer responsible for the administration of the program assembled under this Act;

(4) provide such fiscal control and funds accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid under this Act;

(5) provide assurances that the institution of higher education will prepare and submit an annual report to the Secretary on or before the first day of September of each year, on work accomplished and that status of project underway, together with a detailed statement of the amounts received under this Act during the preceding fiscal year, and of its disbursement; and

(6) such other assurances as the Secretary may reasonably require.

(b) The Secretary shall approve an application from each institution of higher education which meets the requirements of subsection (a) of this section.

COOPERATIVE RESEARCH

SEC. 7. Each institution of higher education receiving assistance under this Act, shall, to the extent practicable, plan and conduct programs of each institute receiving assistance under this Act in cooperation with other agencies which may contribute to the solution of the border States natural resources problems. Funds made available under this Act may be used for paying the necessary expenses of planning, coordinating and conducting such cooperative research.

PAYMENTS

SEC. 8. From allocations made pursuant to section 4(b)(2), the Secretary shall pay to the institutions of higher education located in each border State the cost of applications approved under section 6.

ADMINISTRATION

SEC. 9. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, and encourage and assist in the establishment and maintenance of cooperation among institutions of higher education located in the border States receiving assistance under this Act and other

research organizations located in border States.

By Mr. COHEN (for himself, Mr. TSONGAS, Mr. HATFIELD, Mr. BUMPERS, Mr. CRANSTON, Mr. HART, Mr. PELL, and Mr. SARBANES):

S. 2629. A bill to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low-income dwelling units throughout the United States, to create additional employment in weatherization-related industries, and for other purposes; to the Committee on Labor and Human Resources.

WEATHERIZATION AMENDMENTS OF 1984

● Mr. COHEN. Mr. President, the weatherization of older, drafty, and poorly insulated homes is crucial to the ability of low-income, elderly, and unemployed individuals who, out of economic necessity, want to reduce their home energy costs. In addition, weatherization is one of the most cost-effective ways we can reduce our national and regional dependence on costly imported oil.

For these reasons, I am sponsoring legislation reauthorizing the weatherization program and setting up a 10-year, $13 billion program aimed at weatherizing an estimated 13 million homes now eligible and in need of such assistance.

Through this legislation, additional jobs will be created and further energy savings will be achieved, enhancing significantly the long-term security of the United States. An important need on the part of the elderly, low-income, and unemployed will also be met through the weatherization program.

As a Senator from a cold-weather State, I have long been sensitive to the severe personal hardship increases in home energy prices have had on many households over the past several years. The cost of residential fuel oil has tripled from the 1976 average price of 40.6 cents a gallon to the present average price of $1.19 per gallon. Just when the cost of home heating oil began to stabilize, the price of natural gas began to soar.

This past winter in Maine again demonstrated the vulnerability of certain segments of our population to rapid increases in energy prices. In a 6-week period between mid-December and the beginning of February, prices rose an average of 18.5 cents a gallon for heating oil, and, in some areas of the State, they rose by 25 cents.

A recent study published by the National Consumer Law Center concludes that low-income, elderly, and unemployed residents of Maine pay a proportionally greater amount of their income for energy purposes than do residents of other States. Fully 71 percent of monthly income is spent by some poorer residents of Maine on their winter energy costs. That figure assumes added significance when one considers the low and often limited incomes on which these individuals depend. This study is the latest evidence validating the need for an expended weatherization assistance program.

It is with concern for such affected individuals and families that supporters of the Federal weatherization program seek to extend it for another 10 years, demonstrating the Federal commitment to this program and aiming to achieve the goal of improving the energy efficiency of the remaining 13 million eligible households in America.

The key provisions of this legislation are the following:

First, the establishment of a 10-year goal for the weatherization of all eligible units. To reach this goal, $500 million is authorized in fiscal year 1985, $850 million in fiscal year 1986, $1.15 billion in fiscal year 1987, and $1.5 billion in each of the next 7 fiscal years;

Second, strengthened language to insure that adequate funds are used for evaluation, monitoring, and information transfer, with the goals of identifying the costs of weatherization and the amount of energy that can be saved, identifying ways to cut program costs and enhance energy savings, and developing recommendations for program improvements; and

Third, the earmarking of $40 million for a 2-year low-income rental housing weatherization pilot program. Grant candidates would submit proposed housing projects to DOE, which would award grants on a competitive basis after review by a public advisory committee. The results of the pilot would then be circulated to all low-income weatherization program officers for their information and possible emulation.

I believe these provisions of the bill will result in a strengthened Federal weatherization program, increased availability and dissemination of important program-related information, and a more cost-effective energy savings program.

The Federal weatherization program has resulted in the weatherization of over 1 million homes since the program's inception in 1977, contributing energy savings of 15 to 30 percent for enrolled households.

Much work remains to be done if we are to achieve the twin objectives of reduced dependence on imported sources of energy and increased energy savings for those who can least afford the costs of heating or cooling a home.

The Federal weatherization program is an extremely valuable one and its reauthorization deserves the attention of the Senate this year.●

Mr. CRANSTON. Mr. President, I am delighted to join in cosponsoring S. 2629, the Weatherization Amendments of 1984.

The development of programs designed to meet the weatherization needs of low-income persons in this country has long been an area of special concern for me. In 1974, I coauthored legislation creating in the Economic Opportunity Act of 1964, a special program for "emergency energy conservation services." This became the sole Federal authority for low-income energy aid at that time. In 1975, as a member of the Banking Committee, I authored in the Senate the Residential Insulation Assistance Act of 1975, which was ultimately enacted as the Energy Conservation in Existing Buildings Act of 1976, title IV-A of the Energy Conservation and Production Act (Public Law 94-385). This measure authorized the Federal Energy Administration to establish the national weatherization assistance program for low-income households, the program which is being extended and expanded in the legislation being introduced today. This weatherization program, operated by the Department of Energy—DOE—since the old Federal Energy Administration was incorporated into the new DOE, is the sole Federal categorical grant program for weatherization assistance. A similar program in the Community Services Administration was phased out in 1978. The authorization for appropriations for this DOE weatherization program was extended by the National Energy Conservation Policy Act of 1978 (Public Law 95-619) and the Energy Security Act of 1980 (Public Law 96-294). Appropriations for this program are currently authorized through fiscal year 1984 under the Omnibus Reconciliation Act of 1981 (Public Law 95-35).

The low-income weatherization assistance program provides grants to States, which work through local governments, community action agencies, and nonprofit organizations, to weatherize the homes of low-income persons. Weatherization funds are used to purchase materials for insulating homes, as well as for associated labor costs. Currently, up to $1,600 may be spent in areas of high labor costs—such as many areas of California—on a single household for weatherization materials and labor. The measure we are introducing today would raise that ceiling on expenses to $2,000.

Mr. President, recipients of weatherization grants from States are directed to give priority to households with older Americans or disabled persons. Other eligible individuals include those with incomes at or below 125 percent of poverty guidelines issued by the Department of Health and Human Services—households with a member who received benefits under the aid to families with dependent children or

supplemental security income programs within the previous year, and recipients of State and local assistance programs.

Mr. President, approximately 1 million eligible homes have been weatherized since the implementation of DOE's weatherization program. According to the House Committee on Energy and Commerce, it is estimated that there are 13 million more eligible units that are still in need of weatherization. The legislation we are introducing today has an ambitious goal: to weatherize the remaining 13 million units over the next 10 years.

NEED FOR WEATHERIZATION OF REMAINING UNITS

Mr. President, no segment of society has been more profoundly affected by the high energy costs of the last decade than low-income families. The high fuel bills which plagued the entire Nation have demanded a disproportionate share—sometimes ranging up to 40 percent—of a low-income family's income. Although frequently in need of substanital weatherization efforts because of their older, energy inefficient housing, low-income families are the least able to afford the initial expense of weatherizing their homes. These families face the frustrating cycle of high fuel bills year after year because they lack the means to make their homes more energy efficient.

Weatherization of low-income persons' homes is clearly a way of breaking this catch-22 cycle of recurrent, overwhelming fuel costs. For example, a 1981 study by the Consumer Energy Council found that weatherization resulted in an average savings of 27 percent in the fuel bills of low-income persons. In some cases, modifications costing only $500 made to existing energy equipment may result in a 20- to 25-percent savings in fuel costs for these households.

In addition, the benefits of weatherizing the 13 million remaining eligible units are not limited to the cost-savings that would accrue to low-income households. The Federal Government is currently spending almost $2 billion annually to help low-income families pay for energy costs through the low-income home energy assistance program—a program I strongly support. But many of the recipients of this assistance are the same individuals whose homes are eligible for weatherization. A one-time expenditure for weatherization of these homes is a cost-effective measure that would decrease both the demand for energy in the short and the long term and the consequent need for Federal assistance in paying the energy bills.

Finally, weatherization of the homes of eligible low-income Americans not only will assist these individuals and families in coping with high energy costs, but will help reduce the overall national demand for energy.

In short, committing ourselves to the weatherization of the remaining 13 million eligible units occupied by low-income families would be sound fiscal and social policy and an integral part of a comprehensive plan for attaining a more energy independent America.

DESCRIPTION OF LEGISLATION

Mr. President, as I have indicated, the legislation we are introducing today is aimed at expanding and extending the existing weatherization program in order to weatherize the remaining eligible units in the next 10 years. To accomplish this goal, the measure would authorize appropriations of $500 million in fiscal year 1985 with increases in authorization levels in the subsequent 9 years. The authorization levels represent a significant increase over the fiscal year 1984 authorization of $399 million—under which actual appropriations were $190 million—but they are increases which are fully justifiable given the long-term savings that will result from decreased demand for fuel and for low-income home energy assistance as the homes are made more energy efficient.

An important provision of the bill requires the Secretary of DOE to develop a plan for implementation of the 10-year weatherization program and to report to Congress every 2 years on the progress being made under this measure. This would provide Congress the opportunity to evaluate on a regular basis the operation of the program. In addition, it would provide incentives to States that perform well under the program by setting aside 10 percent of the annual appropriation for a special performance fund to be distributed by DOE on the basis of the States' performance in weatherizing homes in the previous years. It would also earmark up to $40 million for a demonstration project concerning the weatherization of rental units.

Mr. President, the weatherization program expansion contemplated by this legislation is ambitious, but it represents a challenge which our Nation must address adequately in the years ahead. We have the opportunity to begin an aggressive campaign to alleviate the heavy fuel bills that claim a disproportionate share of millions of low-income Americans' income. This is a campaign that is in our national interest to undertake. It is one which I support wholeheartedly as an investment in the long-term needs of our Nation.

I urge all of my colleagues to join with us in support of this important legislation.

By Mr. BYRD (for Mr. HART) (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. PELL, Mr. TSONGAS, Mr. LEVIN, Mr. SARBANES, and Mr. COHEN):

S. 2630. A bill to amend the Solar Energy and Energy Conservation Bank Act to authorize appropriations for the provision of financial assistance through fiscal year 1990 and to provide financial assistance to builders of highly energy efficient buildings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SOLAR ENERGY AND ENERGY CONSERVATION BANK REAUTHORIZATION ACT OF 1984

● Mr. HART. Mr. President, I am introducing today, together with Senators MARK O. HATFIELD, ALAN CRANSTON, CLAIBORNE PELL, PAUL E. TSONGAS, CARL LEVIN, PAUL S. SARBANES, and WILLIAM S. COHEN, legislation to reauthorize and expand the Solar Energy and Energy Conservation Bank.

Our bill will authorize appropriations for the Solar Bank, as it is commonly known, at levels totaling nearly $5 billion over the 6 fiscal years 1985 through 1990. The legislation also makes an important expansion in the mission of the Bank, authorizing it to provide assistance to homebuilders constructing "super-insulated" houses—residential buildings incorporating state-of-the-art thermal energy efficiency features which, at an extra construction cost of only about 3 to 5 percent, can reduce the energy needed for home heating and cooling by as much as 90 percent.

This legislation is part of the Energy Efficient America Act, a package of four bills being introduced today in both the Senate and the House of Representatives, with bipartisan support. This package of bills represents the most important effort in recent years to put America on a new energy course, toward a new energy future in which we have become highly efficient in our use of energy. Achieving this new future will help all in our country in many important ways; becoming wiser and more careful in our use of energy will let us overcome the personal hardship and economic stranglehold of high energy, reduce unemployment as people without jobs go to work retrofitting existing homes with energy conservation measures and renewable energy systems, and become more secure as we reduce our dangerous dependence on unreliable supplies of foreign oil.

The Solar Energy and Energy Conservation Bank Reauthorization Act of 1984 would resurrect the best part of the Energy Security Act of 1980—title V of that act, which initially created the Solar Bank. That title was a bold and innovative effort to improve residential energy efficiency, and to expand the use of nonpolluting, renewable energy resources in residences, by using and supplementing existing market mechanisms so they are available to low-income and middle class Americans. The Bank subsidizes

loans made by private financial institutions, States, and local governments for the installation of energy conserving improvements or renewable energy systems in residences, and to a limited extent makes grants for energy conservation retrofits. The amount of Federal assistance depends on the income of the homeowner or tenant making the energy investment, varying in amounts designed to insure the Federal funds are carefully targeted to make it possible for people to improve their residential energy efficiency who otherwise could not afford to do so. Because the Solar Bank's funding is used primarily for subsidizing loans, three non-Federal dollars are "leveraged" for every dollar spent for the Bank. This makes the Solar Bank one of the most highly cost-effective ways to use Federal funds to achieve greater energy efficiency.

The Congress initially intended the Solar Bank to be one of our country's foremost energy programs, authorizing a level of expenditures that was to reach more than $1 billion in fiscal year 1983. Tragically, however, the Bank became one of the major targets of President Reagan's assault on the domestic budget. The President has repeatedly tried to eliminate all funding for the Solar Bank, and indeed refused to even start up the Bank until ordered to do so by a Federal court. In the face of this strong administration opposition, the Congress has provided only minimal funding for the Bank, totaling about $60 million over the past 3 years.

Just as there was good reason in 1980 to establish a Solar Bank with the resources necessary to accomplish its purpose, so, too, there is good reason in 1984 to fully fund the Bank. Our legislation would do so, by authorizing appropriations of $300 million in fiscal year 1985, $450 million in fiscal year 1986, $650 million in fiscal year 1987, $925 million in fiscal year 1988, and $1.275 billion in each of fiscal year 1989 and fiscal year 1990. The need for this level of funding is compelling, for three reasons.

First, the Solar Bank is one of our best weapons against the high costs of energy used in our homes. All of us who pay today's fuel bills know how much they have soared in recent years. The burden of these bills hurts all of us, but the low-income and middle-class families who will be helped by the Solar Bank are hit especially hard. At the lowest end of the income scale, families pay as much as one-quarter of their total income on home heating and cooling, and during the winter months in Northern States the fuel bills often exceed monthly income. As a result, we have a new national crisis of people being forced to go without heat. Millions of families each year have their utility service cut off because they are unable to pay their bills. Most arrange to be reconnected, but the burden of the high bills threatens to condemn them to permanent poverty. Middle-class Americans, while more able to pay their bills, still must forego other goods and services because of their increased fuel costs.

The only long-term solution to high fuel costs is to reduce the amount of fuel needed to heat and cool our homes. Fortunately, very substantial improvements in thermal energy efficiency are possible. Experts tell us we can reduce by 50 percent, or more, the amount of energy needed to keep our existing housing stock comfortably warm in the winter and cool in the summer. Also, renewable energy systems can be retrofitted in residences to use the free energy of the sun and the wind to supply much of our heating and cooling needs. Taking either, or both, steps can make substantial reductions in the amount of expensive fossil-fuel energy a family needs.

The one major obstacle to achieving this greater energy efficiency is the often-high original investment needed to improve a building's thermal efficiency or to install a new renewable energy system. It is this obstacle which the Solar Bank is designed to overcome, by providing the marginal funding necessary to enable low and moderate-income families to borrow money for residential energy improvements. At the level of funding authorized in our bill, 11.7 million American families—1 out of every 7 in the country—will be able to improve their homes to reduce their energy consumption. A very conservative estimate of the total savings to these families—an estimate using current fuel costs—suggests they will save about $70 billion because of their lower fuel bills over the next two decades.

The second compelling reason to expand the Solar Bank is to create jobs and economic growth. The Solar Bank is not only a good energy conservation program, it is a good jobs program. Funding the Bank at the level authorized in our bill would create 240,000 new work years of employment as people are hired to install energy conservation and renewable energy systems, and to supply materials for those operations. This is a ratio of direct job creation 50 percent better per dollar than traditional public works programs. And many of these jobs will be precisely the kind our country most needs: Entry-level construction jobs, in which such unemployed people as minority teenagers, of whom half are unemployed, can learn construction job skills that can be used in other jobs. But this is only the beginning of the economic benefits of the Solar Bank program. Conventional analyses show that each new job that is created ends up creating another job as the first salary is spent and respent in the community. Using this conventional multiplier, the level of funding authorized in our bill would create an additional 240,000 jobs, for a total of nearly half a million. But this program will set in motion another kind of multiplier, as the consumer savings from the lower fuel bills gets spent or invested elsewhere. Since other goods and services are much more labor-intensive than energy, this shift in consumer spending will create substantial additional economic growth, representing an additional 2.6 million work years of employment over the next two decades.

The third, final, and most compelling reason for fully funding the Solar Bank is to reduce our reliance on insecure supplies of foreign oil. This is the primary purpose stated by the Congress for the creation of the Solar Bank. And that purpose is just as important today as it was in 1980. Despite the temporary surplus in the world oil market, there are several ominous signs indicating the continued dangers posed by our energy dependence. Domestic oil production is likely to fall shortly, as the Prudhoe Bay field is exhausted, unless another major reserve is discovered to replace it. Additional domestic discoveries are likely to be inadequate, because half the oil and natural gas industry's drilling rigs are inactive because of unfavorable economic conditions in that industry. The level of our imports of foreign oil has stopped its decline, and has now increased to 30 percent above last year's level. And, most disturbingly, a major war is now being waged in the Persian Gulf, with oil tankers getting set afire, and the world waiting daily for the half-expected news that Iran has blocked the Strait of Hormuz to the oil traffic that supplies one-sixth of the Western World's oil supply. Clearly, this is a time to renew our efforts to achieve energy security, not abandon those efforts.

The Solar Bank can play a major role in our energy security program. As the Congress stated when establishing the Bank, "It is the purpose of this subtitle to encourage energy conservation and the use of solar energy, and thereby reduce the Nation's dependence on foreign sources of energy supplies." If funded at the levels authorized in our bill, the Solar Bank will be able to achieve that purpose well enough to save the equivalent of more than 1 billion barrels of oil over the next 20 years. This could reduce by more than one-half the amount of oil we import from the Persian Gulf, greatly improving our Nation's economic and national security.

For all these reasons, I commend this legislation to the attention of my colleagues, and urge them to join Senator HATFIELD, myself, and others in pushing for its prompt enactment.●

● Mr. HATFIELD. Mr. President, I am pleased to join with my colleague from Colorado today in sponsoring legislation amending the Solar Energy and Energy Conservation Bank Act.

This bill extends the authorization for the Bank for 6 additional years beyond 1984 at funding levels which should be adequate to weatherize and equip homes with renewable energy devices at a more accelerated pace than is the case today. This proposal also improves the existing law by raising the energy efficiency standards for new home construction, provides secondary financing for energy conservation loans, and allows lenders, not now eligible to loan funds, to come under the program.

The Solar Energy and Energy Conservation Bank was created in 1980 to provide low-interest funds to middle- and moderate-income homeowners for energy conservation and renewable energy investments. The program was also designed to provide loan funds for small commercial and agricultural buildings. The Solar Energy and Energy Conservation Bank makes payments to local financial institutions which in turn provide funds, at low interest rates, for the programs described above.

Unfortunately, the Bank has not functioned as was envisioned by Congress in 1980. Forty-eight States and territories have signed up for the program and $20 million has been appropriated for the current fiscal year. However, the Bank itself has not been supported by the personnel operating the program and only through court order has the Bank been able to implement regulations and begin making funds available to the States and territories.

The proposal I am cosponsoring today reaffirms the congressional intent demonstrated in 1980. The provisions of this bill, as described earlier, will authorize funds at levels which will begin the process of equipping homes and small commercial and agricultural buildings with renewable energy systems and energy conservation measures.

Mr. President, I have always believed, and rightfully so, that energy conservation should be treated as an energy resource, thus diminishing the need for future conventional energy sources. This bill will help us attain that goal. The Solar Energy and Energy Conservation Bank is a key part of our commitment to energy security today, and in the future. I hope the Senate will move quickly to enact this important piece of legislation, and I encourage my colleagues to give it their full support.●

Mr. CRANSTON. Mr. President, I am delighted to cosponsor S. 2630.

In 1980 Congress established the Solar and Conservation Bank to provide loans at subsidized interest rates for conservation and renewable energy improvements on residential, agricultural and small commercial buildings. We knew then, as we know now, that the marketplace alone does not encourage energy efficiency improvements and innovation quickly enough. High market interest rates and the front-end costs of this equipment prevent most middle- and moderate-income Americans from buying it to save energy. Financed by the Government and administered through private institutions, the Bank was created as an innovative way of encouraging energy efficiency improvements among those Americans who could not qualify for low-income weatherization assistance and for whom energy tax breaks were not adequate incentive.

Unfortunately, the Reagan administration has never permitted the Bank to function properly. The administration has impounded its funds, transferred its personnel, and unsuccessfully tried to write it out of the budget. The funds Congress has been able to reinstate constitute only a small fraction of the funds originally authorized in 1980.

The Solar and Conservation Bank Act Amendments of 1984 would reauthorize the Bank through 1990 and establish funding levels sufficient to allow the Bank to function as Congress intended. This bill would also spur innovation by providing builders with incentives to construct superinsulated, energy-efficient buildings.

By Mr. CRANSTON (for himself, Mr. HATFIELD, Mr. METZENBAUM, Mr. HART, Mr. PELL, Mr. SARBANES, Mr. TSONGAS, and Mr. COHEN):

S. 2631. A bill to amend the Energy Policy and Conservation Act to improve the administration of the Federal energy conservation program for consumer products, to enhance consumer information programs to encourage the purchase of more energy efficient appliances, and to implement efficiency standards for furnaces, central air-conditioners, and water heaters; to the Committee on Energy and Natural Resources.

CONSUMER PRODUCTS ENERGY EFFICIENCY AMENDMENTS OF 1984

Mr. CRANSTON. Mr. President, today, I am pleased to introduce S. 2631, the Consumer Products Energy Efficiency Amendments of 1984, a bill to promote the use and continued improvement of energy efficient appliances. One-third of the energy used in our homes operates electrical appliances. Congress supported Federal programs to improve consumer appliance efficiency since 1975. And legislation mandating national appliance efficiency standards was first adopted late in 1978, after the Iranian oil crisis began.

When Congress acted, several States—including my own State of California—had already enacted fairly tough appliance efficiency standards, forcing manufacturers who chose to do business in the lucrative California market to produce more efficient appliances. Firms like Amana responded with significant energy efficiency improvements in their refrigerators, freezers, and in room air-conditioners.

By making these standards—for refrigerators alone—national, we could save enough electricity to eliminate the need to build 15 new nuclear powerplants, at a cost of more than $45 billion, according to the Lawrence Berkeley Laboratory.

If the 16 million refrigerators and freezers in use just in California in 1982 were all exchanged for high-efficiency models the State's electric consumption would decline an estimated 5 percent, about 1,700 megawatts, the equivalent of the output of two new nuclear plants. The new appliances would cost about $750 million—some of which people would spend routinely for appliance replacement.

Moreover, Mr. President, the alternative of building the two nuclear plants would cost upward of $6 billion—more than six times as much—and would produce radioactive waste and other problems.

Congress mandated national appliance efficiency standards for each of 13 major household appliances in the National Energy Conservation and Policy Act, enacted in November 1978, requiring regulations implementing national standards by December 1980.

When adopted by the Secretary of Energy, these regulations would preempt existing State standards.

Even though the national standards were expected to be less stringent than California standards already in place, the Nation would still gain from adoption of national standards which would become progressively stricter.

And, at the same time and thereafter, I fought to make sure that adoption of the Federal statute did not preempt the existing State standards before the Federal standards took effect.

Despite the clear congressional mandate, the Carter administration left office without adopting appliance efficiency standards, and DOE under the current administration has purported to meet the requirement for efficiency standards by adopting a standard that says no standards are necessary.

In terms of encouraging increased efficiency these standards are meaningless, if not counterproductive. Meanwhile, to avoid preemption by this nonstandard, States such as California, New York, Florida, and Kansas, among others that have their own standards, must petition the administration for exemption.

Mr. President, the energy savings we can realize from effective standards are considerable. By the turn of century, California alone expects to save energy equivalent to 21¼ million barrels of oil each year from residential and commercial appliance efficiency standards.

