SENATE—*Monday, January 21, 1985*

INAUGURATION OF THE PRESIDENT OF THE UNITED STATES AND THE VICE PRESIDENT

(The inaugural proceedings were held in the Great Rotunda of the Capitol, instead of the West Front of the Capitol as originally scheduled, due to extremely cold weather.)

Members of the House of Representatives, Members of the Senate, Justices of the Supreme Court, members of the Cabinet, members of the diplomatic corps, the Governors of the States and the Mayor of the District of Columbia, the Joint Chiefs of Staff, and other distinguished guests assembled in the Great Rotunda.

MRS. BUSH

Mrs. Dole, Mrs. Ford, and Mrs. Wright escorted Mrs. Bush into the Great Rotunda.

MRS. REAGAN

Mrs. Mathias, Mrs. O'Neill, and Mrs. Michel escorted Mrs. Reagan into the Great Rotunda.

THE VICE PRESIDENT

Mr. Larry Smith, Sergeant at Arms of the Senate, and Mr. Jack Russ, Sergeant at Arms of the House of Representatives, escorted the Vice President and Senators DOLE and FORD and Representatives MICHEL and WRIGHT into the Great Rotunda.

THE PRESIDENT

The ANNOUNCER. Ladies and gentleman, the President of the United States.

[The United States Marine Band, Col. John R. Bourgeois, conductor, played "Hail to the Chief."]

Senator CHARLES MCC. MATHIAS, JR., chairman of the Joint Congressional Committee on Inaugural Ceremonies, and Speaker THOMAS P. O'NEILL, JR., accompanied by Mr. John Chambers, the executive director of the Joint Inaugural Committee escorted the President into the Great Rotunda.

They were joined by Sergeants at Arms, Mr. Larry Smith and Mr. Jack Russ, Senator DOLE and Senator FORD, Representative WRIGHT and Representative MICHEL. This entire party proceeded to the platform in the following order: John Chambers, Jack Russ and Larry Smith, the President, Speaker O'NEILL and Senator MATHIAS, Representative MICHEL and Senator FORD, Representative WRIGHT and Senator DOLE.

Seated near the platform were: Speaker O'NEILL and Mrs. O'Neill, Justice Potter Stewart and Mrs. Stewart, Chief Justice Warren Earl Burger and Mrs. Burger, Mrs. Charles McC. Mathias, Jr., Vice President GEORGE BUSH and Mrs. Bush, President Ronald Reagan and Mrs. Reagan.

At 11:30 a.m. the proceedings commenced, as follows:

THE INAUGURAL CEREMONY

Mr. MATHIAS. Mr. President, Mr. Vice President, fellow citizens, we celebrate today the 50th Inauguration of the President and Vice President of the United States and the beginning of a Presidential term that brings us to the threshold of the third century of American constitutional government.

I will ask the Reverend Timothy S. Healy, president of Georgetown University, to offer the invocation.

INVOCATION

Reverend HEALY. Let us offer this prayer for the President and Vice President and their families, for the people and Government of these United States, for men and women of good will everywhere, captive and free, who watch us today.

Please join me in saying the words our Lord taught us.

Our Father, Who art in heaven,
Hallowed be Thy Name.
Thy kingdom come.
Thy will be done,
On Earth as it is in heaven.
Give us this day our daily bread.
And forgive us our trespasses,
As we forgive those who trespass against us.
And lead us not into temptation,
But deliver us from evil.
For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

Mr. MATHIAS. Jessye Norman will now sing "Simple Gifts," one of the songs in Aaron Copland's "Old American Songs."

[Jessye Norman, soprano, sang "Simple Gifts" from "Old American Songs."]

[Applause.]

Mr. MATHIAS. I now ask Rabbi Alfred Gottschalk, president of Hebrew Union College, of Cincinnati, to offer a prayer.

PRAYER

Rabbi GOTTSCHALK. We the people turn to You, O God, in prayer. We have come again to this place which stirs our hearts to reaffirm the highest ideals of our Nation. The sacred oaths about to be pronounced in Your name reflect the awesome responsibilities entrusted to our President and Vice President by the American people. May You, who are the rock of ages, guide them in protecting the Constitution of our beloved Commonwealth, founded in faith, which ensures unity without uniformity. Sustain them, O God, as they advance the American way which "gives to bigotry no sanction," to "malevolence no hope."