The Department of Energy, currently relying on its philosophical biases rather than facts, believes that consumers will purchase energy-efficient appliances in response to market signals as energy prices rise in times of energy shortage.

But there is an increasing pile of evidence that things simply do not work that way. Consumers can only buy what they are offered.

Market forces do not work for several reasons:

First, because the connection between rising fuel or crude oil prices and consumers using appliances operated by electricity coming from a regulated utility is too indirect.

Second, because 80 percent of the major residential appliances are not bought by those who ultimately use them, but by builders, apartment house owners, and others.

Third, because even though a consumer will realize economic savings over the life of an energy-efficient appliance greater than the increased cost of the appliance, few consumers are able to calculate the life-cycle cost savings of energy efficiency, and the information to do so is often not available.

Finally, energy prices do not rise in constant trend lines. They fluctuate. And the results will be disastrous if we wait until the next energy crisis to begin to produce energy efficient appliances.

DOE's analysis is refuted by the evidence that—despite the dramatic increase in energy prices over the last decade—the average efficiency of major household appliances has remained virtually constant since 1973 nationally.

The improvements that have occurred have all occurred as a result of the State standards now in place.

Moreover, DOE's policy of neglect is not without malignant consequences. The alternative to energy efficiency is the nightmare DOE currently projects: Hundreds of new central powerplants will be needed to accommodate increased demand for electricity, costing utility ratepayers—by DOE's own estimates—upward of $1.8 trillion dollars. These costs will take an increased share of all consumers personal disposable income and will severely handicap the ability of American industry to compete effectively on a world market.

And the environmental consequences will be catastrophic.

The Consumer Products Energy Efficiency Amendments of 1984 is straightforward. While leaving DOE great flexibility in implementing standards, it prevents the Department from indefinite delay in promoting efficiency. The bill makes four basic changes to strengthen current law.

First, it requires the Department of Energy within 180 days of enactment to establish interim standards no less stringent than the 1980 median efficiency for central air-conditioners, furnaces, and water heaters. These three appliances consume the lion's share of home energy use and have shown little efficiency improvement over the last 9 years. This provision would get rid of the biggest energy guzzlers from the market without unduly burdening manufacturers.

Second, the bill would improve product labeling to enable consumers to make informed energy decisions when purchasing new appliances. It calls on DOE to make available consumer buying guides indicating product energy efficiency and projected annual operating costs. The guide would also contain a simple worksheet allowing consumers to calculate the life-cycle costs of each appliance. Further, this bill would require manufacturers to advertise the efficiency ratings of their products.

Third, the bill prohibits automatic preemption of State standards when the Federal Government fails to enact national standards. National standards would preempt State standards only when DOE establishes Federal standards, and even then States could petition for more stringent standards on a case-by-case basis, if such standards would not unduly encumber interstate trade.

Fourth, the bill would require the Department of Energy to encourage continuous appliance efficiency even if the Secretary finds that no standards are necessary. The act would require DOE to propose efficiency targets for appliances in the absence of standards, and, if expected improvements failed to materialize, require a rulemaking procedure to reconsider whether minimum standards are necessary.

Mr. President, we can no longer afford to waste energy. The experience of my own State of California, which established phased-in standards back in 1976 and which is currently fighting to maintain those standards, has been overwhelmingly positive. Manufacturers have been able to meet the standards without undue hardship, and consumers, utilities, industry, and the environment have all benefited. The California Energy Commission estimates efficiency standards have already reduced the utility bills of Californians by $1 billion. By 1987 California's standards will have saved enough energy to enable utilities to forgo building one large, 1,750 megawatt powerplant.

Increased use of efficient products would save consumers billions of dollars, ease utility load management problems, especially during peak periods, enable society to avoid construction of large, expensive powerplants holding down future energy costs and freeing capital for other purposes, cut our dependence on foreign oil, and significantly reduce the severe and growing environmental impacts of increased reliance on fossil fuels.

We have the technology available now to provide for our energy needs without endangering our environment. We owe the American people the effort to focus on preventing future energy crises instead of just managing them.

By Mr. METZENBAUM (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. PELL, Mr. TSONGAS, Mr. HART, and Mr. SARBANES):

S. 2632. A bill to amend the Energy Policy and Conservation Act to improve consumer information and fuel efficiency with respect to passenger automobiles, light trucks, and tires, to amend the Internal Revenue Code of 1954 to impose a tax on noncomplying manufacturers (in lieu of penalty), and for other purposes; to the Committee on Finance.

AUTO EFFICIENCY STANDARDS

Mr. CRANSTON. Mr. President, I am happy to be an original cosponsor of S. 2632. The gains in auto efficiency over the past decade are perhaps the most successful conservation achievements to emerge from the energy crises of the 1970's. When corporate auto efficiency averages level off next year at 27.5 mpg, the cars Americans drive will be almost twice as efficient as those of a decade ago. But improvement will continue only so long as Federal standards and competitive pressures require new fuel efficiency improvements from manufacturers.

We must continue to make cars and light trucks more fuel efficient. The transportation sector by far the most vulnerable portion of society to disruptions of foreign oil supplies is also least able to utilize alternative fuels.

By the end of the century, I believe all the oil we import will be used exclusively in the transportation sector. To relieve our foreign oil dependence we must keep improving the fuel efficiency of our motor vehicles. This bill will continue progress in auto and light truck efficiency improvements.

Foreign manufacturers have already demonstrated five-passenger automobiles which average over 60 mpg on the highway. The technology exists today to make our cars and trucks more efficient. This bill sets new future efficiency targets to spur auto efficiency. It establishes a corporate average fuel efficiency rating of 45

mpg by 1995, and a light truck average of 35 mpg. It would also improve the accuracy of auto efficiency labeling and institute tire efficiency labeling, and encourage States to restructure vehicle registration fees and excise taxes to reward fuel efficiency.

It makes no sense to allow fuel efficiency standards to lapse. Failure to make progress now will only insure that in the future American automakers will once again find themselves unable to compete with foreign manufacturers.

By Mr. BRADLEY (for himself, Mr. CHAFEE, Mr. MOYNIHAN, Mr. PELL, and Mr. TSONGAS):

S. 2633. A bill to amend the Fish and Wildlife Coordination Act so as to authorize the Environmental Protection Agency to conduct a study for the purpose of determining the extent of contamination of certain fish and whether such contamination creates a threat to public health; to the Committee on Environment and Public Works.

STUDY OF THE CONTAMINATION OF CERTAIN FISH

Mr. BRADLEY. Mr. President, we know that PCB's are harmful to the public health. PCB's can cause cancer and can induce genetic defects as well. There is also evidence that some species of Atlantic coastal fish are contaminated with PCB's. Yet, there is no coordinated public policy to guide State fisheries administrators on how to respond to PCB contamination of fish. If the State administrators simply forbid the consumption of these fish without proper analysis, they could damage an important industry and cut off a significant source of food when that might not be appropriate. What we need is a reliable appraisal of the extent of the PCB contamination so that health officials can calculate the danger to which people are being exposed, so that they can assess the threat to public health. Today I am introducing a bill to collect the missing data.

Since 1981, the New Jersey Department of Environmental Protection (DEP) has analyzed fish caught in New Jersey coastal waters. DEP found that five species of fish were contaminated by PCB's, which are known to cause cancer, at levels comparable to the proposed U.S. Food and Drug Administration tolerance. The five species are striped bass, bluefish, white perch, white catfish, and American eel. In upper New York Bay and tributary waters, two species of fish, striped bass and American eel, showed average levels above the existing FDA tolerance. In March 1983, New Jersey prohibited the commercial sale of affected fish taken in upper New York Bay and its tributaries.

For the five species of fish that showed lower PCB levels in coastal waters, New Jersey advised limitations on consumption and recommended cooking methods that reduce human absorption of PCB's. New Jersey DEP also recommended that pregnant women, nursing mothers, women of childbearing age, and young children should abstain from eating the affected species of fish.

This problem is not confined to New Jersey. In November 1983, the Massachusetts Department of Public Health issued recommendations on the consumption of bluefish based on its own data. The department recommended cooking methods to minimize absorption of PCB's and recommended abstention by women who are breastfeeding, pregnant, or considering becoming pregnant.

Bluefish are migratory; they move up the Atlantic coast each spring and return to southern waters in the fall. Because of this migration, it is likely that bluefish taken in other coastal waters may also be contaminated with PCB's. But most State health departments lack the funds or commitment to sample and analyze fish. Thus, people in other States may also be exposed to PCB's because their State health departments have not investigated the problem.

Other problems beset State officials who seek to evaluate whether a health hazard exists:

Different investigators who study PCB contamination in fish use different procedures to prepare and analyze them. This makes it difficult to compare results.

State officials would also benefit from uniform guidelines for the regulation of fish consumption.

It is clear that Federal action is needed to provide for:

Analysis of fish from the coastal waters of other States that may be affected.

Development of uniform sampling and analysis procedures to allow easier comparison and interpretation of contamination data.

When there is such a disparity among the States on a matter of public health their citizens suffer. They suffer lower levels of protection. And related businesses in more vigilent States suffer economic losses. New Jersey party and charter boat fishermen have lost business when the New Jersey Department of Environmental Protection issued its warnings. Our fishing industry is a responsible one and they are willing to accept this sacrifice if it is necessary to protect public health. But they are frustrated that neighboring States have issued no warnings when those same migratory fish do not observe State boundaries.

The bill I am introducing authorizes the Environmental Protection Agency (EPA) to conduct an interagency effort to accomplish two purposes:

First, it provides for collection and analysis of fish from Atlantic coastal waters in sufficient numbers to determine PCB levels. We will then be able to assess the public risk and know whether the problem is coastwise, or whether it only affects specific, limited areas.

Second, uniform sampling and analysis procedures will be developed so that we can accurately assess public exposure to PCB contamination.

I anticipate the program can be carried out for approximately $900,000.

EPA is authorized to enlist the help of the National Marine Fisheries Service, the Food and Drug Administration, the States, and other agencies with jurisdiction over this problem.

EPA is also encouraged to incorporate efforts by individual State environmental or fisheries agencies in the planning, conduct, and evaluation of this program.

EPA is given 2 years to complete this study and submit its report to Congress with any recommendations for further action. This report will also contain the comments and recommendations of NOAA, FDA, and the States.

It is important for us to find out whether PCB contamination is a real threat to public health. This study will tell us. And if it is a threat, the study will give data on which to base rational regulatory measures. I hope that my colleagues will join me in its support.

Mr. President, I now ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661), is amended by inserting immediately after section 5A the following new section:

"SEC. 5B. (a) The Environmental Protection Agency is directed to conduct a study to identify and measure residues of various toxic contaminants in estuarine and marine fish species along the Atlantic coast to determine whether contamination by polychlorinated biphenyls (PCB's) or other toxicants constitute a public health hazard, and if so, the extent of such contamination and hazard.

"(b) In carrying out such study, the Environmental Protection Agency shall have authority to utilize the facilities, equipment, and personnel of the United States Fish and Wildlife Service, the National Marine Fisheries Service and Federal Food and Drug Administration, and the States, with the consent of such Service, Administration or State, on a reimbursable basis.

"(c) On or before the expiration of the twenty-four month period following the date of the enactment of this section, the Environmental Protection Agency shall report the results of its study, together with its comments and recommendations, together with the comments and recommendations of the US FWS, National Marine Fisheries

Service, the Federal Food and Drug Administration and the States, if any, to the Congress.

"(d) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated to the Environmental Protection Agency for Fiscal Year 1985 and 1986 such sums as may be necessary to remain available until expended.".

Mr. MOYNIHAN. Mr. President, I am pleased to join the Senator from New Jersey (Mr. BRADLEY) in proposing a bill to reduce the potentially serious hazards from polychlorinated biphenyls, commonly known as PCB's, in fish. The problem crosses State boundaries and requires the coordinated attention of Federal environmental agencies.

PCB's constitute a group of chemicals used by a variety of industries, especially by the electrical industry as an insulating fluid. Three characteristics of PCB's cause considerable concern. First, some scientific evidence indicates that PCB's are toxic and carcinogenic. Second, unlike biodegradable materials, they are persistent in the environment. Finally, PCB's have a chemical affinity for fats and therefore appear in high concentrations in the fatty tissues of fish.

New York's Hudson River contains in its sediments one of the world's largest reservoirs of PCB's. Many species of fish commonly contain PCB concentrations far in excess of the acceptable limits established by the Food and Drug Administration. As a result, New York has banned all fishing in the upper Hudson and most commercial fishing in the lower Hudson.

In 1980, I secured passage of an amendment to the Clean Water Act providing Federal funds to reduce the contamination of the river. The dredging project has yet to be implemented, but progress toward this goal has been made.

Yet the problem extends far beyond one river. Species such as the striped bass spend part of the year in the Hudson, the Chesapeake Bay, and other estuaries, where they can absorb or ingest PCB's. During other seasons, they migrate along the Atlantic coast. Furthermore, runoff and the disposal of dredged materials adds PCB's to coastal waters. As a result, fish taken from a large geographic area are liable to be contaminated.

We are asking the Environmental Protection Agency to cooperate with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Food and Drug Administration in a scientific study of the extent of toxic contamination in Atlantic coast fish. Such a study will indicate the geographic extent of the problem and the risk to public health. It will also aid the establishment of uniform methods of sampling and chemical analysis. The bill deserves each Senator's support.

Mr. TSONGAS. Mr. President, I am pleased to join with senior Senator from New Jersey (Senator BRADLEY) in introducing S. 2633. This legislation mandates that the Environmental Protection Agency, in coordination with other Federal and State agencies, perform a sampling of coastal fish to determine the levels and extent of chemical contamination. This bill will promote and insure uniformity in testing and analysis methodologies in order to place individual State findings in perspective.

Massachusetts has long treasured its connection to the sea, both for its beauty and for its bountiful provision of seafood. Along with our neighboring coastal States, however, we have at times used our technologies toward achievement of economic advancements without recognition of the burden these technologies may place upon this invaluable resource. Scientists from eastern seaboard States, including Massachusetts and New Jersey, have detected potentially harmful chemicals such as polychlorinated biphenyls (PCB's) in fish and other species in our coastal waters. Since many of the fish species found to contain contaminants are mobile, such as bluefish, a coastwide effort is necessary to determine the extent and severity of chemical contamination. Unfortunately, States have differing abilities and commitments to investigation of this problem. In addition, States and Federal agencies use diverse methods of sampling and data analysis, making comparison of technical data and results difficult. For these reasons, I believe that the Federal Government must work with all of the affected States in performing a coastwide assesment of the potential public health risks from the existing levels of chemical contamination in ocean species. In this way, the Government can safeguard both the public health and the viability of the fishing industry.

Within 2 years of the bill's enactment, EPA, assisting agencies, and States are required to issue a report presenting the results of this study. This report would also offer recommendations to Congress concerning the implications of its findings for individual States.

Such a uniform approach is necessary to protect seafood consumers from excessive levels of potentially harmful chemicals. It also protects crucial recreational and commercial fisheries from unnecessary hardships resulting from inaccurate and alarmist assessments of the potential for hazards from uncertain levels of chemicals such as PCB's.

Mr. President, I urge my colleagues to support this modest but important legislation, for the sake of protecting our Nation's public health and the fishing industries of the Nation's eastern seaboard.

By Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. DURENBERGER, Mr. EAGLETON, Mr. STAFFORD, and Mr. MITCHELL):

S. 2634. A bill to provide for a mutual and verifiable moratorium on the testing and deployment of new nuclear ballistic missiles and antisatellite weapons and the testing of nuclear warheads; to the Committee on Foreign Relations.

ARMS RACE MORITORIUM ACT

Mr. KENNEDY. Mr. President, today Senators HATFIELD, CRANSTON, DURENBERGER, EAGLETON, STAFFORD, MITCHELL, and I are introducing the Arms Race Moratorium Act. Each of us is also a principal sponsor of the nuclear weapons freeze resolution in the Senate. Our proposal today is intended to buy the time we need to achieve a freeze.

The United States and the Soviet Union are entering a dangerous new phase of the arms race. Both superpowers are preparing to deploy more accurate and more devastating nuclear weapons that will increase the risk of nuclear war.

Even more dangerous is the fact that both superpowers are launching a new arms race into space with unforeseeable consequences. If these new developments continue unchecked, we will soon cross a threshold into a future in which both nations could conceivably launch a successful first-strike attack. Clearly, immediate measures by both the United States and the Soviet Union are needed to prevent a destabilizing new escalation of the arms race.

The Arms Race Moratorium Act calls upon the President to initiate a bilateral and verifiable moratorium with the Soviet Union on the testing and deployment of new nuclear ballistic missiles and antisatellite weapons, and on the testing of nuclear warheads. The moratorium is intended to prevent technological modernization from carrying the United States and the Soviet Union over the first-strike threshold into the land of nuclear no return. By providing a negotiator's pause, the moratorium will also allow both nations to pursue meaningful reductions in existing arsenals. The moratorium can be easily and quickly implemented, because the United States has the independent means adequately to verify Soviet compliance, without onsite inspection or any other action by the Soviets.

If the President declines to issue a call for a moratorium and if the Government of the Soviet Union announces that it is willing to halt the testing and deployment of these weapons, this act would then suspend funds for the testing and deployment of these weapons. The Government of the Soviet Union will have 90 days after the enactment of the bill to com-

municate to the Government of the United States that it intends to implement such a moratorium. If the Soviet Union makes such a commitment, funding will be suspended for all programs covered by the moratorium beginning at the end of the 90-day period.

Under this bilateral moratorium, the United States will halt the flight testing and deployment of the MX missile, the Trident II missile, and other new nuclear ballistic missiles that might be planned. The Soviet Union will halt the flight testing and deployment of the SSX-24, SSX-25, SSNX-23 and other new nuclear missiles it also might have planned. Both countries will halt the testing and deployment of antisatellite weapons capable of hitting targets in space. Both countries will also halt further underground testing of nuclear explosive devices.

If at any time during the moratorium the President certifies that the Soviet Union is violating its terms by testing or deploying these weapons, then funding for U.S. testing and deployment will be immediately resumed. This bill will not require trusting the Soviet Union to adhere to the moratorium. The programs that it covers are now being monitored by both nations with high confidence. Rather we will be testing Soviet willingness to slow down the arms race and to pursue deep reductions in the nuclear arsenals of both sides.

There in an inherent risk in any specific arms control proposal, but there is far greater risk in doing nothing at all.

This bilateral moratorium will prevent new technologies from igniting a qualitatively new and different arms race. If this legislation is enacted, essential equivalence between the United States and the Soviet Union will be maintained, while the development of dangerous new weapons on both sides will be curtailed.

The testing and deployment of a new generation of first strike, nuclear war-fighting weapons with pinpoint accuracy, higher speed, and depressed trajectories will be halted.

United States and Soviet antisatellite programs that take the arms race into outer space will be stopped. Satellites are essential to nuclear balance. They are the heart of our early warning system to detect the launching of enemy missiles. Since the United States has just begun to test its antisatellite weapon, and since the existing Soviet antisatellite weapon is severely limited in its capability, a mutual halt on Asat testing and deployment will stop this destabilizing arms race in its infancy.

By halting nuclear testing, the act will also prevent new and more deadly weapons and warhead technology.

If the new technologies now being developed and tested were deployed they could fundamentally undermine mutual deterrence which has thus far prevented either nation from launching a nuclear attack against the other. The development of first-strike capabilities on both sides will completely undermine deterrence by placing the nuclear arsenals of both nations on a hair trigger. Contrary to what the Reagan administration argues, building a U.S. nuclear war-fighting capability will not enhance deterrence by intimidating the Soviets. It only makes it more likely that the Soviets will be driven to use nuclear weapons first in a crisis.

And, contrary to what the President would have us believe the next war will not be settled by a single duel between Luke Skywalker and Darth Vader. It will not be a simple battle between a good and an evil empire that is confined to outer space. This war, if it happens, will not be limited to the two superpowers or even the Northern Hemisphere. It will not be a winnable war, and there may not even be survivors.

Indeed, the recent scientific discovery of the nuclear winter now points overwhelmingly to this stark truth: A third world war will be the last world war because it will be a war against the world itself.

Many diplomats and scholars say that the relationship between the United States and the Soviet Union is the worst that it has been since the Cuban missile crisis. This downward spiral in United States-Soviet relations gives every regional conflict the potential for a United States-Soviet nuclear showdown.

The nuclear threat sets before us a basic choice. The question is not whether nuclear weapons will cease multiplying and then be reduced. Someday they almost surely will be. The choice is not whether but when? Not if but how? By rational agreement or by the most irrational act of violence in human history?

Another round in the arms race is already moving off the drawing boards and into action. Congress should take a stand now, before it is too late. The only sane choice is to continue the peaceful battle for nuclear arms control—for a freeze and then reductions—until it is won.

It is the height of human folly for the President to preach peace in Peking while preparing for nuclear war with Moscow. If the Reagan administration cannot show restraint, Congress can. If the Reagan administration cannot initiate an end to the arms race, Congress can. And the moratorium is the way to do it.

This bill is no substitute for negotiated arms control agreements. But at a time when neither the Reagan administration nor the Soviets are willing to negotiate, this is a practical step toward a safer world.

There are obvious precedents for our action. In 1963, President Kennedy initiated a U.S. moratorium on the atmospheric testing of nuclear warheads. This action led to the expeditious and successful negotiation of the 1963 Limited Test Ban Treaty with the Soviet Union. It is now time for the President—or Congress—to take an equally innovative, timely, and courageous step.

The Arms Race Moratorium Act will provide a guarantee against continued failure of Presidential initiative for arms control. We introduce this Arms Race Moratorium Act as a first step toward the achievement of bilateral and verifiable arms control agreements that alone can steer the superpowers—and our planet—toward the path of lasting peace.

Mr. President, I ask unanimous consent that the test of the bill and a set of questions and answers on it may be printed in the RECORD.

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

S. 2634

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 "Arms Race Moratorium Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the arms race is entering a dangerous new phase that increases the risk of a nuclear holocaust that would be humanity's final war;

(2) immediate action must be taken by the United States and the Soviet Union to halt the flight testing and deployment of new nuclear ballistic missiles and anti-satellite weapons and the testing of nuclear warheads;

(3) the flight testing and deployment of new nuclear ballistic missiles and anti-satellite weapons and the explosive testing of nuclear devices by the Soviet Union are adequately verifiable by the United States through the use of existing national technical means;

(4) a United States-Soviet Union moratorium on the flight testing and deployment of new nuclear ballistic missiles and anti-satellite weapons and the testing of nuclear warheads is not an end in itself but rather is a means to prevent new destabilizing technologies from further complicating future negotiations to reduce the risk of nuclear war; and

(5) while the President is constitutionally empowered to make international agreements with foreign nations, the responsibility to provide for the public welfare through the allocation or withholding of public revenues resides with the Congress.

BILATERAL MORATORIUM

SEC. 3. (a) It is the sense of Congress that the President should immediately communicate to the Government of the Soviet Union the willingness of the United States to enter into a mutual United States-Soviet Union moratorium on the flight testing and the deployment of new ballistic missiles and

anti-satellite weapons and the testing of nuclear warheads.

(b)(1) If within 90 days of the date of the enactment of this Act the President has not made a communication to the Soviet Union described in subsection (a) and if within that 90-day period the Government of the Soviet Union communicates to the President that, effective at the end of such 90-day period, it will observe a mutual United States-Soviet Union moratorium on the flight testing and deployment of new ballistic missiles, the flight testing against objects in space and the deployment of anti-satellite weapons, and the testing of nuclear warheads, then after the end of such 90-day period no funds may be obligated or expended by the United States for the flight testing or the deployment of new ballistic missiles, the flight testing against objects in space or the deployment of anti-satellite weapons, or the testing of nuclear warheads.

(2) If the President certifies to Congress at any time after the beginning of the moratorium that the Soviet Union has conducted a test or deployed a missile or anti-satellite weapon or tested a nuclear warhead inconsistent with the moratorium, then funds may be obligated or expended by the United States for such testing and deployment. As part of any such certification, the President shall submit to Congress an unclassified report summarizing the basis for the certification and a classified report describing in detail the activities of the Soviet Union that are the basis for the certification.

(3) One year after the moratorium described in paragraph 1 enters into force and annually thereafter, the President shall report to the Congress:

(a) on the progress being made by the United States in negotiating nuclear arms control agreements with the Soviet Union; and

(b) on whether the President believes that continuation of the moratorium is in the best national security interests of the United States.

If the President states in any such annual report that he believes that continuation of the moratorium is not in the best national security interests of the United States, then the Congress may enact a joint resolution which terminates the moratorium and permits funds to be used for the testing and deployment described in paragraph (1).

(c) For purposes of this Act:

(1) The term "new ballistic missile" means any ballistic missile (including any modification of an existing missile type that increases its throw-weight or number of reentry vehicles) with a range exceeding 600 kilometers that was not flight-tested by the United States or the Soviet Union before August 1, 1982.

(2) The term "anti-satellite weapon" means any interceptor vehicle intended for and capable of damaging an object in space.

(c) The term "testing of nuclear warheads" means the detonation of any nuclear explosive device."

QUESTIONS AND ANSWERS CONCERNING THE "ARMS RACE MORATORIUM ACT"

(1) Why a moratorium now? Why not now? The burden of proof properly belongs with those who argue that the current nuclear arsenals numbering in the tens of thousands of weapons are somehow insufficient to deter a nuclear war. The burden of proof rests on those who maintain that a costly race to develop new nuclear warfighting capabilities will improve rather than threaten our security.

The case for a moratorium rests on the wholly defensible proposition that it is better to seek agreement with the Soviet Union on what we might jointly avoid doing before lunging into a race to construct a whole new generation of nuclear weapons systems, with all the heightened political tension, economic burden, and renewed fears of surprise attack that inevitably accompany a stepped-up arms race.

Both the Soviet Union and the United States are gearing up to squander hundreds of billions of dollars and rubles over the next decade to develop and deploy a new generation of more accurate weapons and more efficient nuclear warheads, all the better to intimidate each other with the threat of "limited" and "protracted" nuclear wars. Before agreeing to fund this dangerous and unwinnable race for "nuclear war-fighting capability," which the current Administration now wants to extend into space, the Congress should at least afford the American people the opportunity to test the Soviet Union's willingness to avoid such a fruitless competition through arms control.

(2) What does the moratorium cover? Since the moratorium is bilateral, both Soviet and American weapon systems are involved, but only certain testing and deployment activities which are currently being monitored with adequate confidence by National Technical Means are covered by the moratorium. The following activities on both sides are included:

The flight-testing and deployment of ballistic missiles (including modifications to existing missile types which increase throw-weight or number of reentry vehicles) with a range exceeding 600 kilometers which were not flight tested by the United States or the Soviet Union before August 1, 1982.

The flight-testing and deployment of "exoatmospheric" interceptor vehicles intended for and capable of damaging an object in space.

The detonation of any nuclear explosive device.

(3) Which current nuclear missile programs on both sides would be affected?

On the Soviet side: the SS-X-24 and SS-X-25 ICBMs; the SS-NX-23 SLBM, and any other new medium- to long-range ballistic missile the Soviet Union might be planning.

On the U.S. side: the MX ICBM; Trident II SLBM, and any other new medium- to long-range ballistic missile the United States might be planning.

(4) Which current ASAT and ABM programs would be affected? Any ASAT or ABM program involving the flight-testing of an interceptor vehicle against a target object in space would be affected by the moratorium, which would suspend such testing.

On the Soviet side, this would involve testing of the F-LV/SS-9 orbital ASAT and the Galosh ABM system against target objects in space.

On the U.S. side, this would involve testing of the Prototype Miniature Air-Launched System (PMALS) and its derivatives, and the Homing Overlay Experiment (HOE) interceptor and its derivatives, against target objects in space. Both of these programs involve the testing of a miniature homing vehicle (MHV) type warhead, and have no current equivalent on the Soviet side.

(5) Which current nuclear warhead programs would be affected? Any nuclear warhead program involving the underground detonation of a nuclear device would be affected by the moratorium, which would suspend such testing. In particular, the current administration's effort to gain the technological edge over the Soviets by developing and testing a so-called "third-generation" of "directed energy" nuclear devices—such as Livermore Laboratory's "Excalibur" nuclear bomb-pumped X-ray laser—would be suspended by such a moratorium while U.S. and Soviet negotiators completed the pending draft treaty for a Comprehensive Test Ban.

Experts involved in such negotiations in prior administrations estimate that CTB negotiations could be wrapped-up with only six months to a year of additional effort, and that current national technical means of verification would be adequate to safeguard U.S. national security for at least this interim period while additional verification provisions are negotiated.

(6) Doesn't Congressional action to facilitate a bilateral moratorium impinge on the Constitutional powers of the President? Not at all. The President is exclusively empowered to negotiate treaties. The power to declare war, and the power to appropriate the funds necessary to prepare for war, are solely the province of the Congress, and the Congress may attach whatever conditions it deems necessary when it authorizes these preparations. Surely, if the Congress is vested with the power to fund war preparations, it is also vested with the power to specify those conditions under which it is willing not to fund them. The President, of course, would retain his right to veto any act of Congress, thereby requiring passage by a two-thirds majority of both houses before the "Arms Race Moratorium Act" could become law.

(7) Could this moratorium be adequately verified? Yes. The United States intelligence community is already conducting extensive monitoring of the Soviet activities included in this moratorium. Provisions defining and limiting the deployment of new intercontinental ballistic missiles are part of the unratified SALT II agreement now being adhered to, and monitored intensively, by both sides. Unlike SALT II, which permits modifications of existing missiles to vary by as much as 5 percent from their predecessors in length, diameter, launch-weight, and throw-weight before they are regarded as "new," under the proposed moratorium any modification that would increase throw-weight, or number of reentry vehicles would be considered inconsistent with the mutual suspension of flight tests of new ballistic missiles. Thus the Soviets could not continue testing of the SS-25 mobile ICBM, as they are now doing, by claiming that changes in its key parameters do not exceed permitted variances from the older SS-13. Under the moratorium, the only "SS-13s" the Soviet Union would be permitted to test would be those produced and deployed in the late 1960's, long before the August 1, 1982 cutoff date contained in the moratorium. Clearly, fifteen years later, that is not the same missile they are testing today.

Despite the irresponsible statements of certain administration officials regarding the impossibility of an ASAT ban that would be adequately verifiable, most technical experts agree that a ban on the testing of rocket-boosted ASAT interceptors against target objects in space can be verified by National Technical Means.

A moratorium on the testing of nuclear warheads can be reliably monitored by long-range seismic methods down to explosions in the 2 to 5 kiloton range. Ambiguity sur-

rounding seismic events with magnitudes corresponding to tests below this threshold would be diminished somewhat by other means of monitoring Soviet activity, such as communications activity emanating from the test site area, and stepped-up overhead photo-reconnaissance of likely test areas. The remaining uncertainty would be tolerable for several years, but would need to be reduced, and would be reduced, by installation of the regional "remote on-site" seismic monitoring networks called for in the draft Comprehensive Test Ban Treaty.

In general, because the threat to American security from some undetected "residual" Soviet weapons capability accumulates slowly, requiring several or many years before it could pose a serious threat to our national security, the standard of adequacy for verification of a moratorium can be somewhat less demanding than the standard one would want to apply to a negotiated agreement intended to last a decade or more. The proposed moratorium is intended to facilitate—not substitute for—carefully designed arms control agreements.

(8) What happens to the funding for weapons systems covered by the proposed moratorium? The authorization and appropriation of funds for the research, development, testing evaluation, procurement, deployment, operations, and maintenance of any military system would not be constrained by the provisions of the "Arms Race Moratorium Act." After enactment of this bill, and pending a new arms control agreement codifying the terms of the moratorium, Congress could elect to set aside funds for continuing weapons programs in the designated categories, but the contractual obligation or expenditure of funds by a government agency to test and deploy these weapons would be suspended for the duration of the moratorium.

Under the proposed moratorium, research and development activities which do not involve the observable field-testing of missiles or warheads would not be affected. For example, the United States could continue to obligate and expend funds for the engineering development of a small ICBM, such as Midgetman, but could not proceed to flight-testing or deployment of such a missile while the moratorium remained in force.

Similarly, the reliability of the current stockpile of nuclear weapons could continue to be checked by detonating the high explosive implosion device with instruments replacing the fissile material—thereby avoiding a nuclear explosion which would contravene the moratorium—and by thorough inspection and testing of its non-nuclear component parts.

(9) What if the Soviet cheat on the terms of the moratorium? Would this bill tie the hands of the Congress or the President? Not at all. If at any time during the moratorium the President certifies to Congress that the Soviet Union is conducting tests or deploying weapons which are inconsistent the moratorium, then the "fence" restraining the obligation and expenditure of previously appropriated funds for those designated activities would be automatically lifted. As part of any such certification, the President must substantiate his finding with a detailed report describing the activities of the Soviet Union that are the basis for the certification.

(10) What if the Soviets did not cheat in any major way that we could detect, but merely chiseled in a systematic way over a longer period while stringing out negotiations for enhanced verification procedures which would allow us to detect such "low-level cheating."? This possibility is fully provided for in the bill. At the end of each year that the moratorium remains in force, the President is required to report to Congress on the progress, or lack thereof, in arms control negotiations with the Soviet Union, and on whether continuation of the moratorium is in the best national security interests of the United States. If the President requests cancellation of the moratorium at that time on grounds other than evidence of Soviet cheating—such as lack of progress in arms control or the need to modernize the U.S. nuclear deterrent—and the Congress indicates by enactment of a Joint Resolution that is concurs with the President, then the moratorium would be terminated.

● Mr. DURENBERGER. Mr. President, I am pleased to join Senators HATFIELD, KENNEDY, STAFFORD, and CRANSTON in introducing the Arms Race Moratorium Act, which is popularly known as the "Quick Freeze." I believe that this measure, if it is enacted and if it is successfully pursued in Geneva, will provide for a major increase in the security of the United States.

I am sure that a number of my colleagues are curious about my cosponsorship of this measure. After all, I spoke out against the original Kennedy-Hatfield freeze resolution at the time it was first introduced, and I later voted to table consideration of that amendment. I continue to believe that the freeze resolution will not assist in the deadly serious business of pursuing successful and meaningful arms agreements. Why, then, would I cosponsor this act? Briefly, because the Arms Race Moratorium Act is a comparatively simple summary statement of views which I have repeatedly enunciated both in my voting record and in my statements.

The Arms Race Moratorium Act addresses itself to the urgent and pressing problem of weaponry which is the most destabilizing—rapid and accurate ballistic missiles which can threaten a first strike; antisatellite weaponry; and new developments in nuclear warheads. In other words, the quick freeze recognizes that the most important goal of arms negotiations is to foster crisis stability by distinguishing between weaponry which is needed for a secure second-strike deterrent and weaponry which raises the prospect of a first strike.

As has repeatedly been pointed out by critics of the freeze, ranging from the New York Times to Congressman LES ASPIN, the issue in arms control is not just whether there are too many nuclear weapons. There are. The issue instead is how to reduce the chances of war by focusing on those weapons which are most likely to be used in a crisis. In other words, the problem in arms negotiations is to focus on qualitative as well as quantitative measures of stable and sufficient deterrence.

The quick freeze—which is a bill with the binding force of law, and not a sense of Congress resolution like the freeze—creates the impetus for a mutual moratorium between the Soviet Union and the United States on three dangerous thrusts of the arms race: the flight testing and deployment of new ballistic missiles like the MX or the SS-X-24; the flight testing and deployment of antisatellite systems which could blind a country and deprive it of the confidence needed to withhold a nuclear strike as long as possible; and the testing of new nuclear weapons which are the basic factor in the arms race.

As a member of the Senate Intelligence Committee, I am confident that we can adequately monitor and verify compliance with these provisions, for the focus of the quick freeze is on readily observable phenomena like flight-testing and deployment, not on research and development.

Just as important, there are clear provisions in the bill for safeguards in the event that the Soviets should violate the moratorium. Moreover, the initial period of the moratorium is limited to 1 year, after which the President may recommend to Congress that it be continued in full, continued in part, or canceled. This means that, should we wish to deploy the single-warhead Midgetman missile which is an important step toward de-MIRVing our deterrent and adding to crisis stability, we can do so. The Midgetman missile is still in the early stages of development, so a 1-year moratorium will not preclude its deployment if such a move were to be in our interest. The same applies, of course, to the Trident II missile, which many people believe is, on balance, an improvement in our overall force posture.

It should be clear, in other words, that the Arms Race Moratorium Act stands in distinct contrast to the original freeze resolution. It is binding law rather than hortatory language. It is focused and specific rather than sweeping and potentially vague. It is fully verifiable. And it is—or it can be, if properly used—fully complementary to the broader thrust of the START negotiations.

Fundamentally, I had—and continue to have—three objections to the Kennedy-Hatfield freeze resolution, in contrast to the Arms Race Moratorium Act. First, the freeze resolution will stall rather than enhance an agreement. Second, it will disrupt relations with our allies. Third, it will increase rather than freeze or decrease the tendency toward greater and greater reliance on counterforce weaponry.

The original freeze resolution, which threw the problem of definition and duration into the laps of United States and Soviet negotiators, was fundamen-

tally a change in the "rules of the road" which have been worked out over many years in United States-Soviet negotiations. From the SALT I accord through the last round of the START negotiations, arms control has been focused on distinguishing between stabilizing second-strike weaponry and destabilizing first-strike weaponry. So radical approach as was suggested by the freeze would require a total redefinition of arms control, and the result would be delay—delay during which the arms race goes forward.

The quick freeze, by contrast, is fully consonant with both traditional and emerging definitions of arms control. In particular, by putting a moratorium on the deployment of new and highly MIRV'ed ICBM's, the quick freeze supports rather than undercuts the logic of the build-down approach which originated here in Congress and was later adopted by the administration. To this day, I find it impossible to square the build-down, which I support, with the MX, which I do not. The entire thrust of the build-down is to provide a self-policing incentive against the deployment of MIRV'ed systems. To argue that the MX should be the political quid pro quo for adoption of the build-down is to overlook the compelling logic behind the initiative. So when the quick freeze anticipates a moratorium on the MX, it both sustains the position I have held over time and bolsters the logic of the build-down.

But the American strategic nuclear arsenal is designed to do more than deter a direct attack on the United States alone. It is designed to extend deterrence to our treaty allies, and in so doing, to reassure them that they are secure. One of the little-recognized benefits of this posture of extended deterrence is that it helps dampen incentive for an arms race among European or other nations. In other words, extended deterrence is one of the costs we pay for nonproliferation.

That is why it is so crucial that our arms negotiations take into full account the views and concerns of our allies. We are not in this alone, and we do little to provide the reassurance needed to hold the alliance together if we act unilaterally on matters which directly affect the European members of NATO. Unilateralism is not just arrogant. It is disruptive and potentially destabilizing as well.

So a major concern I had with the original freeze resolution was that it clearly was intended to halt the deployment of the long-range theater nuclear forces now being used to replace existing weaponry in Europe. The Pershing II and ground-launched cruise missiles are not simply American weapons being gratuitously emplaced in foreign soil. They are NATO weapons designed to bolster deterrence by enhancing the survivability of the theater nuclear forces. The decision to develop and deploy them was taken by the entire NATO alliance, and it was made contingent on Soviet unwillingness to address the urgent problems raised by the SS-20 and comparable systems which are being deployed at an unprecedented rate.

Even though the freeze resolution is not binding, it is clear that it contemplates a freeze on the NATO weapons. As such, it signals unilateralism to the NATO alliance. And as such, it cannot gain my support.

But the quick freeze, by contrast, focuses on those weapons which are both most destabilizing and solely under U.S. control. I continue to believe that the MX missile or the SS-X-23 and SS-X-24 are far more destablizing than the ground-launched cruise missile, which is deployed far to the rear in order to avoid preemption, which is slow in its flight time, and which carries only one warhead per missile. Since the quick freeze deals with the real problems in arms control, it is a vast improvement over the original freeze in the area of allied relations as well as the area of negotiability.

Finally, an unintended consequence of the original freeze, if it were fully implemented as written, would be an increase rather than a decrease in the first-strike potential of the nuclear forces deployed by the United States and the Soviet Union. That is because the original freeze resolution, by focusing on all nuclear weapons and delivery vehicles, would preclude modernization of our manned bomber force. Again, as is the case with the rules of the road and with the issue of NATO weaponry, the fundamental failing of the original freeze resolution is that it does not distinguish among various categories of nuclear forces. The quick freeze avoids that pitfall.

There is general agreement among the arms control community that, until we can obtain full disarmament, such nuclear forces as are held by each side in the United States-Soviet arms race should be unambiguously second-strike in nature. In other words, they should be "slow to anger": able to avoid preemption through such devices as basing; capable of recall after launch; and slow enough to avoid any suggestion of a surprise attack. The manned bomber force alone is uniquely suited to this role.

It is not fully understood just how fragile our existing fleet of B-52's really is. The last plane rolled off the production line in 1962. Although every plane in the force has undergone extensive rehabilitation and updating, only so much can be done. The airframe was not designed for the low-level flight profile which the plane has flown for nearly a quarter century. Engines are wearing out and spare parts are no longer produced. On any given day, large numbers of B-52's are deadlined for overhaul, and even those on full alert are often incapable of taking off on time.

In short, it is overwhelmingly clear that if the United States does not soon begin to replace the B-52's with another plane—whether a B-1 such as I support along with freeze advocates like Senator CRANSTON or the advanced technology bomber known as "Stealth"—we will soon have no bombers at all. Aside from the fact that this will move us away from the safety of the Triad which we have deployed for years, it will mean that such nuclear forces as we deploy will be based on ballistic missiles, whether land-based or submarine-based. Consequently, if we were to freeze our arsenal so as to preclude the adoption of a new bomber, we would actually decrease rather than bolster crisis stability. The quick freeze, with its focus on ballistic missiles, does not fall into this trap.

One final point should be stressed about the quick freeze. As I argued 2 years ago, the quickest way to put a meaningful brake on the arms race is to ratify the existing threshold test ban treaties and to pursue a comprehensive test ban treaty. New developments in warhead design are truly menacing. Only a test ban can insure that they are not later deployed. With its emphasis on a moratorium on nuclear warhead testing, the quick freeze will put a halt to some of the most disturbing developments on the horizon.

Mr. President, it bears emphasis that this act was authored with the assistance of many people, including the leadership of the National Freeze Campaign. There was a time, not long ago, when the patriotism of many people in the freeze movement and in related organizations was called into question by some people in public life. Such imputations rightly angered the vast majority of Americans. The fact that the leadership of the freeze campaign has demonstrated its willingness to learn from others while teaching others speaks legions about the integrity and patriotism of these dedicated Americans, who share with all of us the desire for a safer world.

Mr. President, as my remarks have made clear, I strongly believe that the Arms Race Moratorium Act represents a significant approach to arms control and a distinct improvement over the original freeze resolution. I urge my colleagues to study this bill carefully, and I hope that the Senate will have the chance at the earliest possible opportunity to debate and pass this important measure.●

● Mr. MITCHELL. Mr. President, today I am joining with several of my colleagues in sponsoring important arms control legislation. The Arms

Race Moratorium Act. I urge all Senators to examine this legislation closely, to evaluate it in the context of the present state or arms control negotiations and to give it their active support.

Though authored by Senators HATFIELD and KENNEDY—who originated the nuclear freeze resolution—the Arms Race Moratorium Act, differs considerably from the freeze resolution. The freeze would place the Congress on record in support of an arms control negotiating approach.

The Arms Race Moratorium Act goes a step further in proposing a way in which the ultimate objective of the freeze resolution may be achieved. It should be considered in concert with the earlier resolution. They are complementary.

Arms control negotiations on nuclear weapons are now at a standstill. In the absence of progress in these talks, both the United States and the Soviet Union are moving ahead with their nuclear weapons development efforts and are entering a new phase of potentially deadly competition.

The Reagan administration is planning to substantially increase the number of its nuclear warheads and is vigorously preparing for the flight testing and the development of the MX missile. In addition, it is organizing a massive effort to establish superiority in space-based antisatellite weapons.

For its part, the U.S.S.R. is developing several new intercontinental ballistic missiles a new submarine missile and its own inventory of antisatellite systems.

In the absence of effective arms controls, both the United States and the U.S.S.R. perceive a national security need not to be left behind as the other moves ahead. These perceptions are as dangerous as they are easy to understand. Unless each nation' perception is changed—unless both are convinced that a nuclear weapons freeze will not alter the existing balance of nuclear war power—the superpower arsenals will continue to grow. In the process, what stability exists will erode while the stakes in the nuclear weapons game will increase.

The bill we are offering today is innovative. It proposes that the United States ask the Soviet Union to forego the kinds of development I have mentioned. In return for a moratorium agreement by the Soviets, the United States would reciprocate.

If the U.S.S.R. agrees within 90 days of passage of this bill and our President refuses to direct a reciprocal U.S. moratorium, the bill provides that Congress would suspend funds for the testing and development of new ballistic missiles and antisatellite weapons and the testing of new warheads.

In early January, President Reagan said of nuclear arms control: "Now is the time to move from words to deeds." That is precisely what the Arms Race Moratorium Act proposes to do.

Some will suggest that this bill is heavy-handed, that it involves the legislative branch too directly in international negotiations, that it is drastic. Such suggestions undoubtedly will be made by the same people who oppose the nuclear freeze resolution, which they claim to be simplistic, lacking in substance and ultimately ineffective.

There is a message here.

If the President is truly committed to action on arms control and if he really believes that "now is the time to move from words to deeds," he will not reject the bill we propose today. Instead, he and his national security advisors will work with us in a cooperative way to reopen the nuclear arms control dialog with the Soviet Union and to insure that something meaningful comes of it. I, for one, would welcome such cooperation between the President and Congress. I would do so because, in my opinion, the need to put a halt to the nuclear arms race is the most serious issue facing our people.

A key consideration in all arms control discussions is verification. Those of us who offer this bill believe that the United States possesses the means by which it can verify a Soviet decision to halt the development, testing and deployment of new weapons. If we did not believe this, we would not be presenting the bill today nor would we have included in it a provision which permits immediate funding of U.S. weapons efforts if the President determines that the Soviets have breached the moratorium agreement.

In July 1945, in the darkness of an early morning, the first atomic bomb was exploded. That explosion, which ushered in the atomic age, was one of the great turning points in human history.

For the first time since the dawn of civilization, man acquired the power to destroy life on Earth.

Over a century age, the German diplomat, Baron von Clausewitz, advanced the idea of war as an extension of diplomacy. He said that "War is a political act, . . . a continuation of political relations, a carrying out of the same (policy) by other means."

That maxim is accepted and acted upon by governments today, as it was then. There has been no decrease in the willingness of nations to resort to armed force when political means fail. We need look only to Afghanistan, to Southeast Asia, to Central America, to the Middle East for recent examples of this unfortunate reality.

But there is a major difference between the time in which von Clausewitz lived and the time in which we live. Wars have always injured and killed human beings. Wars have cost nations their treasuries. Wars strengthened the hatreds and deepened the divisions between people.

But until very recently no country, no person, had the power to annihilate an entire nation, even the world as we know it. That is something man can do today.

That destructive power makes von Clausewitz's formulation of war as an arm of diplomacy dangerous and irrelevant.

Most scientists agree that it would take at most a few hundred nuclear weapons to totally destroy either the United States or the Soviet Union. We and our allies now possess over 30,000 nuclear warheads. The Soviet Union and its allies possess over 20,000.

As these figures make clear nuclear war would not be just another conflict. It prevents for the first time the prospect of the ultimate holocaust. Nuclear war, accordingly, is not and cannot be acceptable. Most importantly it is not inevitable.

The fundamental illogic of an unrestrained nuclear arms race has not escaped the American people, who are saying, ever more clearly, that enough is enough. And they are right.

I believe in a strong America. Plainly, American military strength plays an important role in deterring aggression. But maintaining, even improving our strength, is not inconsistent with reaching fair, balanced, verifiable agreements with the Soviet Union to halt the increase in nuclear weapons and bring about a reduction of such weapons.

Not long ago, George Kennan, former U.S. Ambassador to Russia and a lifelong student of relations between these two nations put it well when he said:

> At the end of our present path of unlimited confrontation lies no visible destination but failure and horror. What is needed is only the will, the courage, the boldness, the affirmation of life, to declare our independence of nuclear danger, and to turn our minds and hearts to better things.

Mr. President, the bill we introduce today is a sound proposal which I commend to my colleagues and our President. I look forward to working with the other sponsors of the bill in an effort to secure its passage.●

By Mr. STAFFORD:

S. 2635. A bill to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1985; to the Committee on Environment and Public Works.

PUBLIC BUILDINGS AUTHORIZATION ACT OF 1984

Mr. STAFFORD. Mr. President, the Committee on Environment and Public Works—in addition to its better-known jurisdictions in clean air, clean water, highways, and waterways—is responsible for the activities of the Public Buildings Service of the

General Services Administration. In recent years, public buildings has been a full committee responsibility which I have shared with my friend from West Virginia, JENNINGS RANDOLPH, and which has also attracted the particular interest and attention of Senator MOYNIHAN and Senator SIMPSON. Each has been most attentive and made substantial contributions to our effort, with other Members, to define Federal buildings policy and to guide GSA to effective implementation of a national building program—as currently embodied in S. 452.