O source of all life, enshrine in their hearts the knowledge that all are created in Your image and that life—Your gift to us—is sacred.

Inspire our leaders to defeat hunger and hurt, to promote compassion and to find successful ways to assure the weak their share of America's promise. In humility, we pray that this opportunity for renewal will advance reconciliation in the family of nations, guaranteeing peace in our world and tranquility in the farthest reaches of our universe. May those who follow us, our children and our children's children, bless our President and Vice President, their families, and all those associated with them in Government, and may all remember this time and this administration as that in which their future was made secure.

O God, may You, who makes peace in high places, help us here on Earth to find the way to peace.

Blessed are You, O God. Aleichem Shalom, grantor of peace. Amen.

ADMINISTRATION OF OATH OF OFFICE TO THE VICE PRESIDENT

Mr. MATHIAS. Justice Potter Stewart will administer the oath of office to the Vice President.

Associate Justice Potter Stewart administered to the Vice President the oath of office prescribed by the Constitution, which he repeated, as follows:

I, GEORGE HERBERT WALKER BUSH, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

[Applause.]

Mr. MATHIAS. The University of Maryland Chorus, under the direction of Dr. Paul Traver, will now sing the first section of Randall Thompson's "The Testament of Freedom."

[The University of Maryland Chorus and the United States Marine Band, under the direction of Paul Traver, rendered "The God Who Gave Us Life," from "The Testament of Freedom," by Randall Thompson.]

[Applause.]

Mr. MATHIAS. I will now ask the President's own pastor, the Reverend

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

Donn Moomaw, of Bel Air Presbyterian Church, to offer a prayer.

PRAYER

Reverend MOOMAW. Let us all unite in prayer.

Spirit of the Living God,

Fall afresh on us.

Come, Father, with cleansing power

And remove all things from us that would impede Your purpose and thwart Your plans.

Forgive our pride and arrogance before each other and other nations of the world.

May we, with Godly grace, weep with those who weep and rejoice with those who work for a just and free world.

Grant us, O Father, the courage and the compassion to stand in solidarity with the poor, the needy, the dispossessed, and the disadvantaged.

May the President and Vice President of these United States and all who stand with them in their desire for peace receive, first, the peace of Christ, and in all things seek first not the kingdom of plenty nor the kingdom of political superiority, but may they seek humbly first the Kingdom of God and His righteousness.

In the name of the King, even Jesus Christ our Lord, we pray. Amen.

ADMINISTRATION OF OATH OF OFFICE TO THE PRESIDENT

Mr. MATHIAS. The Chief Justice will now administer the oath to the President.

Mr. Chief Justice BURGER. Mr. President, are you ready to take the oath?

President REAGAN. I am.

Mr. Chief Justice BURGER. Then raise your right hand and repeat after me.

The Chief Justice of the United States, Warren Earl Burger, administered to the President the oath of office prescribed by the Constitution, which he repeated, as follows:

I, Ronald Reagan, do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. So help me God.

Mr. Chief Justice BURGER. Congratulations.

[Applause.]

[Four ruffles and flourishes, "Hail to the Chief," and 21-gun salute.]

INAUGURAL ADDRESS

President REAGAN. Senator MATHIAS, Chief Justice Burger, Vice President BUSH, Speaker O'NEILL, Senator DOLE, Reverend Clergy, members of my family and friends, and my fellow citizens:

This day has been made brighter with the presence here of one who, for a time, has been absent—Senator JOHN STENNIS.

God bless you and welcome back.

[Applause.]

There is, however, one who is not with us today: Representative GILLIS LONG of Louisiana left us last night. I wonder if we could all join in a moment of silent prayer.

[Moment of silent prayer.]

Amen.

There are no words adequate to express my thanks for the great honor that you have bestowed on me. I will do my utmost to be deserving of your trust.

This is, as Senator MATHIAS told us, the 50th time that we the people have celebrated this historic occasion. When the first President, George Washington, placed his hand upon the Bible, he stood less than a single day's journey by horseback from raw, untamed wilderness.