Pursuant to the policies first established by our committee in 1979, and consistent with S. 2080, S. 533, and S. 452, each of which were adopted in the Senate by large majorities, our committee has each year since 1979 recommended to the Senate an annual authorization bill for the agency.

Most recently, the committee scheduled a hearing on the 1985 authorizations for the Public Buildings Service—which will be our fifth such authorization—being held today. The proposal that has been developed follows very closely, and is substantially identical to, the agency's program as contained in the President's budget.

This authorization, like the fiscal 1985 authorization for other programs within the jurisdiction of the committee, must be reported to the Senate by May 15 if it is not to be subject to a waiver under the budget reform act. In order to fulfill that requirement, the committee is scheduled to meet in business session on Tuesday and on Thursday of next week to complete action on the various authorizations, including that for the Public Buildings Service.

So that Members of the Senate, affected agencies, and the public may be informed, and in order to place it formally before the committee prior to markup, the proposed fiscal year 1985 authorization for the Public Buildings Service as it has been prepared and submitted to Members should be a matter of record. For these reasons, I send to the desk the bill drafted prior to the hearing which proposes fiscal 1985 authorizations for the Public Buildings Service.

Mr. President, while this annual exercise provides an opportunity for a rather cursory examination of the intentions of the Public Buildings Service, I do not wish to imply it completes our oversight or permits a thorough examination of the operations of the agency. The Public Buildings Service is currently making several changes in policy, is reexamining existing programs, and is continually confronted with decisions of significant importance—not only on specific projects but also in carrying out Federal building policy. The committee continues its interest in these policies and decisions, and will continue to follow them closely with the assistance of staff and through additional meetings and public hearings as necessary.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Authorization Act of 1984."

SEC. 2. No appropriation, including any appropriation from the fund established pursuant to section 210(f) of the Federal Property and Administrative Service Act of 1949, shall be made by Congress or obligated by the Administrator unless it has been authorized by Congress in accordance with this Act.

SEC. 3. (a) No public building construction, renovation, repair, or alteration shall be commenced unless an appropriation has first been made in the same fiscal year for which such appropriation has first been made in the same fiscal year for which such appropriation is authorized and for the estimated cost of completion of such construction, renovation, repair, or alteration.

(b) Beginning in fiscal year 1986, no lease shall be entered into unless the authority to enter into contracts has first been made for the maximum cost of such lease over the entire term in such amounts as are specified in annual appropriations Acts and in the fiscal year for which such lease is authorized.

SEC. 4. There is hereby authorized to be appropriated for fiscal year 1985 not to exceed in the aggregate the amount of $2,227,802,000 from revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), for the real property management and related activities of the Public Buildings Service of which:

(a) Not to exceed $91,877,000 shall be available for fiscal year 1985 as follows:

(1) For construction of public buildings (including funds for sites and expenses) at the following locations and maximum construction costs:

District of Columbia, Old Post Office (Internal Revenue Service Courtyard)	$2,000,000
Texas, El Paso, Border Station	6,893,000
Washington, Lyden, Border Station	2,386,000
Washington, Sumas, Border Station	4,618,000

(2) $1,000,000 for construction of public buildings of less than ten thousand gross square feet of space;

(3) $3,063,000 for deficit balances relating to fiscal year 1982 construction projects;

(4) $71,917,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Virginia, Newport News, Post Office-Courthouse	$1,700,000
Other selected purchases including options to purchase	70,217,000

(b) Not to exceed $226,404,000 shall be available for fiscal year 1985 as follows:

(1) For renovations, alterations, and repairs of public buildings at the following locations and at the following maximum project costs of $1,000,000 or more:

California, San Francisco Appraiser Stores	$9,711,000
Colorado, Denver, Federal Center #20	6,210,000
Colorado, Denver, Federal Center #810	8,590,000
District of Columbia, Archives	4,696,000
District of Columbia, Auditors	8,980,000
District of Columbia, Blair House	6,611,000
District of Columbia, Health and Human Services, North Building	1,504,000
District of Columbia, Interior	4,131,000
Iowa, Des Moines, Federal Building	3,083,000
Maryland, Suitland, Naval Intelligence Command #1	8,809,000
Michigan, Detroit, McNamara Federal Building	1,532,000
Michigan, Detroit, Parking Garage	1,832,000
Nevada, Las Vegas, Federal Building	1,123,000
New York, New York, 201 Varick Street	1,508,000
Pennsylvania, Pittsburgh, Post Office-Courthouse	8,672,000
Pennsylvania, Philadelphia, 5000 Wissahikon Avenue	2,635,000
Virginia, Alexandria, Post Office, Courthouse	1,370,000
Virginia, Arlington, Pentagon	4,602,000

(2) $140,805,000 for renovations and repairs of public buildings at project costs of less than $1,000,000 including the public buildings at the following locations and maximum project costs:

Iowa, Sioux City, Post Office Courthouse	$809,000
Missouri, Kansas City, 1500 E. Bannister Road	907,000
Texas, Fort Worth, Warehouse #5	710,000

(3) $9,000,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000.

(c) Notwithstanding the provisions of section 3(a) of this Act, not to exceed $53,572,000 shall be available for design and construction services.

(d) Not to exceed $865,000,000 shall be available for fiscal year 1985 as follows:

(1) $25,700,000 for rental increases due to lease expirations and for expansion space, and

(2) $839,300,000 for payments in fiscal year 1985 to provide for space under lease prior to fiscal year 1985, including increases in operating costs and taxes.

(e) Not to exceed $694,998,000 shall be available for fiscal year 1985 real property operations.

(f) Not to exceed $117,040,000 shall be available for fiscal year 1985 program direction.

(g) Not to exceed $178,911,000 shall be available for fiscal year 1985 for payment of principal, interest, taxes, and any other obligation for public buildings acquired by purchase contract.

SEC. 5. (a) Funds appropriated under section 4 of the Act for construction, renovation, repair, or alteration shall remain available for obligation and expenditure without regard to fiscal year limitations: *Provided,* That construction, renovation, repair or alteration has commenced in the same fiscal year which funds are made available.

(b) Commencement of design using funds authorized pursuant to section 4(c) of this Act for projects authorized by sections 4(a) and 4(b) shall be regarded as complying

with the provisions of subsection (a) of this section.

SEC. 6. Ten per centum of the funds made available pursuant to this Act to the Public Buildings Service for renovation, alteration, and repair of public buildings and for payment of leases on buildings shall be available for repair or alteration projects and leases, respectively, not otherwise authorized by this Act, if the Administrator certifies that the space to be repaired, altered, or leased resulted from emergency building conditions or changing or additional programs of Federal agencies. Funds for such projects may not be obligated until thirty days after the submission by the Administrator of an explanatory statement to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The explanatory statement shall, among other things, include a statement of the reasons why such project or lease cannot be deferred for authorization in the next succeeding fiscal year.

By Mr. SASSER (for himself, Mr. PELL, Mr. NUNN, Mr. MATHIAS, Mr. SARBANES, Mr. LEVIN, Mr. PRYOR, Mr. BINGAMAN, and Mr. BUMPERS):

S. 2636. A bill to require the Administrator of General Services to notify State and local governments and agencies thereof prior to the disposal of surplus real property; to the Committee on Governmental Affairs.

REAL PROPERTY DISPOSAL POLICY ACT OF 1984

● Mr. SASSER. Mr. President, I rise to introduce, for myself and Senators PELL, NUNN, MATHIAS, SARBANES, LEVIN, PRYOR, BINGAMAN, and BUMPERS, S. 2636, legislation to clarify and amend procedures to be followed by the General Services Administration in the disposal of surplus Federal real property. The main purpose of this measure is to strengthen notice and comment procedures to be followed by GSA when State or local governments or their instrumentalities are eligible to acquire such property to use for schools, hospitals, airports, parks, or similar public uses.

This measure builds upon Senator PELL's approach in S. 102 to opening up the process for the conveyance of parks and recreational areas. I would like to note the invaluable work that Senator PELL did in this area. It has been very helpful to me to work with him in drafting the bill I introduce today.

I also note the legislative work of Senator BUMPERS in S. 891 to encourage the transfer of Federal properties, particularly those managed by the Bureau of Land Management, to State and local governments to be used for parks and other public purposes. I am pleased that he joins me in cosponsoring S. 2636.

I think it is important to state that the provisions of my bill are designed to make sure State and local governments are notified that they have an opportunity to obtain property declared surplus to the needs of the Federal Government—when such property is needed for specific public purpose. It is certainly not my intention to stop appropriate marketing of Federal surplus property to the private sector. In fact, many local governments are very eager to work with the General Services Administration in promoting auctions of surplus property in their jurisdictions. Commercial sales to the private sector are often of great benefit to local communities because they add property to the local tax rolls. Private ownership of such real estate increases opportunities for industrial development and the creation of jobs. For that reason, I know that local and State governments are willing and valuable partners with the Federal Government in carrying forward appropriate property sales.

However, I am among many Members of Congress who have been very concerned about the recent decline in Federal real property conveyances for the public benefit. The transfer of surplus real property to State and local government for use for educational and public health purposes, for parks and historical markers, for recreation and wildlife refuges, and for public airports has been backed repeatedly by Congress in law. With unanimous consent, I request that an appendix citing these laws be printed in the RECORD at this point.

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

[From the General Services Administration brochure: "Disposal of Surplus Real Property for Public and Private Use." April 1978]

APPENDIX "A"

LAWS AUTHORIZING DISPOSAL OF SURPLUS REAL PROPERTY TO LOCAL GOVERNMENTS AND INSTITUTIONS

Historic Monument.—Section 203(k)(3) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(k)(3)) authorizes conveyance to any State, political subdivision, instrumentalities thereof, or municipality, of all the right, title, and interest of the United States in and to any surplus real and related personal property which in the determination of the Secretary of the Interior is suitable and desirable for use as an historic monument for the benefit of the public. Conveyances of property for historic monument purposes under this authority shall be made without monetary consideration to the United States: Provided, that no property shall be determined under this authority to be suitable or desirable for use as an historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the Act of Congress approved August 21, 1935 (49 Stat. 666) and only so much of any such property shall be so determined to be suitable or desirable for such use as is necessary for the preservation and proper observation of its historic features. Property conveyed for historic monument purposes may under certain circumstances be used for revenue-producing activities to support the historic monument. Deeds conveying any surplus real property disposed of under this authority shall provide that the property shall be used and maintained for the purposes for which it was conveyed in perpetuity and may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interest of the United States.

Public Parks and Public Recreational Areas.—Section 203(k)(2) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(k)(2)), authorizes the Administrator of General Services, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as being needed for use as a public park or recreation area. The Act authorizes the Secretary to sell or lease such properties to any State, political subdivision, instrumentalities thereof, or municipality, and to fix the sale or lease value of the property to be disposed of, taking into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

Deeds conveying any surplus real property disposed of under this authority provide that the property shall be used and maintained for the purpose for which it was conveyed in perpetuity and may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interest of the United States.

Public Airports.—Section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), which is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949 and amended by Public Law 311, 81st Congress (50 U.S.C. App. 1622(a)-(c)), authorizes the conveyance or disposal of all right, title, and interest of the United States in and to any surplus real property or personal property (exclusive of property the highest and best use of which is determined by the Administrator to be industrial) to any State, political subdivision, municipality or tax-supported institution without monetary consideration to the United States. Such property must be determined by the Secretary, Department of Transportation to be suitable, essential, or desirable for development, improvement, operation, or maintenance of a public airport as defined in the Federal Airport Act, as amended (49 U.S.C. 1101), or reasonably necessary to fulfill the immediate and foreseeable future requirements of the grantee for development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from non-aviation businesses at a public airport. This section provides specific terms, conditions, reservations, and restrictions upon which such conveyances or disposals may be made.

Health or Educational Use.—Section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(k)(1)), authorizes the Administrator of General Services, in his discretion, to assign to the Secretary of Health, Education, and Welfare for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Health, Education, and Welfare as being

needed for school, classroom, or other educational uses, or for use in the protection of public health, including research. The Act authorizes the Secretary to sell or lease such properties to States or their political subdivisions and instrumentalities, and tax-supported medical and educational institutions, non-profit educational institutions, hospitals, or other similar institutions not operated for profit which have been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, and to fix the sale of lease value of the property to be disposed of taking into consideration any benefit which has accrued or may accrue to the United States from the use of the property by any such State, political subdivision, instrumentality, or institution. The principal restrictive provision in the instrument of conveyance requires the property to be used continuously for a specified period for the specific purpose stated in the application for the property made to the Department of Health, Education, and Welfare.

Wildlife Conservation.—Public Law 537, 80th Congress (16 U.S.C. 667b-d) provides that, upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement or transfer of funds (with or without improvements as determined by said Administrator) by the Federal agency having jurisdiction or control of the property to (a) such State agency if the management thereof for the conservation of wildlife relates to other than migratory birds, or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program. Any such transfer to other than the United States shall be subject to the reservation by the United States of all oil, gas, and mineral rights, and to the condition that the property shall continue to be used for wildlife conservation or other of the above-stated purposes and in the event it is no longer used for such purposes or in the event it is needed for national defense purposes title thereto shall revert to the United States.

Negotiated Sales to Public Agencies (without use restrictions).—The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(e)(3)(H)) authorizes the negotiated sale of surplus real property, subject to obtaining such competition as is feasible under the circumstances to States, Territories, possessions, political subdivisions thereof, or tax-supported agencies therein, provided the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation. Deeds conveying surplus real property under this section contain no restriction on the use of properties conveyed. In accordance with further provisions of the section, an explanatory statement of the circumstances of each disposal by negotiation is prepared and submitted to the appropriate committees of Congress in advance of each disposal when the property involved has a fair market value in excess of $1,000.

Other Specific Uses.—For other laws authorizing disposition of property under GSA's control, including excess and surplus property, see:

Federal aid and other highways—(23 U.S.C. 107 and 317).

Widening of public highways, streets, or alleys—(40 U.S.C. 345(c).

Power transmission lines needful for or adaptable to the requirements of a public power project—(50 U.S.C. App. 1622(d)).

Mr. SASSER. Mr. President, with such extensive legislative backing, it is no wonder that for 32 years, intergovernmental transfers of property for the public benefit were commonplace. More than 3,000 such properties were conveyed for the public benefit between 1949 and 1982.

In 1982, though, the Reagan administration decided that such transfers of surplus real property should be brought to a virtual halt—so that more of these properties could be sold commercially to help retire the national debt. Early projections by the administration raised the expectation that $1.2 billion could be raised in 1983 through land sales. However, this optimistic projection was soon revised to $646 million by the General Services Administration. The actual sales contracts for 1983 were just $190 million. Some reports place cash receipts for the year at as little as $35 million.

At a time when the administration policies are adding to the debt at an unprecedented rate of $200 billion per year—contributing the small amount of money actually brought in by real property sales sounds a little like trying to drain the ocean with a teacup. While the goal seemed worthy, the realities of the situation have made the land sales program fall far short of realization of the objective of reducing the debt.

On the other hand, the benefit of the use of suitable properties for hospitals, schools, parks, and colleges can not be measured in dollars and cents. Ask the little league team about the value of the public park where the baseball diamond is located. Or question the young mother in rural community about the worth of the health clinic where she takes her baby for pediatric care. Or quiz the elderly widower about the price tag he would place on the senior citizen center where he meets friends and learns useful skills. Each will tell you that properties put to such public uses are priceless.

In 1980, there were 110 properties transferred to other levels of government to be used for the public benefit. In fiscal 1983, there were only 30 such conveyances. For the same period of time, sales jumped from 196 in 1980 to 396 in 1983. This rapid decline in conveyances for the public benefit I find a source of concern. With unanimous consent, I ask that a table showing the decline in intergovernmental donations of property and the accompanying increase in sales be printed in the RECORD at this point.

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

PUBLIC BENEFIT PROGRAMS DISCOUNT CONVEYANCES—PARCELS DONATED

[By fiscal year]

Agency	1980	1981	1982	1983	Total
NPS	50	44	9	14	117
HHS	10	8	7	4	29
ED	28	32	10	3	73
FAA	5	6	4	-	15
OTHER	17	20	15	9	61
Total	110	110	45	30	295

NPS = National Park Service.
HHS = Department of Health and Human Services.
ED = Department of Education.
FAA = Federal Aviation Administration.
OTHER = Highways, historic monuments and wildlife reservation areas.
Note.—This is the time frame for which this type of data is readily available.

PARCELS OF SURPLUS REAL PROPERTY DONATED AND SOLD

[By fiscal year]

	1980	1981	1982	1983	Total
Donated	110	110	45	30	295
Sold	196	191	150	396	933
Total	306	301	195	426	1,228

Note.—For fiscal year 1984 the General Services Administration estimated that it would sell 557 parcels and make 18 public benefits conveyances.

Mr. SASSER. Mr. President, the pattern of conveyances for the public benefit to other levels of government has been drastically altered by the General Services Administration operating under Executive Order 12348 issued by President Reagan on February 25, 1982. Very little property is conveyed at discounted or no cost. If State or local governments are to acquire Federal property, they must be prepared to compete with the commercial sector in paying fair market value.

According to a report (H.R. 98-576) issued in 1983 by the House Government Operations Committee, the General Services Administration circulated internal memoranda in March of 1982 instructing its regional offices to first determine a given property's "highest and best use" independently and then either decide that the property should be sold or recommend it to GSA's Washington Office as suitable for public benefit conveyance. The term "highest and best use" is real estate terminology that refers exclusively to commercial value.

This procedure departs from the prior practice of GSA of giving program agencies such as Health and Human Services or Education the opportunity to comment—along with local interests—on the public benefit potential of surplus Federal property. And non-Federal public agencies are no longer afforded a reasonable—and early—opportunity to apply for surplus property in which they may be interested.

The General Services Administration, rather than HHS or Education, determines whether a property has merit for educational or health purposes. And most of those that are recommended for public purposes require reimbursement to the Federal Government at full market value.

I feel that this policy discourages the Federal Government from recognizing the many legitimate situations that still exist where the conveyance of real property to benefit the public is in the national interest. Since this real estate has already been paid for by the taxpayers, it seems unfair to ask that it be paid for again. The public benefit is the same whether the property is administered by the National, State or local government.

I should mention here that the procedures followed for the evaluation of property for park or recreational use differ from those used in assessments for other public purposes. Section 303(c) of Public Law 95-625 requires procedures to be established to give the Department of the Interior "full and early opportunity" to comment on potential park uses of surplus Federal property. However, this 1978 statute was not implemented until September of 1983—and then it was at the insistence of a House Government Operations Subcommittee. The procedures set forth by GSA, the Office of Management and Budget and the Department of the Interior allow Interior to comment on the park and recreational values of property during the review by GSA. These comments can then be considered by GSA in making the highest and best use determination for the property.

The procedures followed by the General Services Administration are particularly important since GSA now has the full responsibility for decisions concerning ths potential public benefit of property under consideration for disposal. I ask that the February 6, 1984, letter of John Svahn, Chairman of the Federal Property Review Board, notifying GSA that the Board will no longer review such decisions, be printed in the RECORD at this point.

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

THE WHITE HOUSE,
Washington, D.C., February 6, 1984.

Hon. GERALD P. CARMEN,
Administrator, General Services Administration, Washington, D.C.

DEAR MR. CARMEN: In accordance with agreed upon procedures, you have asked the Property Review Board for advice concerning proposed public benefit discount conveyances in advance of acting on such requests.

On April 6, 1982, the Board provided you with policy guidance criteria for the granting of public benefit discount conveyances. Over the past eighteen months the proposed public benefit discount conveyances which you have submitted to the Board for policy advice have demonstrated that those guidelines are clear and have been effectively applied by the General Services Administration. As you know, the Board has concurred in every proposal for a public benefit discount conveyances which was referred to it.

Further, notwithstanding the Board's advice, since statutorily you retain discretion in decisions concerning such applications, it is clear that further participation by the Board in this process is unnecessary and duplicative of the efforts of the General Services Administration.

Accordingly, it is no longer necessary for you to solicit the Board's advice prior to acting on requests for public benefit discount conveyances.

Sincerely,

JOHN A. SVAHN,
Chairman, Property Review Board.

Mr. SASSER. Mr. President, there have been several cases in my State of Tennessee where worthy requests for conveyances—or for the retention of property by the Federal Government—have been held hostage to the push at GSA to meet sales quotas. One that I would like to highlight here is the situation at Oak Ridge. I believe it demonstrates that the current emphasis on commercial sale of Federal property has created an atmosphere were important considerations other than economics are ignored.

The General Services Administration sought to sell 12.5 acres of land in front of the Federal Building at Oak Ridge, Tenn. The city government—and the citizens of Oak Ridge—protested the sale strongly. People in the Oak Ridge community felt that the land had historical value and that the open space provided by this "lawn" in front of the Federal Building was needed in the congested city setting. So, before the sale by GSA could take place, the city government rezoned the property so that its use would continue to be appropriate to community needs.

The General Services Administration went ahead with the auction—but the bid offered was much lower than anticipated. As a result, GSA withdrew the property from the commercial market.

On September 26, 1983, the General Services Administration requested the Department of Justice to bring suit on behalf of the United States against the city of Oak Ridge. The GSA proposed that Justice seek a declaratory judgment or writ of mandamus by which the reclassification of this parcel of land from "Office" to "Residential, Open Space and Reserved" would be declared unconstitutional.

I think this action by GSA—especially if Justice agrees to the suit—sets a dangerous precedent for the future in GSA's management of Federal property in local jurisdictions. It is possible that local governments will no longer have any voice in the disposal of Federal property in their jurisdictions. However, I do not believe that is what the Congress intended in enacting the detailed procedures for working with local governments when disposals are contemplated under the Federal Property and Administration Services Act.

Both the National Association of Counties and the National League of Cities have adopted policy statements urging that the established program of discounted transfers of surplus Federal property be continued. With unanimous consent, I request that these policy statements be inserted in the RECORD at this point.

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

NATIONAL MUNICIPAL POLICY—1983

F. Federal Surplus Property.—The federal government holds title to many land parcels and properties, some unused and some underused, in localities across the nation. Authority in law exists for these properties that are in excess of federal agencies' needs to be made available to local governments at reasonable cost for the purpose of providing low and moderate income housing and related public, commercial, or industrial facilities. We urge the federal Executive Branch to use these authorities vigorously and sensitively: agencies should reassess their needs for unused or underused properties, especially those located in cities that have shortages of land for development, and should list such properties for disposal by the General Services Administration: GSA should facilitate the transfer of otherwise unneeded properties; and HUD should use assertively its authority to reduce the cost of the property and otherwise assist local governments to develop appropriate projects.

RESOLUTION ON FEDERAL LAND SALES

Whereas, both the Administration and Congress are proposing initiatives to sell federal lands to help reduce the federal deficit; and

Whereas, the President has already created a Property Review Board within the Executive Branch to carry out this initiative, *i.e.*, the development and review of federal real property policies, including disposal; and

Whereas, both Congress and the Administration recommend the elimination of the no-cost discounted conveyances of federal lands to local governments for public purposes, and selling all federal lands at fair market value; and

Whereas, State and local governments are most attuned and sensitive to the long-term land use needs of the public within their various jurisdictions, to the extent that these needs relate to the use of surplus federal lands; and therefore, State and local government input in the selection and disposition of unencumbered surplus federal lands by the Federal Property Review Board would effectively implement the desired policy; and

Whereas, elevating to the status of legislative policy the thirty-three-year federal practice of offering to the State and local governments surplus federal lands at no cost or with a public benefit discount would also enable these governments to meet the long-term social and economic land use needs of the public in a manner consistent with the desired policy;

Now therefore be it resolved, That the National Association of Counties requests that the President create an advisory board of

local officials to work with the Property Review Board; and

Be it further resolved, That the Administration insure local involvement in every step of the federal property disposal process because the Property Review Board will need information as to how its policies and activities will affect the economic and social fabric of impacted communities; and

Be it further resolved, That Property Review Board decisions be consistent with local land use planning and zoning; and

Be it further resolved, That the National Association of Counties opposes proposals to eliminate no-cost and discounted conveyances of federal lands to local governments for public purposes because such results could seriously impede county ability to acquire land for public purpose activities; if such lands go only to the highest bidder such an outcome might not serve the public interest; and important public values could be lost; and

Be it further resolved, That the National Association of Counties strongly urges Congress to adopt legislation mandating no-cost and discounted conveyances of unencumbered surplus federal lands to state and local governments; the right of first refusal on their part regarding such conveyances; and participatory input by these governments in the selection and disposition of surplus federal lands by the Property Review Board to ensure their use and management in a manner consistent with the aforementioned policy.

Mr. SASSER. Mr. President, in light of this situation, I am today introducing legislation to:

Require GSA to give reasonable notice to States and local governments when they are entitled to receive property under the Federal Property and Administrative Services Act;

Make it incumbent on GSA to file a statement prior to the disposal of property worth over $50,000. The statement must be sent to the appropriate committees of Congress 30 days in advance of the disposal action. And other Federal agencies and the levels of Government must also receive a copy; and

Require GSA to certify to Congress that the disposal action under consideration is consistent with the purposes of the law.

It is my intention that this measure will reaffirm the policy already set by Congress that, in appropriate situations, intergovernmental conveyances of property to benefit the public are in the national interest.

With unanimous consent, I ask that my bill, S. 2636, be printed in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Real Property Disposal Policy Act of 1984".

SEC. 2. The Congress finds and declares that—

(1) the Federal Government owns many surplus real properties in State and local jurisdictions across the Nation, and many of these properties have not been used by the Federal Government;

(2) legal authority exists for the disposal of surplus real property to a State or local government at reasonable or no cost when such property can be used for the benefit of the public;

(3) the current policies of the General Services Administration discourage transfers of property to State and local governments, and such policies are inconsistent with the Federal Property and Administrative Services Act of 1949; and

(4) State and local jurisdictions in which surplus real properties are located should be given sufficient notice when the Administrator of General Services considers the disposal of such properties and an adequate opportunity to incorporate such properties into the zoning and land use plans of such jurisdictions.

PROCEDURES FOR THE DISPOSAL OF SURPLUS REAL PROPERTY

SEC. 3. Section 203(a) of the Federal Property and Administrative Services Act of 1949 is amended by inserting "(1)" before "Except" and by adding at the end thereof the following new paragraphs:

"(2) Notwithstanding any other provision of this Act whenever the Administrator considers—

"(A) disposing of any surplus real property for or on behalf of any executive agency, or

"(B) authorizing any executive agency to dispose of any surplus real property,

the Administrator shall, prior to offering such property for disposal or authorizing such agency to dispose of such property, give reasonable notice of, and an opportunity to comment on, the disposal of such property to any State, political subdivision, agency, or instrumentality of a State, municipality, educational institution, medical institution, hospital, or other institution, which may be eligible to receive such property under subsection (e)(3)(H) or subsection (k) of this section.

"(3) At least 30 days before the disposal, by the Administrator or any executive agency, of any surplus real property which has a fair market value in excess of $50,000 and to which paragraph (2) applies, the Administrator shall prepare and transmit to the appropriate committees of Congress, appropriate executive agencies, and the governing body responsible for zoning or land-use planning of the locality in which such property is located, a statement—

"(A) describing the surplus real property intended for disposal and the method intended to be used in such disposal;

"(B) summarizing any comments made by a State, political subdivision, agency, instrumentality, institution, or hospital under paragraph (2);

"(C) explaining the basis for any determination of the Administrator or an executive agency to dispose of such property; and

"(D) certifying that the disposal of such property in the manner determined by the Administrator or the executive agency is consistent with the purposes of this section and is in the best interests of the United States.".●

● Mr. PELL. Mr. President, I am pleased to join with Senator SASSER in introducing the Real Property Disposal Policy Act. As one who has been long concerned with the current administration's efforts to auction off large blocks of surplus Federal lands, I believe this bill is well designed to protect the interests of State and local governments—as well as taxpayers—in preserving surplus land that is really best suited for park and outdoor recreation, and not private development.

This problem first surfaced in my own State of Rhode Island, where the Government sought to sell, for private development, several parcels of unneeded Federal land in the midst of the beautiful Narragansett Bay Islands Park. The proposed commercial sale of these scenic resources aroused great concern and opposition within my State. I joined with other members of our congressional delegation in an effort that ultimately persuaded the Property Review Board and the General Services Administration to turn these beautiful properties back to the State of Rhode Island for park use. In the midst of the problem, I introduced—with the support of 14 other Senators—S. 102, legislation that is similar in approach to the legislation Senator SASSER is introducing today. Both bills emphasize the fundamental importance of first notification to the States and local governments when Government property in their jurisdiction is declared surplus, and second, maximizing opportunities for State and local government to obtain unneeded Federal property, at little or no cost, for public benefit purposes. I welcome Senator SASSER's legislation as a companion to my own bill and look forward to working with him in presenting these bills to the Governmental Affairs Committee.

I believe we all want to see a continuation of the park and outdoor recreation programs that enrich the quality of life of our people. Many resources owned by the Federal Government are a part of our national heritage and have a value to the American taxpayers—and their descendants—far in excess of the amount of money the Government would realize from public sales of those properties. I commend Senator SASSER for his leadership in this area, and I hope that all of my colleagues will join in supporting this important legislation.●

By Mr. MOYNIHAN (for himself and Mr. MELCHER):

S. 2637. A bill to amend the Food Stamp Act of 1977 to modify the amount of dependent care and excess shelter expense deductions which are allowable under such act; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP ACT AMENDMENTS

● Mr. MOYNIHAN. Mr. President, hunger is increasing in the United States. After more than 20 years of progress, we now witness a dramatic increase in the demand for emergency food assistance. More and more people need the help of soup kitchens, food

pantries, and emergency food distribution centers. Many of these people receive food stamps but find themselves without food by the third or fourth week of every month. Their limited resources simply cannot be stretched far enough to pay for food, shelter, and the other necessities of life.

I rise today to introduce legislation to ameliorate the terrible choices poor people face, by improving the responsiveness of the food stamp program to the dire economic circumstances of many low-income American families. This bill would reform the food stamp program, so that no poor family will be forced to choose between food and shelter. Specifically, this bill would establish separate deductions for child care and excess shelter expenses, capping the dependent care deductions at $160 a month and the excess shelter expense deduction at $175 a month. We must take due account of the rapid increases in the costs of shelter and child care, when calculating how much food stamp assistance a poor family can receive.

The food stamp program rests on the tenet that food stamps should make up any difference between a family's costs for a minimally adequate diet and 30 percent of the family's income—with some adjustments for unusual expenses. A family is expected to expend 30 percent of its income for food, but if this sum is not enough to provide an adequate diet, then the family may be eligible to receive food stamps to make up the difference.

We determine how much money a family has available for food by first excluding income used for certain expenditures that are unusual, excessively high, or more or less beyond the family's control. Current law includes the following exclusions: a standard deduction of $89 per month; 18 percent of all earned income, to take account of taxes and work expenses; certain expenses for the care of a dependent while the parent is working; and shelter expenses that exceed 50 percent of all income remaining after other deductions. Under current law, however, the total exclusion for dependent care and shelter cannot exceed $125. Only elderly and disabled recipients are not bound by this $125 ceiling.

It is painfully clear, Mr. President, that this ceiling for shelter and child care expenses bears little relation to the burden actually borne by many low-income families. Between 1980 and 1983, for example, household utility costs for all Americans increased 33 percent, while rents increased 24 percent. The food stamp program ignored these increases. The ceiling on income exclusion for food stamp recipients remained frozen at $115 per month through September 1983.

Studies of residential energy use by the U.S. Department of Energy, moreover, show that low-income families suffer more from rapid increases in energy costs than do families who are better off. Home energy expenses consume about twice as large a share of the incomes of families receiving food stamps, than they do for households at the median income. Stated simply, poor families have little flexibility in their energy consumption. They have already reduced their consumption as much as possible; the heat cannot be turned down any further, and they cannot buy a new heating system to take advantage of price changes for different fuels.

These deductions were designed to take account of unusually high shelter expenses, and therefore one might expect that only a small fraction of food stamp recipients would find themselves at or near the ceiling. This is not the case. More than one-fourth of all households receiving food stamps, and more than 30 percent of public assistance households on food stamps, had child care and shelter expenses exceeding the $125 cap. The conclusion is clear, the deduction is too low.

This legislation would implement a one-time special adjustment, raising the ceiling to $175 for fiscal year 1985. This adjustment would increase food stamp benefits by as much as $14 per month for a family with very high shelter costs. The test for this additional shelter deduction is quite strict, granting the deduction only to the extent that shelter costs exceed half of net income, so as to target the benefit increase on those most in need. While the bill increases the benefits for recipients already on the rolls, it will not increase the number of recipients receiving benefits.

This bill also would allow a family to deduct its child care expenses, separately from the excess shelter expense deduction. Congress established a single cap for both deductions in 1977, to limit participating by families with relatively high gross incomes. Today, however, families with incomes significantly above the poverty line cannot receive food stamps because a family with gross income of 130 percent of the poverty level automatically is disqualified. In light of this change, it is appropriate and fair to establish separate shelter and child care deductions, to recognize the special needs of low-income families with high child care and high shelter expenses.

It is more difficult to document the increase in child care costs with precision, but cuts in title XX funds have reduced significantly the availability of low-income American families. The 1981 Omnibus Reconciliation Act eliminated the $200 million set-aside for subsidized day care and dropped the requirement that 50 percent of all title XX funds be used to provide services such as day care, to the poor. As a result of these changes, 10 States have reduced the numbers of low-income working families eligible for title XX child care and 20 States have been forced to tighten eligibility requirements for low-income mothers in training programs to receive title XX child care. In my own State of New York, the numbers of children receiving subsidized day care have dropped from 94,000 children in fiscal year 1981 to 82,400 in fiscal year 1983. A separate child care deduction, capped at $160 a month as I propose, could offset some of the adverse effects of these title XX cuts and provide food stamp recipients the incentive and opportunity to week work or job training.

Surely, Congress does not intend to force poor Americans to choose between food and shelter. This legislation would permit our poor families to pay their rents and child care costs without fear of going hungry. I urge my colleagues to join me in this effort.

I ask unanimous consent that the full text of the legislation be printed in the RECORD.

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

S. 2637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014 (e)) is amended—

(1) by striking out the fourth sentence and inserting in lieu thereof the following: "Households, other than those households containing an elderly or disabled member, shall also be entitled, with respect to expenses other than expenses paid on behalf of the household by a third party, to (1) a dependent care deduction, the maximum allowable level of which shall be $160, for the actual cost of payments necessary for the care of a dependent, regardless of dependent's age, when such care enables a household member to accept or continue employment, or training or education which is preparatory for employment, and (2) an excess shelter expense deduction to the extent that the monthly amount expended by a household for shelter exceeds an amount equal to 50 per centum of monthly household income after all other applicable deductions have been allowed, except that the amount of such excess shelter expense deduction shall not exceed $175 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $305, $250, $210, and $130, respectively, adjusted on October 1, 1985, and each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the twelve months ending the preceding June 30."; and

(2) by striking out "the same as that for the excess shelter expense deduction contained in clause (2) of the fourth sentence of this subsection" in subclause (B) of the last sentence and inserting in lieu thereof "$160".●

ADDITIONAL COSPONSORS

S. 384

At the request of Mr. HEFLIN, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 384, a bill to aid State and local governments in strengthening and improving their judicial systems through the creation of a State Justice Institute.

S. 1201

At the request of Mr. MATHIAS, the names of the Senator from Rhode Island (Mr. CHAFEE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1935

At the request of Mr. HEINZ, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1935, a bill to establish an interagency task force on cigarette safety.

S. 2266

At the request of Mr. COCHRAN, his name was withdrawn as a cosponsor of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

At the request of Mr. ABDNOR, his name was withdrawn as a cosponsor of S. 2266 supra.

S. 2375

At the request of Mr. WEICKER, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as cosponsor of S. 2375, a bill to amend the Small Business Act to improve the operation of the secondary market for loans guaranteed by the Small Business Administration.

S. 2378

At the request of Mr. ABDNOR, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 2378, a bill to provide authorizations of appropriations for the impact aid program under Public Law 874 of the 81st Congress, and for other purposes.

S. 2423

At the request of Mr. THURMOND, the names of the Senator from Virginia (Mr. TRIBLE), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2532

At the request of Mr. LAUTENBERG, the names of the Senator from Maryland (Mr. SARBANES), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 2532, a bill entitled the "Computer Education Assistance Act of 1984."

S. 2564

At the request of Mr. HEINZ, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2564, a bill to grant the consent of Congress to a high speed passenger rail interstate compact between the States of Illinois, Indiana, Michigan, Ohio, and Pennsylvania and to authorize the Department of Transporation to cooperate with such States in implementing the compact.

S. 2623

At the request of Mr. THURMOND, the name of the Senator from Delaware (Mr. BIDEN) was withdrawn as a cosponsor of S. 2623, a bill to implement the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes.

S. 2624

At the request of Mr. THURMOND, the name of the Senator from Delaware (Mr. BIDEN) was withdrawn as a cosponsor of S. 2624, a bill to implement the International Convention Against the Taking of Hostages.

S. 2625

At the request of Mr. THURMOND, the name of the Senator from Delaware (Mr. BIDEN) was withdrawn as a cosponsor of S. 2625, a bill to permit the payment of rewards for information concerning terrorist acts.

S. 2626

At the request of Mr. THURMOND, the name of the Senator from Delaware (Mr. BIDEN) was withdrawn as a cosponsor of S. 2626, a bill to prohibit the training, supporting, or inducing of terrorism, and for other purposes.

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 258

At the request of Mr. BIDEN, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Joint Resolution 258, a joint resolution to designate the week of June 24 through June 30, 1984 as "National Safety in the Workplace."

SENATE JOINT RESOLUTION 270

At the request of Mr. COCHRAN, the names of the Senator from Wisconsin (Mr. KASTEN) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984 as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

SENATE JOINT RESOLUTION 273

At the request of Mr. HEFLIN, the names of the Senator from Washington (Mr. GORTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from North Dakota (Mr. ANDREWS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Maryland (Mr. SARBANES), the Senator from Washington (Mr. EVANS), the Senator from North Carolina (Mr. HELMS),and the Senator from Missouri (Mr. DANFORTH) were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week of May 13, 1984, through May 19, 1984, as "Smokey Bear Week."

SENATE JOINT RESOLUTION 279

At the request of Mr. KASTEN, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of Senate Joint Resolution 279, a joint resolution to designate the week of November 11, 1984, through November 17, 1984, as "Women in Agriculture Week."

SENATE JOINT RESOLUTION 283

At the request of Mr. THURMOND, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 283, a joint resolution to authorize and request the President to designate the week of May 7, 1984, as "National Arson Awareness Week."

SENATE RESOLUTION 372

At the request of Mr. SIMPSON, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of Senate Resolution 372, a resolution expressing the sense of the Senate regarding exposure of members of the Armed Forces to ionizing radiation and to herbicides containing dioxin.

SENATE CONCURRENT RESOLUTION 110—RELATING TO THE ANNIVERSARY OF THE UNANIMOUS DECISION OF THE SUPREME COURT IN BROWN VERSUS BOARD OF EDUCATION

Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. MATHIAS, Mr. DECONCINI, Mr. CHAFEE, Mr. LEAHY, Mr. GORTON, Mr. MOYNIHAN, Mr. HATFIELD, Mr. NUNN, Mr. MURKOWSKI, Mr. HART, and Mr. BINGAMAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 110

Whereas May 17, 1984 marks the thirtieth anniversary of the unanimous decision of the Supreme Court in the Brown v. Board of Education decision which invalidated the doctrine of "separate but equal";

Whereas the Brown decision was rooted in the principles of individual freedom and equality of all persons before the law which lie at the heart of American democracy;

Whereas the Brown decision provided the catalyst for an end to legally mandated racial segregation in all segments of American society;

Whereas in the 30 years since Brown, the nation has made great strides toward achieving true equal educational opportunity for all Americans of all races and colors, though much remains to be done;

Whereas the thirtieth anniversary of Brown provides an appropriate time to reaffirm the support of the American people for the principles articulated in the Brown decision, the nation's commitment to the ultimate goal of a color blind society, and the elemental importance of equal educational opportunity to that end: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) That the Congress—

(1) expressing the sentiments of the people of the United States, extolls the unanimous decision of Brown v. Board of Education;

(2) designates May 17, 1984 as a "National Day of Commemoration for the Brown v. Board of Education Decision"; and

(3) authorizes and requests the President of the United States to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies, programs, and activities.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. DOLE. Mr. President, I rise to submit a Senate concurrent resolution designating May 17 as a national day of commendation for the Brown versus Board of Education decision.

Mr. President, 34 years ago, a little girl named Linda Brown from Topeka, Kans., asked her parents why she had to be bused 2 miles to attend an all-black school, when her white playmates attended another school only a few blocks away. Linda's parents petitioned the Federal courts for an answer. After 4 years of litigation, Linda's question was finally posed to the members of the Nation's Highest Tribunal. And on May 17, 1954, they gave an answer which shook the Nation.

Linda's question forced the Supreme Court and the country to come to grips with the warped hypocrisy of the doctrine of separate but equal. The "separate" had proved to be nothing more than a way to tell black Americans they were second-class citizens. The "equal" had proved to be nothing more than lipservice to the dictates of the 14th amendment. Linda Brown gave the Court an opportunity to expose the cruel hoax of Plessy versus Ferguson. "Separate," the Court wrote, was "inherently unequal." The Nation's schools were to be desegregated with all deliberate speed.

Kansas was able to avoid the trauma and violence which plagued some other jurisdictions in the wake of the Brown decision. Perhaps this was because Kansans remembered their unique heritage as "Bleeding Kansas"—A State forged in the white-hot glue of the Civil War. So it was more with regret than resistance that Kansans came to recognize the irony of a dual educational system, in a State given birth by a war fought in the name of slavery's extinction. It was with complete and immediate acceptance that Kansas responded to the Supreme Court's directive.

In 1955, Kansas ended its system of segregated elementary schools and by 1961, not one black child in Topeka continued to attend an all-black school. As with so many other jurisdictions which share our tragic history, we still have a way to go. But our record of progress is one of which we can be very proud. For instance, over 70 percent of all black students in Kansas now attend fully integrated schools, as compared to 40.8 percent for all border States, and 37.1 percent for the Nation.

To mark the 30th anniversary of Brown versus Board of Education, Washburn University in Topeka will be holding a 2-day program commemorating that landmark decision. It is my hope that by passing this resolution, Congress can encourage others to follow Washburn's lead, either through formal activities or simply private reflection. Perhaps we have all become too distracted by disagreements over how best to remedy lingering vestiges of de jure segregation, and too consumed by debate about the degree to which our current obligations arise from constitutional mandate or moral imperative. May 17 would be an appropriate time for all to come together in reaffirming our dedication and commitment to the basic tenets of the 1954 Brown decision, to take heart in the progress that has been made, and to look forward to the day when there are no longer "black schools," nor "white schools," but just schools.

SENATE CONCURRENT RESOLUTION 111—RELATING TO THE DEPLOYMENT OF SEA-LAUNCHED CRUISE MISSILES

Mr. MATHIAS (for himself and Mr. DURENBERGER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON RES. 111

Whereas the Soviet Union has yet to return to the strategic arms reduction talks (hereafter in this concurrent resolution referred to as "START") or the intermediate nuclear force reduction talks (hereafter in this concurrent resolution referred to as "INF");

Whereas an early resumption of these negotiations is in the interest of all mankind;

Whereas the United States has both demonstrated flexibility in the START and INF negotiations and expressed a willingness to consider any reasonable Soviet proposals;

Whereas the President has repeatedly emphasized his willingness to negotiate limits on or reductions in the stocks of all nuclear weapons with a view toward the complete elimination of all such weapons from the earth;

Whereas sea-launched cruise missiles equipped with nuclear warheads, if further deployed, will greatly complicate the prospects for such nuclear arms control agreements; and

Whereas sea-launched cruise missiles equipped with nuclear warheads could create unforeseen and undesirable military and diplomatic consequences for the United States, its allies, and adversaries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President should, at the earliest possible date—

(1) urge the Soviet Union to return to the START and INF negotiations;

(2) include in the appropriate negotiations a discussion of sea-launched cruise missiles equipped with nuclear warheads with a view toward the complete elimination of such missiles from the arsenals of the United States and the Soviet Union; and

(3) propose to the Government of the Soviet Union, as an interim means of advancing the goal described in paragraph (2), a mutual and verifiable moratorium on any further deployment of sea-launched cruise missiles equipped with nuclear warheads pending the implementation of a final START or INF agreement, as appropriate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. MATHIAS. Mr. President, the United States is on the verge of making a grave mistake. The United States is about to pull the rug out from under the whole arms control process that has been so painstakingly constructed over the past two decades.

Sometime between now and the end of June, without benefit of congressional hearings, the United States will begin to deploy the nuclear-armed, sea-launched cruise missile [SLCM]. As weapons go, the nuclear SLCM is appealing: It is cheap at just over $3 million per missile; it is easy to transport and conceal; it is identical in most respects to its air- and ground-launched cousins. But, as weapons go, it is also about as foolish as a weapon can be: It will make only a marginal contribution to our national security, and it may kill all hope of verifiable arms control agreements in the future.

This weapon will be ours within 60 days, maybe even earlier. All this body has to do is exactly what it has done about this type of missile in the past—nothing.

I am here today with the distinguished Senator from Minnesota, Mr. DURENBERGER, in a last-ditch effort to try to do something to prevent nuclear

folly—SLCM deployment. Today we submit a concurrent resolution designed to put the brakes on the American and Soviet nuclear SLCM programs. Tomorrow and the next day, and every day until we either win or lose this fight, we will take every opportunity to remind our colleagues, the President of the United States, and the American people of the dangerous step we are about to take. We will speak out against SLCM deployments, and we invite interested colleagues to do the same until this system is defeated, or until we reach the dreadful point of no return signaled by the first SLCM deployment.

This is not the first time I have attempted to focus the attention of this body on the dangers posed by the nuclear SLCM, and I am deeply concerned that time—once my ally in this debate—is no longer on my side.

The current U.S. program, the Tomahawk land attack missile (nuclear), known as TLAM-N, is due for initial deployment in June of this year. It is intended to provide a diversification of our naval tactical strike capability and a strategic reserve, whatever that means. The Soviet nuclear SLCM program, while ongoing, is unimpressive by comparison, and is confined for the most part to a 600 kilometer range.

Many people find apparent comfort in the fact that our SLCM technology currently outstrips Soviet capabilities, but historically we know that there is little comfort to be found in such superiority. In the late 1960's, the United States enjoyed a similar clear lead in MIRV technology. Our reluctance to relinquish MIRV's then created the land-based ICBM vulnerability that the United States is now experiencing. By refusing to include MIRV's in the SALT talks, we virtually invited the Soviet Union to match our MIRV capability in the fastest manner possible. They accepted that invitation, and matched our MIRV technology within 6 years.

I am fully aware of and increasingly concerned by anticipated deployments of Soviet long-range nuclear SLCM's on submarines cruising off our east and west coasts. Such activity only increases the sense of urgency I feel. Pentagon planners evidently shared my concern when, earlier this year, they moved the Presidential airborne command post from Andrews Air Force base to an inland area that is safer from Soviet submarine-launched nuclear missiles. Not only is there very little time before large-scale nuclear SLCM deployments occur on both sides, but those deployments will further reduce the time either country would have to react to a missile attack.

The manifold dangers posed by nuclear SLCM deployments are not military alone. Their deployment would entail significant arms control and diplomatic costs as well.

There is virtual unanimity among the arms control community and the defense establishment that American and Soviet sea-launched cruise missile activity will be, and in fact already is, difficult to verify. Once deployed on submarines and surface vessels, the small, easily transported and concealed cruise missile will make future arms control agreements almost impossible. There is also the problem of distinguishing between a cruise missile carrying a conventional or a nuclear warhead. I do not have to remind my colleagues that such ambiguity will make home porting and visits to friendly ports a potential diplomatic nightmare.

At present, we can estimate the numbers and capabilities of Soviet nuclear SLCM's with a reasonable degree of certainty. But a new generation of these weapons will make this task almost impossible. It is not unreasonable to imagine a time in the not-too-distant future when the United States would have to assume that every Soviet fishing trawler is a potential cruise missile launch platform.

As long ago as September 1981, Supreme Allied Commander Bernard W. Rogers warned:

> We have always, in the past, maintained that if you put cruise missiles with nuclear warheads on submarines you are, in fact, fuzzing up the distinction between tactical and strategic nuclear weapons.

Since this country began negotiating about nuclear weapons with the Soviet Union, it has avoided fuzzing up the distinction between tactical and strategic forces. In this respect, the nuclear SLCM is a giant step backward. The time to tackle such problems is now, before major deployments have occurred, and not after the fact.

I am painfully aware of the difficulties associated with verifying a moratorium or an eventual ban on nuclear SLCM deployments. Neither I nor Senator DURENBERGER would support an accord that we did not find to be adequately verifiable. But I do not see how we or the U.S.S.R. will be in a position to judge what might constitute adequate verification until we are talking to one another. An a priori assumption on either side that an agreement limiting nuclear SLCM deployment is unverifiable suggests gross disregard and disdain for the diplomatic process. I for one am not prepared to make such an assumption.

The alternative to negotiation, in this case, is not acceptable. Once both sides are engaged in massive deployment of nuclear SLCM's President Reagan's search for an arms control agreement incorporating verifiable deep cuts in nuclear arsenals will become a practical impossibility. A Congressional Budget Office study from March 1984 notes that:

> Unless an agreement embraces emerging weapons like the sea-launched cruise missile, it may be obsolete before it is signed.

So I say, Mr. President, let us not repeat the negotiating errors of the past. Let both the United States and the Soviet Union make an effort to address the nuclear SLCM question before it becomes an insurmountable obstacle to negotiated progress, to future arms control agreements. Let us talk while there is still time to talk.

As the astute British statesman, David Ormsby Gore, once said:

> It would indeed be a tragedy if the history of the human race proved to be nothing more than the story of an ape playing with a box of matches on a petrol dump.

We may not be able to eliminate the petrol dump. We may not be able to confiscate the matches all at once. But we could start taking them away from the ape one by one—and we must.

Mr. DURENBERGER. Mr. President, Senator MATHIAS and I are today submitting a Senate concurrent resolution which we hope will give us one last chance to avoid a needless, senseless, and potentially dangerous arms race. We are confident that, as the facts emerge about the nuclear version of the sea-launched cruise missile (SLCM), it will become clear that this is a weapon which has comparatively little military worth but which, if deployed, will create some profound problems. Our resolution is a straightforward proposal that, if the Soviets come to their senses and return to the INF and START talks, the President should propose incorporation of the nuclear SLCM in the appropriate forum and should also propose an interim moratorium on any further deployment of this particular weapon.

Mr. President, the history of arms control is a history of lost opportunities. It is a tragic irony that we seldom recognize the full implications of a given technology in its earliest stages. Only as engineering development gives full shape to a concept does there emerge a more thorough understanding of the pros and cons of deployment. But by that time, the development program often seems to have developed a life of its own.

Unfortunately, this seems to have been the case with the nuclear-armed SLCM, just as it was earlier the case with the MIRV warhead system. In retrospect, there are few who would argue that the deployment of MIRV's has enhanced our security. In fact, the entire thrust of the build-down concept, which originated here in Congress and which I fully support, is to "de-MIRV" both our own missiles and those of the Soviets. What Senator MATHIAS and I hope will happen is that we will avoid the necessity, at some later date, to make a Hobson's choice between living with the nuclear-armed SLCM or abandoning any

version of the sea-launched cruise missile. In other words, we strongly feel that the time for action is now, not later. We cannot plan to de-nuclearize the SLCM after the fact. We must control this weapon now, or not at all.

If the history of arms control is a history of lost opportunities, it is also a history of what might be called one-way thinking. By this, I mean that we frequently tend to recognize that a given weapons system might prove useful if we deploy it ourselves, but we seldom think through the consequences of a Soviet deployment. Conversely, we ourselves occasionally recognize that a given weapon system might be interesting or useful to the Soviets, given their unique geostrategic setting, but we fail to understand that a comparable weapon in our own hands can be a foolish mismatch of technology to our own military requirements. The first illustration is an example of naive ethnocentrism—the failure to understand that what our engineers can do, Soviet engineers can also do, even if later and not as well. The second illustration is an example of mirror-imaging—the belief that if the Soviets have something, we too should have it.

The result, at the minimum, is an offsetting series of actions and reactions which leave us in the same comparative military situation as when we started, but billions of dollars poorer. At the worst, the result is a measurable degeneration in our overall security. Again, the case of the MIRV proves instructive.

Mr. President, we have heard much, and we will hear much more, about the threat posed by the Soviet nuclear-armed SLCM. Over the past few weeks, we have seen several news stories suggesting that, thanks to the diversion of U.S. technology, the impending version of the latest Russian SLCM will be as capable as—or more capable than—the Tomahawk Land-Attack Missile, Nuclear (TLAM-N) which is slated for initial operational capability this June. These are valid points. But they do not detract from the need to control these weapons as soon as possible. Instead, they bolster it.

As the Navy has correctly pointed out for many years, the Soviets have been deploying sea-launched cruise missiles since the early 1950's. Many of these weapons are designed as anti ship missiles. Others are designed to carry a nuclear payload to shore-based targets. In the case of the cruise missile, it is simply incorrect to say—as so many people do—that the United States will start an arms race. Quite the contrary, the United States is belatedly catching up with the Soviets. The question is whether it is appropriate for us to catch up in every possible application of this technology.

When cruise missiles are used as anti shipping weapons, armed with conventional warheads, they constitute an enormous force multiplier. For a maritime nation such as the United States, they are a vital element of the strong Navy which we need. So it was foolish of the United States to overlook this potential for so long at a time when the Russians were arming every possible vessel with anti shipping missiles. We should do nothing which would derail the Tomahawk Anti-Ship Missile program, for it permits us to match—and exceed—Soviet capabilities in a crucial area and to add to the punch of our Navy. In fact, whether or not the Soviets had developed such a weapon on their own, it would have been a smart investment for us to develop this capability, for we are far more dependent than most nations on freedom of the seas and our Navy must be capable of meeting any possible threat to our ocean-going commerce.

But if it is sensible to develop the anti-ship missile for the U.S. Navy, it is questionable indeed to press ahead with the TLAM-N. And it is simply vital that we make one last concerted effort to prevent the planned deployment of the Soviet SSN-X-21.

The current fleet of Soviet nuclear-armed SLCM's, many of which are now on station off our east coast, represents an undeniable hazard to the security of the United States. Any nuclear warhead aimed at our territory carries with it the potential to inflict damage beyond imagination. So I do not want to minimize the threat posed by the current generation of Soviet nuclear-armed SLCM's.

But I would point out to my colleagues, Mr. President, that these weapons present a hazard with known boundaries. The Soviets, as we know, tend to keep everything they have ever built, whereas we tend to retire older generations of weaponry in order to improve our command and control, to reduce unintended or collateral effects, and to ease the burden on the taxpayer. The current generation of deployed Soviet nuclear-armed SLCM's derives from the days before the Soviets had developed a ballistic missile capability. These weapons are of comparatively short range and are thought to be very inaccurate.

For the Soviets, investment in such weapons made a considerable degree of sense, given the geographic asymmetries between our two countries. For a comparatively modest investment, the Soviets could threaten a huge proportion of the population of the United States, since so many of our citizens live within a few hundred miles of each coast. For the Soviets, in other words, the first generation of nuclear-armed cruise missiles represented a means of obtaining what their technology could not give them: Weaponry with which to threaten the United States with countervalue strikes.

Had we chosen to respond in kind, it would have been a waste of money. First, beginning in the 1950's, we were able to develop several generations of increasingly capable ballistic missiles.

Second, given the range constraints on cruise missiles, there were relatively few targets in the Soviet Union which could be reached by cruise missiles. So we would have gained virtually nothing, and expended a lot of money. Under the circumstances, the decision to cancel the Bomarc and other such nuclear-capable cruise missiles was eminently sensible.

The fundamental case against our own deployment therefore remains as strong today as it was 25 years ago. Even though the range and accuracy of our planned TLAM-N is much better, the fact is that these weapons are simply redundant given our current robust nuclear arsenal. In fact, the best case the Navy seems able to offer for the TLAM-N is that it will be a strategic reserve. This phrase is a de facto admission that the TLAM-N is redundant to our strategic deterrent requirements.

The Soviets, on the other hand, might gain a new capability if they should deploy the SSN-X-21, or any other system comparable to our planned TLAM-N. Based on public accounts of the expected capability of the next generation of Soviet nuclear-armed SLCMs, it is not unreasonable to believe that such weapons could pose the threat decapitating strikes aimed at our national command centers or a first strike aimed at our bomber bases deep in the interior of the United States. If so, it clearly serves our interest to limit this threat. If the price of doing so is to forego the TLAM-N, then it is well worth the bargain.

Some people might ask, therefore, why we should not wait until after the TLAM-N has achieved its initial operational capability before raising the idea of a moratorium. The answer is both simple and complex.

The simple way to answer this is to point out that, in past arms negotiations, it has customarily been the rule that once a weapon has demonstrated a given capability, all further such weapons are assumed to have the same capability. This has been the only feasible way to handle the problem of verification.

What this means is that were we to go ahead with deployment of a TLAM-N, we would most likely face the prospect that any attempt to limit further deployments of nuclear-armed sea-launched cruise missiles like the TLAM-N or the SSN-X-21 would mean that we would also be forced to limit the conventional variants of

these launchers, for there is no clear way to distinguish between a conventionally-armed antiship cruise missile and a nuclear-armed land-attack missile. We would thus face the impossible choice I mentioned at the outset—to live with the threat of nuclear-armed SLCM's in order to gain the high military advantage of an antiship cruise missile, or to lose the antiship missile in order to control the nuclear SLCM. Either way, our security would suffer.

The issue, in other words, hinges on the verifiability of the cruise missile. The current generation of Soviet sea-launched cruise missiles can adequately be monitored, for they are primitive weapons launched by primitive means. But the impending generation will pose nearly impossible problems for those who wish to monitor that limits are being met. The only way to handle the issue, in other words, is to stop it before it starts. Hence the need for an interim moratorium pending final resolution of this issue in the appropriate arms control forum.

The complex answer to the question of why a moratorium now is really a derivative from the simple answer. Simply put, deployment of the TLAM-N will constitute a foolish decision in terms of our own unilateral military requirements.

First, deployment of the TLAM-N, even temporarily, runs the risk that we will severely complicate the deployment of the Pershing II and Ground-Launched Cruise Missiles. As General Bernard Rogers argued nearly 3 years ago, "we have always, in the past, maintained that if you put cruise missiles with nuclear warheads on submarines you are, in fact, fuzzing up the distinction between tactical and strategic nuclear weapons." In other words, the verification issues posed by this weapon are unique, and they could overwhelm our hopes for a "zero option" or some similar outcome at the INF talks.

Second, and in a related vein, it is conceivable that deployment of this weapon will pose some tough questions for our European allies. To some people, the TLAM-N might suggest overkill, given the ongoing deployments in Europe. To others, they might suggest a convenient escape valve from the necessity to base the Pershing II and GLCM in Europe as a visible symbol of NATO resolve. In other words, the TLAM-N is uniquely capable of suggesting both overkill and decoupling simultaneously.

Third, if the Navy continues with its plans to put the TLAM-N aboard a variety of vessels in order to diversify our tactical nuclear capability, we may well face the prospect of controversy every time a U.S. vessel visits a foreign port, regardless of whether it carries a TLAM-N or not.

Finally, we will in essence disarm our fleet of attack submarines. Every TLAM-N—a weapon justified as a strategic reserve—which we put aboard an attack sub means one less torpedo or SUBROC or other such weapon which can be carried in the ship's magazine. As I saw for myself when I was at the launching and later at the commissioning of the U.S.S. *Minneapolis-St. Paul*, SSN-708, our submarine fleet is already stretched thin and each boat has only a finite magazine capacity. To add to those problems for the sake of a strategic reserve strikes me as simply foolish. And Senators should not look to the planned vertical TLAM launchers for a way out of this problem. Those launchers will not be added to the fleet for several years.

So, Mr. President, we are faced with a fundamental question here. Does it make sense to proceed with the TLAM-N, and to let the Soviet proceed with the SSN-X-21, unencumbered by any sense of reality? Does it make sense to diminish the capability of our submarine fleet, to undermine our anti-ship missile program, to pose potential diplomatic issues of the first order, and to make future agreements difficult if not impossible to reach? Or, does it make sense to try to use the arms control process to do what it is supposed to do: enhance our security?

The issue is not matching a Russian capability. We have already done that. The issue is not adding to our naval strength, for we will not. The issue is not enhancing our deterrent, for the best that can be said of this weapon is that it is a reserve. The issue is simply one of using the arms control process and the impending deployment of TLAM-N to obtain an outcome which is better than any other alternative.

SENATE RESOLUTION 386—RELATING TO THE MANDELA FREEDOM RESOLUTION

Mr. LEVIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 386

Whereas the Republic of South Africa has excluded blacks and other nonwhites from participation in the government of their country by means of a system of racially discriminatory laws and practices known as the apartheid system;

Whereas the South African practice of apartheid is based on violence, exploitation, and deprivation of basic human and civil rights, is incompatible with the dignity of mankind, and contravenes the most fundamental human and political rights as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights;

Whereas the Government of the United States, the United Nations, and virtually every country in the world condemns the practice of apartheid by the Government of South Africa.

Whereas in 1944, Nelson Mandela joined, and later led, the banned African National Congress, which is committed to eradicating the South African Government's official policy of racial apartheid and in its place erecting a society in which the rights of all South African citizens shall be the same, regardless of race, color, or sex;

Whereas in 1962, when he was already in jail under a five-year sentence for inciting strikes and leaving the country without a permit, Nelson Mandela was again brought to trial and sentenced to life imprisonment for seeking to overthrow the government with violence and has been incarcerated ever since that time;

Whereas now, after twenty years in prison, Nelson Mandela nevertheless remains the leading symbol of resistance to political oppression, race and color prejudice in South Africa and the most widely recognized leader of that country's black majority population;

Whereas Winnie Mandela, the wife of Nelson Mandela and one of the most prominent and highly respected leaders of the anti-apartheid movement of South Africa, was arrested twenty years ago and, despite the fact that she has never been convicted of any offense except violations of her banning orders, has been systematically banned, detained, harassed, and abused by South Africa's security police and has spent less than eleven months of the past twenty years in freedom;

Whereas Winnie Mandela, as a banned citizen of South Africa, is confined to a home designated by the State and far removed from her friends and family, is not permitted to meet with more than one person at a time, may not be quoted or write any material for publication, and is prohibited from having her name or photograph appear in print anywhere in South Africa; and

Whereas the anti-apartheid movement in South Africa exemplifies the loftiest ideals and aspirations of the American people and all freedom-loving peoples the world over: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the Republic of South Africa should immediately release and free Nelson Mandela from prison and should revoke and cancel Winnie Mandela's banning order;

(2) the President of the United States should use his good offices to secure the release and freedom of Nelson and Winnie Mandela; and

(3) the President of the Senate is requested to transmit a copy of this resolution to the President of the United States and to the Prime Minister of the Republic of South Africa.

● Mr. LEVIN. Mr. President, I am today introducing Senate Resolution 386, the Mandela Freedom Resolution, calling for the immediate release, by the South African Government, of Nelson and Winnie Mandela, leaders in the struggle against apartheid.

Nelson and Winnie Mandela are a couple of extraordinary principle and courage. Nelson Mandela led demonstrations against apartheid over 20 year ago, as leader of the African National Congress (ANC) which he joined in 1944 and subsequently became the founder of the ANC Youth League.

Nelson Mandela was admitted to Fort Hare University in South Africa

in 1938, but expelled in 1940 for being one of the ringleaders in a student strike. He later went on to study law at the University of Witwatersrand, and in December 1952 established with his friend Oliver Tambo, the first firm of African attorneys in Fox Street, Johannesburg. In 1952 he was appointed National Volunteer-in-Chief to head the Defiance Campaign, which resulted in 8,500 people voluntarily challenging race laws to go to jail as a protest against discrimination. Elected president of the Transvaal ANC, he was served with orders on September 4, 1953, banning him from public meetings for 2 years—restrictions reimposed for 5 years in March 1956. These curbs did not prevent him from organizing a massive 3-day stay-at-home campaign in 1961 in protest against the all-white referendum held on the question of turning South Africa into a Republic.

On the run from May 31 until his arrest on August 8, 1962, Nelson Mandela managed to address a conference of nationalist leaders outside of South Africa and to meet with journalists. After his capture in August 1962, he was sentenced to 5 years imprisonment—3 for incitement to strike and 2 years for illegal exit from the country.

At the Rivonia sabotage trial which opened on October 20, 1963, while serving his 5-year sentence, Mandela and seven others faced charges of plotting violent revolution. On April 20, 1964, he gave a memorable 4½-hour speech in his defense. Saying, in part that he did not "have any love of violence" and that he acted because of the "political situation that had arisen after many years of tyranny, exploitation, and oppression of my people by the whites."

Nelson Mandela refused to appeal against the sentence of life imprisonment. As a prisoner on Robben Island he has spent nearly one-third of his life there. He has rarely seen his wife Winnie or his children. In 1982, he was moved to Pollsmoor maximum security prison on the mainland near Cape Town.

Since 1962, Winnie Mandela has been either banned or imprisoned for violations of her banning orders. She was first banned the same year that her husband was arrested. She was never convicted on any charges except violations of her banning orders. She was prosecuted eight times with two convictions for such violations. Under the banning orders, Mrs. Mandela is prohibited from being in the company of more than one person at a time. She cannot be quoted in South Africa, she cannot visit educational institutions, and she is confined to her home during evenings—6 p.m. until 6 a.m.—and Sundays—3 p.m. Saturdays to 6 a.m. Monday. She must obtain permission to visit her husband. For such visits she must use air transportation since she is prohibited from using cheaper buses, trains, or cars. During each visit she is allowed only 30 minutes.

In addition to these restrictions, Winnie Mandela is under constant police surveillance and is frequently harassed by the security police. The latest incident occurred in January 1983, when police charged her with breaking her banning order while two Members of Parliament were visiting with her in her home. Police also confiscated several items from her home, including a bedspread. The following March, Members of the U.S. Congress sent a quilt to her to replace the bedspread and to express support for her fight against apartheid. Mrs. Mandela has also been occasionally threatened and attacked by unidentified individuals.

Mrs. Mandela believes that her banning orders and her banishment to Brandfort were calculated to break her spirit. Instead, she has used her training as a social worker to set up a soup kitchen and an unofficial clinic. She has also defied the segregation laws at the supermarket and other Brandfort shops. In November 1982, despite a severe illness, she refused to be treated at the nearby hospital for blacks. Because she was refused admittance to the all-white hospital, her lawyers obtained permission for her to receive treatment at a private multiracial clinic in Johannesburg.

Mr. President, this resolution is the opportunity for the Senate to make a significant foreign policy statement—we must do so. Let us stand united and resolute for the principles we hold so dear to in the United States. I urge my colleagues to join in support of the Mandela freedom resolution. A similar resolution sponsored by my good friend in the House, Congressman GEORGE CROCKETT with over 100 cosponsors was recently unanimously reported out of the Africa Subcommittee.●

AMENDMENTS SUBMITTED

FEDERAL BOAT SAFETY ACT AMENDMENTS

MATTINGLY (AND OTHERS) AMENDMENT NO. 3045

Mr. MATTINGLY (for himself, Mr. DIXON, Mr. EVANS, Mr. EXON, AND MR. D'AMATO) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes; as follows:

At the end of the amendment, add the following new section:

LINE-ITEM VETO

SEC. . (a) The President may disapprove any item of appropriation in any Act or joint resolution, except any item of appropriation for the legislative branch or the judicial branch of the Government.

(b) (1) If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law.

(2) The President shall return, with a statement of objections, any item of appropriation disapproved to the House in which the Act or joint resolution containing such item originated.

(c) The Congress may reconsider any item of appropriation disapproved under this section in the same manner as is prescribed under section 7 of article 1 of the Constitution of the United States for reconsideration by the Congress of Acts disapproved by the President, except that only a majority vote of each House shall be required to approve an item which has been disapproved or to restore an item which has been reduced by the President to the original amount contained in the Act or joint resolution.

(d) The Provisions of this section shall apply to items of appropriation for the fiscal year beginning on October 1, 1984 and to items of appropriation for the fiscal year beginning on October 1, 1985.

NICKLES AMENDMENT NO. 3046

(Ordered to lie on the table.)

Mr. NICKLES submitted an amendment intended to be proposed by him to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

At the end of the matter proposed to be inserted, add the following new title:

TITLE —COST-OF-LIVING ADJUSTMENT LIMITATIONS INCOME TAX INDEXING

SEC. . (a) Paragraph (3) of section 1 (f) of the Internal Revenue Code of 1954 (relating to cost-of-living adjustment) is amended to read as follows:

"(3) Cost-of-living adjustment.—

"(A) Calendar years 1985 through 1987.—For purposes of paragraph (2), the cost-of-living adjustment for any calendar year beginning after December 31, 1984, and before January 1, 1988, is the excess of—

"(i) the percentage (if any) by which—

"(I) the CPI for the preceding calendar year, exceeds

"(II) the CPI for the calendar year 1983, over

"(ii) 3 percentage points.

"(B) Calendar years after 1987.—For purposes of paragraph (2), the cost-of-living adjustment for any calendar year beginning after December 31, 1987, is the percentage (if any) by which—

"(i) the CPI for the preceding calendar year, exceeds

"(ii) the CPI for the calendar year 1983.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date of the enactment of this Act.

COST-OF-LIVING ADJUSTMENTS IN BENEFIT PROGRAMS

SEC. . (a)(1) Any increase in benefits which would occur by law under any of the provisions of law described in subsection (b) during the period beginning on October 1, 1984, and ending on September 30, 1987, on

the basis of any percentage increase in the Consumer Price Index or the SSA average wage index, shall be limited as though the relevant percentage increase in the Consumer Price Index or the SSA average wage index was equal to the actual percentage increase in such index minus three percentage points.

(2) The provisions of paragraph (1) shall apply only to the increases in benefit amounts, and shall not be applied in determining whether a threshold CPI increase has been met or in determining increases in amounts under other provisions of law which operate by reference to increases in such benefit amounts.

(3) Any increase in benefit amounts which would have occurred but for the provisions of paragraph (1), and any increase in the CPI or SSA average wage index which is not taken into account by reason of paragraph (1), shall not be taken into account for purposes of determining benefit increases occurring after September 30, 1987.

(b) For purposes of this section the applicable provisions of law are the cost-of-living adjustments for—

(1) old-age, survivors, and disability insurance benefits under section 215(i) of the Social Security Act (but the limitation under subsection (a) shall not apply to supplemental security income benefits under title XVI of such Act);

(2) armed services retirement and retainer pay under section 1401a of title 10, United States Code, retired pay and retainer pay to members and former members of the Coast Guard, and retired pay of commissioned officers of the National Oceanic and Atmospheric Administration or the Public Health Service;

(3) civil service retirement benefits under section 8340 of title 5, United States Code, foreign service retirement benefits under section 826 of the Foreign Service Act of 1980, Central Intelligence Agency retirement benefits under part J of the Central Intelligence Agency Retirement Act of 1964 for certain employees, Comptroller General annuities under section 777 of title 31, United States Code, cash relief payments under section 1245(c) of the Panama Canal Act of 1979, and retirement benefits for Federal Reserve Board employees;

(4) Federal workers' compensation under section 8146a of title 5, United States Code;

(5) railroad retirement benefits under the provisions of the Railroad Retirement Act of 1974, including cost-of-living adjustments under such Act which operate by reference to title II of the Social Security Act; and

(6) any other benefits payable under a Federal law, the amount of which and the eligibility for which are not determined on the basis of need or income level, which are automatically increased by law on the basis of an increase in the Consumer Price Index.

(c) In the case of any cost-of-living adjustment which is subject to the provisions of section 301 of the Omnibus Budget Reconciliation Act of 1982, the percentage by which the annuity or retired or retainer pay is increased with respect to any increase occurring by law during the period beginning on October 1, 1984, and ending on September 30, 1987, shall be the percentage increase as determined after the application of such section 301, minus three percentage points.

(d) Prior to October 1, 1985, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives shall report legislation to direct that savings achieved in the old-age, survivors, and disability insurance program under section 215(i) of the Social Security Act as a result of this section shall be transferred to the Federal Hospital Insurance Trust Fund.

(e) The amendments made by this section shall become effective on the date of the enactment of this Act.

● Mr. NICKLES. Mr. President, I ask unanimous consent that a factsheet on the amendment be printed in the RECORD.

There being no objection, the factsheet was ordered printed in the RECORD, as follows:

FACT SHEET—CPI MINUS 3 PERCENT

SUMMARY OF AMENDMENT

(1) Indexing: Reduce the current law indexing of income tax brackets and exemptions by 3 percent through 1987. In 1988, indexing would be resumed as under current law.

(2) Cost of Living Adjustments: Reduce CPI-indexed non-means-tested entitlements by 3 percent through 1987. In 1988, COLAs would resume.

SUMMARY OF SAVINGS

[By fiscal year]

	1984	1985	1986	1987	1984–87
Baseline deficit [1]	192.7	206.7	235.0	269.0	
CPI minus 3 percent					
Receipts	0	−3.9	−10.8	−19.0	−33.7
Outlays	0	−4.8	−11.5	−18.5	−34.8
Net interest	0	−.4	−2.1	−5.4	−7.9
Total savings					
CPI minus 3 percent	0	−9.2	−24.4	−42.9	−76.4
Leadership plan	−2.7	−25.9	−49.6	−65.5	−143.7
Total	−2.7	−35.1	−74.0	−108.4	−220.1
Remaining deficit	190.0	171.6	161.0	160.6	

[1] Senate Budget Committee Estimate.

Source: CPI minus estimate: CBO.●

DENTON AMENDMENT NO. 3047

Mr. DENTON submitted an amendment intended to be proposed to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra, as follows:

At the end of the amendment, add the following new section:

SEC. . (a) Within thirty days after the first day of each fiscal year beginning after September 30, 1985, the Director of the Congressional Budget Office shall determine (1) the amount of the deficit of the Government for the preceding fiscal year, if any, (2) the outlays of the Government for such preceding fiscal year, and (3) the percentage computed by dividing the amount of such deficit by the amount of such outlays.

(b)(1) Notwithstanding any other provision of law enacted before, on, or after the date of enactment of this Act (other than paragraph (2)), effective beginning on the first day of the first applicable pay period beginning on or after the date on which the Director of the Congressional Budget Office makes the determinations required by subsection (a) in any fiscal year—

(A) each rate of pay payable during such fiscal year for a position referred to in section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall be reduced by an amount equal to the product of the rate of pay paid for such position during the preceding fiscal year and the percentage computed by such Director pursuant to subsection (a)(3) for such preceding fiscal year;

(B) the rate of pay payable during such fiscal year for the position of any officer or employee of the Government for which the rate of pay during the preceding fiscal year was not less than the rate of pay payable for a position in Executive Level V under section 5316 of title 5, United States Code, during such preceding fiscal year (other than an individual serving in a pay grade in the uniformed services, as defined in section 101(3) of title 37, United States Code) shall be reduced by the amount equal to the product of the rate of pay paid for such position during the preceding fiscal year and the percentage computed by the Director of the Congressional Budget Office pursuant to subsection (a)(3) for such preceding fiscal year;

(C) the maximum rate of pay payable during such fiscal year to any officer or employee of the Government (other than an individual serving in a pay grade in the uniformed services, as defined in section 101(3) of title 37, United States Code, and an officer or employee to whom clause (A) or (B) applies) may not exceed the rate of pay payable during such fiscal year for a position in Executive Level V under section 5316 of title 5, United States Code;

(D) the total amount of the sums available for such fiscal year for pay disbursed by the Secretary of the Senate shall be reduced by the amount equal to the product of such sums and the percentage computed by the Congressional Budget Office pursuant to subsection (a)(3) for the preceding fiscal year; and

(E) the total amount of the sums available for such fiscal year for pay disbursed by the Clerk of the House of Representatives shall be reduced by the amount equal to the product of such sums and the percentage computed by the Congressional Budget Office pursuant to subsection (a)(3) for the preceding fiscal year.

(2) Paragraph (1) shall not apply in the case of any officer or employee of the Government whose rate of pay may not be reduced under the Constitution.

(c)(1) In addition to any other tax imposed by chapter 1 of the Internal Revenue Code of 1954, there is hereby imposed on each Member of Congress for any taxable year, a tax equal to the product of—

(A) the gross income of such Member of Congress for such taxable year to the extent such gross income exceeds $150,000, multiplied by

(B) the deficit percentage.

(2) For purposes of paragraph (1), the term "deficit percentage" means for any taxable year the percentage determined by the Director of the Congressional Budget Office pursuant to subsection (a) based on the fiscal year in which such taxable year begins.

(3) For purposes of the Internal Revenue Code of 1954, the tax imposed by this subsection shall be treated as a chapter 1 tax.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Export Promotion

and Market Development has scheduled a hearing on May 10, 1984, on the Eximbank's administration of the small business set-aside provisions of Public Law 98-181. The hearing will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building. Senator BOSCHWITZ will chair. For further information, please contact Stewart Hudson of the committee staff at 224-0840.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 3, at 2 p.m., to consider the nomination of Robert Hennemeyer to be Ambassador to Gambia, and S. L. Abbott to be Ambassador to Lesotho.

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

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 3, at 2 p.m., to consider the nomination of Michael Armacost to be Under Secretary of State for Political Affairs.

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

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 3, 1984, in order to receive testimony concerning recommending fiscal year 1985, defense funding reduction.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 3, to hold a closed business meeting on intelligence procedures.

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

COMMITTEE ON FINANCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 3, to hold an executive session to consider the following nominations and legislation:

Nomination of Joel Gerber, judge, U.S. Tax Court;

Nomination of Joseph Dennin to be Assistant Secretary of Commerce;

Increase limit on public debt;

Three authorization bills: Office of U.S. Treasury; U.S. Customs Service; and International Trade Commission.

Modifications of the Disability Insurance Review Procedures;

Extension of the Generalized System of Preference contained in S. 1718;

Retroactive relief from the Dickman case.

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

ADDITIONAL STATEMENTS

NATIONAL HISTORIC PRESERVATION WEEK

● Mr. ABDNOR. Mr. President, during the week of May 13 to 19 the National Trust for Historic Preservation will be celebrating National Preservation Week.

During this time it is expected that over 5,000 preservation and neighborhood groups and organizations will participate in local programs to increase public awareness of the importance and economic potential of historic preservation programs.

The theme of this year's program is "Preservation Is Taking Care of America" and, indeed, it is. As a strong supporter of historic preservation programs, I am pleased by the wide interest and active involvement of millions of Americans in a variety of historic preservation programs.

In my State of South Dakota, we have one of the most active historic preservation programs in the Nation. South Dakotans are actively involved in numerous restoration, rehabilitation, and miantenance efforts. I am proud of the commitment of South Dakotans and other Americans to preservation programs.

I should also like to commend the work of the National Trust for Historic Preservation. It has made an incalculable contribution in assisting States, communities, and localities with financial support, technical assistance and resource development.

In addition the Historic Trust is bringing new life to many urban and rural communities through its national main street center program. I am proud that the community of Hot Springs, S. Dak. served as a pilot city for this national program. Since 1977, numerous other cities and towns have been selected for participation in this effort.

The National Trust helps organize local support for efforts to renew downtown corridors in small towns, cities, and metro areas. These efforts have brought together local leaders, bankers, chambers of commerce, merchants, and individuals in a combined effort to revitalize their main streets. Each community tailors its program to meet its own needs. It is based on refocusing a community on its own image and redeveloping its center. This has proven to be a phenomenal success and brought new life and vitality to many downtown areas.

As always, I am certain that this year's historic preservation week will be a huge success. However, more importantly, efforts to restore and protect our Nation's heritage will continue through all the other weeks of the year as well. Given the dedication of the National Trust for Historic Preservation and the countless individuals, groups, organizations, and agencies that promote these programs, we look forward to even greater participation in the coming years.●

DESIGNATION OF MAY 1984 AS NATIONAL FEDERATION OF THE BLIND MONTH IN SOUTH DAKOTA

● Mr. PRESSLER. Mr. President, recently the Governor of South Dakota declared May 1984 as National Federation of the Blind Month in South Dakota. The National Federation of the Blind is the largest organization of blind persons in our country. We in South Dakota are extremely proud of the work of our NFB affiliate to insure equality, security, and opportunity for the blind citizens of our State. It's outreach efforts extend to all parts of South Dakota. I commend them as they continue to provide essential services to the blind across South Dakota and the United States.

Mr. President, I ask that the executive proclamation designating May 1984 as National Federation of the Blind Month in South Dakota be printed in the RECORD

The executive proclamation follows:

PROCLAMATION

Whereas, the National Federation of the Blind of South Dakota is a vital advocacy group that represents the interests of thousands of blind citizens statewide; and

Whereas, this invaluable organization is an effective voice of the blind for it seeks to enhance the dignity and increase the independence of our state's visually handicapped; and

Whereas, as the largest organization of the blind in America, the NFB strives to educate the public about the capabilities of the visually impaired; they are a group of individuals who see themselves not as blind people, but as people who just happen to be blind; and

Whereas, the National Federation of the Blind of South Dakota is a group whose blind members don't ask for sympathy, but for empathy * * * they wish not to be pampered, for they only desire to be given a chance to prove how much they CAN do and how little they can't do; and

Whereas, the NFB not only seeks to educate the sighted, but works as well to inform the visually handicapped of their rights and of the many services available to them:

Now, therefore, I, William J. Janklow, Governor of the State of South Dakota, do hereby proclaim the month of May 1984, as "National Federation of the Blind of South Dakota Month" in So .th Dakota. As citizens of this great State, it is important we all recognize the blind as fellow human beings who desire only to live full, rich lives in dignity and equality.●

THE SIXTH STREET FESTIVAL MARKETPLACE

● Mr. WARNER. Mr. President, I congratulate the people of Richmond on the award of a $4.2 million UDAG grant for the construction of the "Sixth Street Festival Marketplace." I was honored to join in the groundbreaking celebration for the marketplace held in Richmond, Va., on April 23, 1984 along with Secretary Pierce of the Department of Housing and Urban Development, Senator TRIBLE, Governor Robb, and Congressman TOM BLILEY, as well as thousands of other enthusiastic Virginians.

Albert G. Dobbins III, the economic development planner for the Richmond Renaissance Board—the organizers for the marketplace project—has prepared an outstanding analysis of the impact of the marketplace. I submit for the RECORD Mr. Dobbins' analysis.

The analysis follows:

6TH STREET FESTIVAL MARKETPLACE—IMPACTS ON BLACK COMMUNITY INTERESTS

The 6th Street festival marketplace project will impact Richmond's black community in a variety of ways. There will be physical and economic impacts which will affect its image and local economy. Also, there will be social impacts which will affect how blacks and whites live and interact with one another. The black community is diverse, therefore impacts will be felt differently. Specific "groups" of blacks will be affected according to their proximity to the development, their roles in the community, their vested interest in the area and their socio-economic status.

HISTORICAL OVERVIEW: POLITICS AND RACE

Since the formation of the Richmond Crusade for Voters in 1956, Richmond has been struggling to overcome its reputation for racial separation and arch-conservatism. Under the leadership of Dr. William S. Thornton, the Richmond Crusade of Voters has sustained a major campaign to increase black participation in the local decision-making process. After a series of battles going all the way to the United States Supreme Court, Richmond's voting structure was changed to a Ward System resulting in a 5-to-4 black majority on City Council in 1977. Since this change in local political power, Richmond's majority black City Council has attempted to implement a variety of programs designed to enhance the social and economic opportunities for all its residents.

DOWNTOWN INITIATIVES

The development and implementation of a downtown economic development plan has been a major item on City Council's agenda. In 1980, Council launched its first downtown initiative known as Project One. This development is to be a major office-hotel-convention center complex located north of Broad Street—a major thoroughfare often described as the dividing line separating blacks from whites. About $70 million of public funds will be committed by City government to support this mixed-use development.

A second initiative began in 1982. Richmond Renaissance, a no profit corporation, was organized as a biracial, public/private partnership to facilitate negotiation and cooperation between the business community and local government. City Council named a 60-person Board of Directors (evenly divided between blacks and whites) and committed $1.75 million in Community Development Block Grant CDBG) funds for eligible economic development projects. This amount was quickly matched by a $2 million pledge by the private sector.

In 1983, City Council agreed to a $3.5 million Section 108 loan to assist in the development of a festival marketplace project proposed by Richmond Renaissance. This was a bold step for City Council because these funds were to come from future CDBG allocations. Many in the community felt that CDBG money should only be spent for neighborhood projects. Nevertheless, Council decided that this downtown project would have substantial benefits for the entire city.

THE 6TH FESTIVAL MARKETPLACE

Richmond Renaissance's top priority project has been the 6th Street festival marketplace. More than a physical linking of the north and south sides of Broad Street, this project will be a glass and steel bond between the public and private sectors—blacks and whites. With the creation of a festival market stetching across Broad Street, the city's development efforts and the business community will be linked physically, economically and symbolically. Richmond's public officials, business and civic leaders perceive this project as a "bridge of unity" that will bring widely differing sectors of the community together.

The 6th Street project offers the black community a number of very positive direct benefits. During the design and construction of the project; 20% of the dollar value of design services and 30% of construction subcontracts will be let to minority firms. Also, minorities will comprise 30% of the construction labor force. During the operation of the marketplace, 20% of the dollar value of all service contracts will be let to minority firms, 30% of the management and administrative personnel will be minorities, 50% of clerical and maintenance personnel will be minorities and 30% of all permanent full and part-time employees of all tenants will be minorities. Most importantly, 15% of all tenants in the marketplace will be minority vendors and 51% of the capital stocks in the $6.0 million parking garage will be owned by local blacks.

THE SECOND STREET BUSINESS DISTRICT AREA

The 6th Street project also offers the potential for at least one major indirect benefit to the black community. Richmond's historic center of black business and culture is located adjacent to the Project One/6th Street marketplace site. This area, known as the Second Street Business District, is a 14-block commercial-residential community in the downtown area (see map). After the Civil War, this area became the home of black fraternal organizations, cooperative banks, insurance companies, and other commerical and social institutions. However, since the 1950's the Second Street Business District—like many small commercial areas in and near central business districts—has been affected adversely by loss of population and disinvestment.

In January 1983, Richmond Renaissance established a biracial subcommittee comprised of Second Street area merchants and property owners to investigate the potential for revitalizing this important black community. From the beginning, it was clear that the redevelopment of this area would be closely tied to the development of Project One and the 6th Street festival marketplace. Anticipating indirect social and economic benefits, the Second Street committee has begun a short-range development project. Predevelopment work is underway for a $2.5 million office building to be phased with the opening of the marketplace. This project will be financed from private sources including equity from the black community. It will attract a growing secondary office market among small service and professional firms who wish to locate outside of the high cost downtown financial district. Its feasibility is linked to the positive impacts expected from Project One, the 6th Street project and the nearby Medical College of Virginia complex.

THE "BOTTOM LINE"

The 6th Street project holds the potential for stimulating growth, jobs and more opportunities—with traditionally disenfranchised groups, i.e. blacks, included in the partnership. The project signals a new assertive direction for a city whose earlier leadership had projected an antebellum mystique where change and innovative ideas were viewed with suspicion. The "Bottom Line", is that the development of Richmond's 6th Street festival will favorably impact the social and economic well-being of all its citizens, but there are very major benefits to the black community that should be recognized.

SECOND STREET BUSINESS DISTRICT—CLAY STREET OFFICE BUILDING PROJECT

Predevelopment work is underway for a four-story, $2.5 million office building to be located at the northwest corner of Clay and Third Streets. This project wil¹ be financed with equity from the city's black community and debt from local lending institutions. It will require about 26,000 square feet of land and will offer over 28,000 square feet of leasable building space renting for roughly $12.00 per square foot. The project will attract a growing secondary office market among small service and professional firms who wish to locate outside the high cost financial district. Eighty-two on-site parking spaces will be provided and the surroundings will be designed to create a safe and attractive environment.

The Clay Street office building project is linked to nearby development initiatives. Its feasibility is based upon the development of both Project One and the 6th Street festival marketplace. If successful, this office building will be the first of many development projects leading to the revitalization of a historic black business area.●

RALPH FOSTER—PIONEER RADIO BROADCASTER

● Mr. EAGLETON. Mr. President, last week Mr. Ralph Foster celebrated his 91st birthday. For everyone in southwestern Missouri, Ralph is known as "Mr. Conservation," and a pioneer in radio broadcasting.

Ralph Foster's success in radio broadcasting is attributed to his ability to provide wholesome family programs and innovative programming techniques. He started his first station in St. Joseph, Mo., in 1926. Ralph's radio station was the first to originate "Weather Bureau" direct forecasting and to syndicate radio shows national-

ly. The "Ozarks Jubilee" was the first regular country music show on television and one of the biggest tourist attractions in Missouri in the mid-1950's. Through this program and other programs he produced for KWYO in Springfield, Ralph Foster has brought many an outstanding entertainment personality to the Ozarks.

It was Ralph's love for the outdoors that brought him to the Ozarks in 1933, where he has lived with his wife Harriet for over 53 years. In addition to his outstanding achievements in the field of radio and television, Ralph has been the catalyst in establishing good conservation practices for the State of Missouri. Mr. Foster helped establish the Conservation Commission in 1936 and has been collecting Native American artifacts for years. In the mid-1960's Mr. Foster donated his collection to the School of the Ozarks museum, and in 1967 the college changed the name of the museum to the Ralph Foster Museum.

Ralph Foster has dedicated his life to his fellow man. He currently is vice chairman of the Ralph Foster Museum Board, member of the Board of Trustees of the School of the Ozarks, and a member of the Board of the Lester E. Cox Medical Center.

I know my colleagues join me in wishing Mr. Foster a very special 91st birthday. Ralph Foster has given Missourians so much joy through his caring and happiness through his radio programming.●

RADIO AMATEURS LAUNCH TESTING BY VOLUNTEERS

● Mr. GOLDWATER. Mr. President, on the weekend of April 28-29, amateur radio examinations were administered to approximately 350 applicants by volunteer members of the Dayton Amateur Radio Association in Ohio. This was the first large-scale testing to be carried out by volunteers with FCC direction, rather than by the FCC itself.

This occasion marked the culmination of a process begun when Public Law 97-259 was enacted in September 1982, authorizing volunteers to administer amateur radio examinations. As the sponsor of the authorizing legislation, I want to congratulate Mrs. Judy Frye, chairwoman in charge of administering the examinations, and all the volunteers who assisted her in planning and carrying out the large scale effort to administer the examinations.

For fiscal year 1981, the latest figures available, the FCC estimated the cost of administering each amateur examination to be $7.26 per examination. The Dayton association estimates their costs to be under $3 per examination. The cost to the taxpayers is nothing. In addition, this volunteer system enables persons to obtain their amateur licenses on weekends and evenings, instead of having to lose a day of work in order to take the examination during normal FCC business hours.

I especially wish to note that the Dayton Amateur Radio Association under the very able leadership of Judy Frye and the assistance of her husband Charles, has taken the lead in coordinating examinations throughout the states of Ohio, Michigan, and West Virginia. Furthermore, they are ably advising and assisting other groups around the country, and thereby spreading the knowledge obtained by their hands-on experience in pioneering the first large-scale volunteer examinations.

I also wish to congratulate the Anchorage, Alaska, Amateur Radio Club, which was the first approved examination coordinator and also has held a testing session in that State. Other testing sessions will be held soon in Chicago, Ill., coordinated by the DeVry Amateur Radio Society, and Rochester, N.Y., by the Metroplex Amateur Communications Association.

Across the entire country, other volunteers are preparing to administer the amateur technical and Morse code examinations. Even as this occurs, the FCC has announced that they will have completely phased out their own testing by the end of 1984.

As a radio amateur myself, I am proud to report these events to my fellow Senators. The radio amateurs of this Nation are once again demonstrating their dedication and abilities. The taxpayers benefit by not picking up the tab for amateur examinations, and the amateurs benefit by having examinations more readily available and a more direct role in the amateur service.●

TRIBUTE TO ENOLIA P. McMILLAN

● Mr. SARBANES. Mr. President, Ms. Enolia P. McMillan, an energetic and dedicated civil rights activist, has recently been elected as national president of the NAACP. It is my firm belief that there is no one more qualified or more deserving of this honor. After nearly 15 years as head of the Baltimore branch of the NAACP, and after a lifetime of commitment to the cause of civil rights, Ms. McMillan is sure to bring new life and renewed commitment to the organization.

As the daughter of a slave, Enolia McMillan realizes better than most just how far we have come in the struggle for civil rights, and how far we have yet to go. During her long tenure as a teacher and then as a school administrator in Baltimore City and southern Maryland, she struggled long and hard to gain equality for blacks in the public school system. Her attempts to improve facilities and the quality of education for young black students and her struggle to obtain equal pay for black teachers were met with frequent disappointments, but she never gave up until her goals were accomplished.

Ms. McMillan has, in the past 15 years, built the Baltimore chapter of the NAACP into one of the most successful and effective chapters in the country. She has disproved assumptions that the NAACP is no longer an effective tool in the fight for civil rights, and has succeeded in dramatically increasing its declining membership. She has the rare ability to lead effectively, redirecting chapter goals to meet the changing demands of the times. Ms. McMillan's selection as president of the NAACP is indeed a great honor for Baltimore and for Maryland, and we wish her great success in her continued quest for equality under the law.

I ask that the following articles about Ms. McMillan be printed in the RECORD.

The articles follow:

[From the Baltimore Evening Sun, Jan. 13, 1984]

WAY TO GO

Enolia McMillan, the Baltimorean who has just been elected president (as distinct from the office of board chairman) of the NAACP, is hailed for her zest, her energy. Something, for a person in her 80th year. But, ever so slightly, people may be missing the point. Denton Watson of NAACP headquarters in New York says this is the first time since 1909 and its start that the organization has been presided over by a woman.

During her 35 years as a Baltimore schools teacher and administrator, McMillan somehow never got to be a principal. Lots of schools and lots of vacancies as principal; somehow, men were chosen.

Shirley Chisholm has gone into the quotation dictionaries with her remark that, throughout her career, being female was to her a bigger handicap than being black. At NAACP, recently, much of the advancement of civil rights and equal opportunity has gone on offstage, in extended court struggles. This is to predict that, to whatever extent the new president takes her case to the public, eye and minds will open as to more than one form of ancient American bias.

Enolia P. McMillan, who was elected national president of the NAACP last week, is the daughter of a man who was born a slave.

The 79-year-old Baltimorean says her father, John Pettigen, was a child working as a field hand on a Virginia plantation when slavery was abolished in 1863.

That's how close we are to slavery in our history in this country.

But Mrs. McMillan, a retired teacher and assistant principal, say she is "too busy concentrating on the branches" of her family to pay much attention to its roots.

"If I could get the branches to behave, I'd be satisfied," she says, laughing.

Actually, Mrs. McMillan does not seem to have any serious problems with the branches. Her only child is a successful engineer married to a college professor, and their children, Mrs. McMillan's grandchil-

dren, face a future of possibilities unimaginable in 1863.

"Things have changed tremendously," Mrs. McMillan said the other day, reflecting on the 130-odd years between her father's childhood and that of her grandchildren. "Some things I never expected to live to see I have seen, like integration in the schools and in motels and restaurants.

"When I was in school I couldn't even sit down on the stool at the counter in the 5-and-10 cents store. Segregation was such a very strong tradition in this country, I was surprised that we were able to break it as quickly as we did."

Mrs. McMillan began her education in a rural, Harford county elementary school. She remembers driving to the segregated one-room school house in a horse-drawn buggy.

Her mother was a cleaning lady with an eighth-grade education. Her father, who had only six weeks of schooling in his life, became a farmer after he was freed.

But Mrs. McMillan says her parents wanted their children to have a better education than they had, so they moved to Baltimore, where Mrs. McMillan eventually graduated from what was then called Baltimore Colored High School.

She says she got a good education at that school, despite segregation. "Those schools had much more dedicated teachers than you find, on the whole, nowadays," she said. "The classes were quite small and the teachers took a real interest in pupils who showed some promise."

After high school, Mrs. McMillan went to Howard University in Washington, because, she says, "There wasn't a single first-rate college in Maryland that was open to blacks."

She couldn't afford to move to Washington so she commuted by train five days a week for four years, a trip which she says took her two and a half hours each way, door to door.

Despite the commute and the need to work part-time waiting on tables and selling stockings, Mrs. McMillan graduated with honors and went on to get a master's degree in education administration from Columbia University in New York.

Her dream was to become a doctor and work as a missionary in Africa, but she couldn't afford to go to medical school or to Africa, so she started teaching. She says she soon realized "there was plenty of good work to be done right here."

The good work included 19 years of class room teaching and more as an administrator, in Southern Maryland and Baltimore city.

During those years, Mrs. McMillan found herself fighting for equality at almost every turn.

The first big battle came when she discovered that white teachers were being paid twice as much as blacks. It took a number of years and the threat of a law suit, but eventually Mrs. McMillan and her colleagues won that fight.

She was rewarded for her efforts by being elected president of the Maryland State Colored Teachers Association.

From that position she became involved in the establishment of the Baltimore chapter of the NAACP and has remained active in that organization for nearly half a century now.

During those years, she says, she has seen the organization's power and prestige rise and fall and rise again.

"When other blacks called us 'Uncle Toms' during the sixties, we stuck to our original principles," she says. "We never changed. We've never advocated violence. We've always worked for change through negotiation, legislation and litigation. Our critics changed, but we've always stayed the same."

If the NAACP was threatened by black militancy in the sixties, now Mrs. McMillan says the organization is threatened by complacency.

"A lot of successful blacks think we've arrived just because they have. They've got a good job, a nice car, a lovely home. The civil rights laws are on the books. They say, 'We've made it. Who needs the NAACP anymore?'"

This is how Mrs. McMillan answers that question:

"There are still millions of blacks who need us. Even where there is no more overt discrimination, there is covert discrimination. There is economic discrimination. There is black unemployment running twice as high as white unemployment."

"I may be old, but I can still see," she says, "and I see a lot of racism still with us here in America, and a lot of back-sliding in Washington, a lot of battles that we thought we'd won and now we have to fight them all over again."

"Well, we've won some of those battles, and we've come a long, long way, but the war is not over," says Enolia P. McMillan, the daughter of a man who was born a slave. "It would be real nice to sit back after 79 years and say 'Praise the Lord. It's done. The war is over.'"

"But in my heart," she says, "I know it's not."

[From the Baltimore Evening Sun, Jan. 12, 1984]

ENOLIA MCMILLAN: NAACP LEADER KNOWS THE PRICE OF PROGRESS

(By Jeffrey W. Peters)

Enolia P. McMillan, retired teacher, veteran civil rights activist and rookie national president of the NAACP, studied in the shadow of prejudice and learned well the price of progress.

From a youth spent in search of education, through the time she joined the local chapter of the National Association for the Advancement of Colored People, through 40 years as a city school teacher and 14 more at the helm of Baltimore's NAACP, McMillan battled an intransigent establishment and apathetic members of her own race.

But the sacrifice of her ambition and privacy as been repaid—collectively, in the growth of opportunities for all blacks, and personally, in her elevation to the national presidency of the NAACP this week, even though the job is unsalaried.

"Maybe this is just the shot in the arm I need to keep me going a little bit longer," said McMillan, 79, as she reflected on a half-century of struggle studded with success.

Even as well-wishers jammed McMillan's living room and telephone line, reminders of past efforts surrounded her.

Her husband, Betha M. McMillan, proudly pointed to the plaques and parchments that mark her contributions to a host of social, charitable and educational organizations. Delta Sigma Theta recognized her outstanding citizenship, the Maryland State Teachers Association commemorated her dedication to education and former Gov. Marvin Mandel congratulated her for years of service on the Morgan State University board of trustees.

In 1962, when the Rev. Martin Luther King Jr. was just becoming nationally prominent, the NAACP thanked McMillan for her many years of dedicated service.

"We've had successes over the years, and that proves that progress is possible," McMillan said. "It may not be as fast or as complete as you want, but it is possible. And unless you believe that, you'll just fold up your arms and say 'Come on, death.'"

Prodded by questions, she remembered the arguments and the protests, the sit-ins and the walkouts. The recounted stories chart a map of social progress in the black community and offer a blueprint for future fights.

"The most important change over the years has been in the types of jobs blacks are able to get. Now, we just don't have enough of them [blacks] getting jobs," McMillan said. "But when I got out of college the only thing I could get was teaching, or domestic work."

Four years of daily, five-hour journeys to Howard University in Washington had prepared the former Enolia Pettigen of Baltimore for a teaching career. In 1927, she entered the profession as a teacher at Denton High School in Carolina County. Then came eight years as a principal in Charles County, followed by a 35-year career as a teacher and administrator in the Baltimore school system.

Despite the discrimination and harassment she would encounter, McMillan had broken the bonds of ignorance. Neither her mother nor sister had gone to college; both labored for a lifetime in the homes of others. The child whose father had been born a slave was the first member of her family to attend college—although Maryland's segregated schools forced her to leave the state to do so.

She in turn communicated a love of learning to her own child, Betha M. McMillan Jr. Nearly 30 years after his mother graduated, Betha Jr. earned his engineering degree from Lehigh Univesity in Pennsylvania. He now works for Westinghouse Co.

In her quest to extend the benefits of education to all blacks, McMillan found little support and much opposition. From buildings to buses, textbooks to teacher salaries, black schools ranked a very poor second to the supposedly "separate but equal" white systems.

Charles County, with a population almost equally divided between whites and blacks, maintained five white schools but funded only a single secondary institution for blacks. McMillan found that few teen-age blacks could afford to attend the school that was tucked away in a distant tip of the county.

"So we got together and bought a little, used yellow bus and named it Amos," she remembered. "It gave us fits but it also got out to students for almost 40 miles around. The next year we bought a second bus and, by the third year, we were up to having a brand new bus. By the time I left, we had three buses running through the county."

Similar struggles awaited when McMillan returned to her native Baltimore in 1935, armed with a master's degree from Columbia University in New York.

Already known as a radical for her efforts to boost the pay of black teachers, she brought her feisty energies to bear on the serious overcrowding that had plagued the city's black schools for years.●

DIANA HOPE HAMILTON

● Mr. DIXON. Mr. President, I would like to take this opportunity to salute an outstanding public servant, Diana Hope Hamilton, the executive director of the Northeast-Midwest Senate Coalition.

Diana is leaving the coalition to pursue a master's degree in business.

She has worked effectively with 38 Senators representing diverse political philosophies, which is no small accomplishment. She has also been able to galvanize representatives of our legislative staffs into working toward common goals that benefit the Northeast and Midwestern regions of the Nation. Diana was responsible to 38 Members of the U.S. Senate and many of them have told me how much they respect her work.

Diana is an exceptional individual. She has mastered the techniques of the legislative process, while at the same time expanding the influence of the coalition.

I know of very few people who could accomplish what she has in 3 years.

The coalition is now interviewing candidates to replace Diana and we are having a difficult time finding a replacement because of the standards she set.

Along with my colleagues, I wish her well in her future endeavors and want Diana to know that we are going to miss her.●

THE 1984 AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL RECIPIENTS

● Mr. WARNER. Mr. President, this month, the American Automobile Association is presenting 10 young people, including a Virginian, the highest award given to members of school safety patrols throughout the United States, the AAA School Safety Patrol Lifesaving Medal.

The lifesaving award program was initiated in 1949 by the American Automobile Association to recognize and honor selected school patrol members for their heroic lifesaving contribution to their communities.

Since its inception, there have been more than 260 boys and girls from 28 States and the District of Columbia who have been honored with the lifesaving medal.

An award review board, composed of representatives from active national organizations in the fields of education, law enforcement, and safety, selects deserving medal recipients from those candidates who have been officially nominated for consideration.

As a cosponsor of Senate Joint Resolution 172 last year, designating the week of October 3 to 8, 1983, as "National Schoolbus Safety Week of 1983," I heartily commend these young people for their achievements.

I an particularly proud that a young Virginian, Terezia C. Rauch, is an award winner this year, and I am pleased to list for the RECORD the 1984 recipients of the AAA School Safety Patrol Lifesaving Medal:

Terezia C. Rauch, 11, Glebe School, Arlington, Virginia; John M. Aleksa, 11, Public School No. 107, Flushing, New York; Robert Bodine, 11, South Daytona Elementary School, South Dayton, Florida; Iliana Cintron, 11, Public School No. 26X, Bronx, New York; Annie L. Kustelski, 12, Stuart School, Milwaukee, Wisconsin; Pablo D. Lues, 11, Public School No. 107, Flushing, New York; Chadwick W. Macfie, 12, South Daytona Elementary School, South Daytona, Florida; Deron Spigner, 12, James E. Stephens Elementary School, Bartow, Florida; Gary J. Thomas, 10, Fairhome Elementary School, Lorain, Ohio; Ken Wetherington, 12 James E. Stephens Elementary School, Bartow, Florida.

I know my colleagues join me in congratulating these fine young people for their achievements.●

HUMAN SERVICES REAUTHORIZATION ACT

● Mr. COCHRAN. Mr. President, I recently returned from a visit to several Head Start programs in my State and would like to take this opportunity to impress upon my colleagues the tremendous job this program is doing to enhance the long-term growth and development of the young people the program serves.

As Senators know, Head Start has been widely recognized as one of the Federal Government's most cost effective and successful Federal programs. It has been in existence since 1965 and currently serves over 400,000 children enrolled in full-time programs throughout the country. The programs provide for education, counseling, food and nutrition services, health care, volunteer opportunities, and training and jobs for parents and members of the community.

A great deal of research and several studies have clearly documented the positive effects on children and their parents resulting from involvement in the Head Start program. One such study concluded that Head Start's benefits outweigh its costs by 235 percent.

I have been, and will continue to be, a strong supporter of this valuable program. Recently, I cosponsored legislation, S. 2374, the Human Services Reauthorization Act, along with Senator STAFFORD and over 34 of my colleagues, which would extend the authorization for the Head Start program for 5 years. This legislation includes several provisions which will strengthen the ability of the program to continue to deliver high quality, cost-effective services to an additional 60,000 children during fiscal year 1985 alone.

Language in the bill strengthens existing local community Head Start programs, while allowing flexibility in the designation of new Head Start programs in areas where such services are not now being provided. Funding for training and technical assistance, child development associate training, as well as assessment and credentialing programs for such personnel, is included. This is a very important matter for a program that depends so heavily on volunteers and parents for staff.

The performance standards, which must be met by each local program, are strengthened so that the quality and scope of services will be maintained at a level equal to those standards in effect in November 1978.

Much of Head Start's continued success, in Mississippi and throughout the country, will depend on the effective implementation of these, and other, provisions contained in the Human Services Reauthorization Act.

I urge the chairman of the Committee on Labor and Human Resources, Senator HATCH, to act on S. 2374 and assist in its passage. This will certainly allow the Head Start program to continue to build upon a well established, solid record of accomplishments.●

PRESIDENT REAGAN'S VISIT TO FAIRBANKS, ALASKA

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

● Mr. MURKOWSKI. Mr. President, I would like to take this opportunity to explain my absence from this week's Senate business.

This week, I had the honor and privilege of hosting President Ronald Reagan on his 32-hour visit to Fairbanks, my hometown.

In addition to hosting President Reagan and his wife, Nancy, I had the pleasure of greeting Secretary of State George Shultz and Secretary of Interior William Clark.

I also had the honor to represent the U.S. Congress during the visit between President Reagan and His Holiness, Pope John Paul II.

This business was a once-in-a-lifetime event for the estimated 12,000 Alaskans who attended the meeting at the Fairbanks International Airport. I believe it will also have a tremendous impact on the world's perception of Alaska.●

JACK KASSEWITZ WAS ONE OF A KIND

● Mr. CHILES. Mr. President, the heading on this tribute was taken from the headline on the obituary for Jack Kassewitz in the Miami News, the newspaper with which he was associated since 1954. In my opinion the headline describes him beautifully.

Jack died of cancer April 16 in Miami at age 70 following an outstand-

ing newspaper career and an active role in the community that will long leave its mark there. He will be sorely missed.

In his memory and in recognition of his contributions I offer several excerpts from the News obituary which help define the man:

Jack Kassewitz felt at home in the elite downtown Miami Club and just as comfortable helping out derelicts who wandered into his office and walked out with money in their hands.

He loved practical jokes and practical jokers, and he looked at the world with an oft-bemused stare. But he also was a respected thinker who wrote prize-winning editorials. And . . .

Forced to drop out of college during the Depression to take a $15-a-week job as a part-time reporter in Mercer, Ga., Kassewitz was a lifelong advocate of higher education. He served 13 years on Miami-Dade's board of trustees, often as chairman or vice chairman. He was appointed to the State Community College Council and taught journalism classes at Miami-Dade in the late 1960's. A data processing building on Miami-Dade's south campus is named after him. And . . .

Kassewitz was a member of the News' editorial board for 15 years. In those years the newspaper won the Florida Society of Newspaper Editors' first place award for editorials. He also won a special award from the Florida Bar for an editorial policy sensitive to public issues "in the administration of justice." And . . .

Long active in the Jewish community, Kassewitz was a three-term chairman of the Florida Regional Board of the Anti-Defamation League of B'nai B'rith in the 1970's. He is listed in Who's Who of World Jewry.

In recognition of his achievements Kassewitz was awarded the Anti-Defamation League's Leonard L. Abess Human Rights Award in 1979.

Kassewitz served for years as a member of the county's Community Action Agency and was an active Mason.

Kassewitz held a number of civic posts . . . and former president of the Greater Miami Chapter of the Society of Professional Journalists, Sigma Delta Chi.

And, most important—

"He was probably the greatest family man that God ever made," his wife said, "He was the most unselfish and generous man. He never considered himself over anyone else."

All of this says a lot about the man that Jack Kassewitz was, but it does not say it all. For his kind, words are not enough.●

TRIBUTE TO ANSEL ADAMS

● Mr. JEPSEN. Mr. President, today it is my privilege to pay tribute to Ansel Adams. His death on April 22 brought an end to his brilliant era as one of America's best known photographers. For over half a century, Mr. Adams captured the majesty of the American West on film with amazing clarity and precision.

As an innovator of landscape photography, he researched and perfected techniques for the development of modern landscape photography. His contributions of insight into photography education taught many to see through the camera lens the same wilderness beauty he admired.

It was this love for the American West and especially the Yosemite Valley that inspired Adams to dedicate a great portion of his life to the preservation and conservation of our environment. His efforts as a true conservationist earned him awards of such magnitude as the Sierra Club's John Muir Award in 1963 and the Conservation Service Award for the Interior Department in 1968. In 1980, Adams received the Nation's highest civilian honor, the Presidential Medal of Freedom, for being both an artist and an environmentalist.

Ansel Adams took his talents and brought them in picture form to millions of Americans to enjoy and appreciate the grandeur of the American wilderness.

In January of 1975, Adams said of himself: "As I became more and more interested in the mountains, my natural impulse was to have a visual diary." We are fortunate to have this extraordinary visual diary of a man who was so in tune to the natural beauty and grace of the American West.

Ansel Adams was a photographer, educator, conservationist, and American whose impact will always be felt and whose presence will definitely be missed.●

PHELMON SAUNDERS RETIRES

● Mr. LEVIN. Mr. President, I am pleased to recognize today a fine person who recently celebrated his retirement.

Born and raised in Detroit, Phelmon Saunders attended the Detroit public schools and Marygrove College, where he took classes in printing and graphic art. He gained valuable experience in the printing field, working for the Detroit Tribune and several print shops. He was admired by his coworkers and made many friends while employed by the Ford Motor Co. and later at the Wayne County General Hospital, where he was promoted to duplicating machine supervisor in 1969. In 1982, Mr. Saunders transferred to the Wayne County Cooperative Extension Service, where he worked diligently until his retirement a few weeks ago.

Phelmon Saunders has been an active member of various union organizations. He was elected financial secretary of local 25 of the American Federation of State, County, and Municipal Employees and held that position from 1968 to 1979. He was also a delegate to AFSCME Council 25 and the Metro Detroit AFL-CIO.

Phelmon Saunders will continue to be active in the Smith Chapel AME Church in Inkster, Mich. He is a trustee of the church, organized and directs the choir, and is vice president of the Men's Club—MOVE—Men Organized in Volunteer Endeavors.

I wish to congratulate Phelmon Saunders on this happy occasion and to wish him continued happiness and fulfillment.●

RHODE ISLAND DECLARATION OF INDEPENDENCE

● Mr. CHAFEE. Mr. President, the Colony of Rhode Island and Providence Plantations was the first of the Original 13 Colonies to declare its independence from Great Britain.

May 4, 1984, marks the 208th anniversary of the general assembly's declaration of independence from King George. In order to commemorate that day, I ask that Rhode Island's original renunciation of the Crown be printed in the permanent RECORD.

The material follows:

RENUNCIATION OF THE CROWN

An act repealing an act entitled, "An Act for the more effectually securing to his Majesty the Allegiance of his Subjects, in this his Colony and Dominion of Rhode-Island and Providence Plantations;" and altering the Forms of Commissions, of all Writs and Processes in the Courts, and of the Oaths prescribed by Law.

Whereas in all States existing by Compact, Protection and Allegiance are reciprocal, the latter being only due in Consequence of the former: and whereas George the Third, King of Great-Britain, forgetting his Dignity, regardless of the Compact most solemnly entered into, ratified and confirmed, to the Inhabitants of this Colony, by His illustrious Ancestors, and till of late fully recognized by Him—and entirely departing from the Duties and Character of a good King, instead of protecting, is endeavouring to destroy the good People of this Colony, and of all the United Colonies, by sending Fleets and Armies to America, to confiscate our Property, and spread Fire, Sword and Desolation, throughout our Country, in order to compel us to submit to the most debasing and detestable Tyranny; whereby we are obliged by Necessity, and it becomes our highest Duty, to use every Means, with which God and Nature have furnished us, in Support of our invaluable Rights and Privileges; to oppose that Power which is exerted only for our Destruction.

Be it therefore Enacted by this General Assembly, and by the Authority thereof it is Enacted, That an Act entitled, "An Act for the more effectual securing to His Majesty the Allegiance of his Subjects in this his Colony and Dominion of Rhode-Island and Providence Plantations," be, and the same is hereby, repealed.

Clerk of the house, Josias Lyndon, wrote: "Resolved that the aforementioned written pass as an act of this assembly."

It was read and approved in the upper house the same day, as attested by Henry Ward, secretary.

For the first time the session closed with the words, "God save the United Colonies."●

IN REMEMBRANCE OF ARMENIAN MARTYRS DAY

● Mr. KENNEDY. Mr. President, 69 years ago, in 1915, the Armenian

people were subjected to unprecedented brutality. Innocent Armenians were massacred. Those years of darkness for the Armenian people must never be forgotten. It is one of the saddest chapters in the history of the human race. In an effort to keep the memory of this tragedy alive, I have cosponsored Senate Joint Resolution 83—designating a day of remembrance for the victims of Armenian genocide—and Senate Resolution 241, expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people.

I am disturbed that the Department of State is reluctant to recognize these unspeakable mass murders as genocide. All who respect the dignity of human life must condemn these killings and similar abuses without equivocation.

We will recall these tragic events again and again, so that public leaders and private citizens the world over will remember that mankind has a collective responsibility to insure that such abuses never recur. Also, we must do everything possible to liberate the human race from these terrible cycles of violence. Armenian Martyrs Day plays an important role in these efforts.●

YOUTH EMPLOYMENT OPPORTUNITY WAGE

● Mr. DENTON. Mr. President, I submit for the RECORD a resolution endorsing a youth opportunity wage program by the National Conference of Black Mayors and a statement issued by the National Conference of Black Mayors explaining their support for the program.

The Reagan administration has announced that it soon will send a bill to Congress to establish a youth opportunity wage for youth under the age of 22 at $2.50 an hour. The National Conference of Black Mayors, by endorsing the administration's efforts courageously has shown that the "Black Mayors" are willing to try an innovative approach to the age-old problem of chronic youth unemployment in the black community.

I am proud that the "Black Mayors" were led in passing this resolution by the President of the conference, Mayor Johnny Ford of Tuskegee, Ala. Mayor Ford's conscientious leadership is well-known in Alabama and the rest of the country. I congratulate Mayor Ford and his colleagues for their wise statement of policy.

The material follows:

RESOLUTION —

"The National Conference of Black Mayors (NCBM) believes that everyone should earn the minimum wage or above. However, given the tremendous problem of youth unemployment and particularly the problem of minority youth unemployment and given the persistence of the tragedy of youth unemployment, despite a history of programs designed to reduce youth unemployment, be resolved the NCBM supports an experimental summer youth opportunity wage program which increases youth employment opportunities which would not displace youth or adults currently employed at or above the minimum wage, and which provides sanctions sufficient to prevent abuse."

STATEMENT BY BOARD OF NATIONAL CONFERENCE OF BLACK MAYORS, APRIL 20, 1984

"In a dramatic opening session of the National Conference of Black Mayors, the urgent need for new national policies to reduce unemployment among minority youth led to the passage of a resolution in support of an experimental summer youth opportunity wage program.

"The resolution came in the face of strong arguments against relaxing any aspect of the standard wage floor.

"At issue was the Mayors' concern that any lessening of wage standards versus the compelling need to develop new solutions to get minority youth off the streets and into gainful employment be addressed immediately. Present estimates of black teenage unemployment range as high as 75 percent.

"A critical element in persuading the National Conference of Black Mayors' membership to go along with the ground-breaking resolution was the experimental character of the initiative, as well as the crisis in black teenage unemployment.

"The real-life experience of black mayors at the grass roots level of government—seeing more and more structurally unemployed minorities and especially young blacks—and less and less money for summer employment—dictated that there be some effort—some experiment to help now to solve the problem.

"The mayors hope that their leadership on the subject will lead to a constructive dialogue within the national and local black communities on how best to assure mainstream employment for black youth.

"The fear expressed by some mayors was that support for this youth measure might be misread or misconstrued to suggest weakened support for full adult employment at full wages. To meet these concerns, clear provisions were insisted upon to bar any adult worker displacement, under pain of civil and criminal penalties."●

TOWARD AN ENERGY EFFICIENT AMERICA

● Mr. CRANSTON. Mr. President, despite the severe oil shocks of the seventies which demonstrated our tremendous vulnerability to precipitous cutoffs of foreign oil supplies, the United States has seen much of its progress toward eliminating foreign oil dependence reversed by administration policies over the past 3 years. A temporary surplus of oil stocks created by a worldwide recession in the industrial nations has lulled us into complacency, and a shortsighted reliance on fossil fuels and nuclear power—no matter how costly, dangerous, polluting, or unreliable—has replaced the long-range programs initiated in the seventies to increase conservation and provide clean, reliable energy alternatives.

Enactment of S. 2629, S. 2630, S. 2631, and S. 2632, the four bills comprising the Energy Efficient America Act will go a long way toward reestablishing our commitment to energy conservation and the use of renewable energy sources as the best way to provide affordable, safe, and reliable energy to all our people in the future.●

ORDER FOR AUTHORIZATION TO RECEIVE AND REFER

Mr. BAKER. Mr. President, since we are not going to be in session on Monday, I ask unanimous consent that during the recess of the Senate on Friday until Tuesday, May 8, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives and they be appropriately referred, and that the Vice President and President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

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

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE AND DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY

Mr. BAKER. Mr. President, I ask unanimous consent that on Tuesday next, after the recognition of the two leaders under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be recognized on a special order of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business of not more than 10 minutes in length, in which Senators may speak for not more than 5 minutes each.

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

THE PROGRAM FOR TUESDAY, MAY 8, 1984

Mr. BAKER. Mr. President, when the Senate completes its business today, it will stand in recess until 9:30 a.m. tomorrow, at which time the Senate will be in session only pro forma and will be recessed then until the hour of 10 a.m. on Tuesday next.

On Tuesday next, after the recognition of the two leaders under the standing order, there will be one special order for the Senator from Wisconsin (Mr. PROXMIRE), to be followed by a brief period for the transaction of routine morning business, after which the Senate will resume the consideration of the unfinished business. At that time, the Chiles amendment will be the pending question.

Since there is an order for a time certain to vote on the Chiles amend-

ment at 3 p.m. on Tuesday next, it is entirely possible that other matters in addition to the debate on the Chiles amendment may be taken up prior to that time.

Mr. President, Senators should be on notice that Tuesday, Wednesday, and Thursday of next week at least will be very busy days and that there will be votes on each day and perhaps late sessions.

Mr. President, I have nothing further to announce.

Mr. BYRD. Mr. President, just for the record, the majority leader, I believe, has stated—he has not suggested otherwise—that there may be votes on Tuesday prior to the 3 p.m. vote. By virtue of the fact that the Senate has entered an order that there will be a vote on the Chiles amendment at 3 p.m. on Tuesday, the majority leader agrees with me, does he not, that this does not in and of itself mean no votes prior to that?

Mr. BAKER. Yes, Mr. President; that is entirely correct. I thank the minority leader for making that statement and drawing the attention of all Senators to that possibility.

Mr. BYRD. I thank the majority leader.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Now, Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to, and the Senate, at 6:07 p.m., recessed until Friday, May 4, 1984, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 1984:

National Transportation Safety Board

James Eugene Burnett, Jr., of Arkansas, to be the chairman of the National Transportation Safety Board for a term of 2 years (reappointment).

In the Air Force

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. Robert T. Marsh, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Lawrence A. Skantze, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Larry D. Welch, [redacted] U.S. Air Force.

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of section 8218, 8362, and 8373, title 10, United States Code:

To be major general

Brig. Gen. Herman J. Carpenter, [redacted], Air Force Reserve.

Brig. Gen. William L. Harper, [redacted], Air Force Reserve.

Brig. Gen. Alan G. Sharp, [redacted], Air Force Reserve.

To be brigadier general

Col. Ronald C. Allen, Jr., [redacted], Air Force Reserve.

Col. Boyd L. Eddins, [redacted] Air Force Reserve.

Col. George D. Eggert, [redacted], Air Force Reserve.

Col. Richard L. Hall, [redacted] Air Force Reserve.

Col. William N. Rowley, [redacted], Air Force Reserve.

Col. Stuart L. Schroeder, [redacted], Air Force Reserve.

Col. David S. Trump, [redacted] Air Force Reserve.

Col. Walter G. Vartan, [redacted], Air Force Reserve.

Col. Richard A. Wood, [redacted] Air Force Reserve.

Col. Duane A. Young, [redacted], Air Force Reserve.

In the Army

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Donald M. Babers, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. William E. Odom, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Lawrence F. Skibbie, [redacted] U.S. Army.

CONFIRMATION

Executive nomination confirmed by the Senate May 3, 1984:

Department of the Treasury

Bruce E. Thompson, Jr., of Maryland, to be a Deputy Under Secretary of the Treasury.