There were 4 million Americans in a union of 13 States. Today we are 60 times as many in a union of 50 States. We have lighted the world with our inventions, gone to the aid of mankind wherever in the world there was a cry for help, journeyed to the Moon and safely returned.

So much has changed. And yet we stand together as we did two centuries ago.

When I took this oath 4 years ago, I did so in a time of economic stress. Voices were raised saying we had to look to our past for the greatness and glory. But we, the present-day Americans, are not given to looking backward. In this blessed land, there is always a better tomorrow.

Four years ago, I spoke to you of a new beginning and we have accomplished that. But in another sense, our new beginning is a continuation of that beginning created two centuries ago when, for the first time in history, government, the people said, was not our master, it is our servant; its only power that which we the people allow it to have.

That system has never failed us, but, for a time, we failed the system. We asked things of government that government was not equipped to give. We yielded authority to the National Government that properly belonged to States or to local governments or to the people themselves. We allowed taxes and inflation to rob us of our earnings and savings and watched the great industrial machine that had made us the most productive people on Earth slow down and the number of unemployed increase.

By 1980, we knew it was time to renew our faith, to strive with all our strength toward the ultimate in individual freedom consistent with an orderly society.

We believed then and now there are no limits to growth and human progress when men and women are free to follow their dreams. And we were right.

[Applause.]

And we were right to believe that. Tax rates have been reduced, inflation cut dramatically, and more people are employed than ever before in our history.

We are creating a nation once again vibrant, robust, and alive. But there are many mountains yet to climb. We will not rest until every American enjoys the fullness of freedom, dignity, and opportunity as our birthright. It is our birthright as citizens of this great Republic, and we'll meet this challenge.

These will be years when Americans have restored their confidence and tradition of progress; when our values of faith, family, work, and neighborhood were restated for a modern age; when our economy was finally freed from government's grip; when we made sincere efforts at meaningful arms reduction, rebuilding our defenses, our economy, and developing new technologies, and helped preserve peace in a troubled world; when Americans courageously supported the struggle for liberty, self-government, and free enterprise throughout the world, and turned the tide of history away from totalitarian darkness and into the warm sunlight of human freedom.

[Applause.]

My fellow citizens, our Nation is poised for greatness. We must do what we know is right and do it with all our might. Let history say of us, these were golden years—when the American Revolution was reborn, when freedom gained new life, when America reached for her best.

Our two-party system has served us well over the years, but never better than in those times of great challenge when we came together not as Democrats or Republicans, but as Americans united in a common cause.

[Applause.]

Two of our Founding Fathers, a Boston lawyer named Adams and a Virginia planter named Jefferson, members of that remarkable group who met in Independence Hall and dared to think they could start the world over again, left us an important lesson. They had become political rivals in the Presidential election of 1800. Then years later, when both were retired, and age had softened their anger, they began to speak to each other again through letters. A bond was reestablished between those two who had helped create this Government of ours.

In 1826, the 50th anniversary of the Declaration of Independence, they both died. They died on the same day, within a few hours of each other, and that day was the Fourth of July.

In one of those letters exchanged in the sunset of their lives, Jefferson wrote:

It carries me back to the times when, beset with difficulties and dangers, we were fellow laborers in the same cause, struggling

for what is most valuable to man, his right to self-government. Laboring always at the same oar, with some wave ever ahead threatening to overwhelm us, and yet passing harmless . . . we rode through the storm with heart and hand.

Well, with heart and hand, let us stand as one today: One people under God determined that our future shall be worthy of our past. As we do, we must not repeat the well-intentioned errors of our past. We must never again abuse the trust of working men and women, by sending their earnings on a futile chase after the spiraling demands of a bloated Federal Establishment. You elected us in 1980 to end this prescription for disaster, and I don't believe you reelected us in 1984 to reverse course.

[Applause.]

At the heart of our efforts is one idea vindicated by 25 straight months of economic growth: Freedom and incentives unleash the drive and entrepreneurial genius that are the core of human progress. We have begun to increase the rewards for work, savings, and investment, reduce the increase in the cost and size of government and its interference in people's lives.

We must simplify our tax system, make it more fair, and bring the rates down for all who work and earn. We must think anew and move with a new boldness, so every American who seeks work can find work; so the least among us shall have an equal chance to achieve the greatest things—to be heroes who heal our sick, feed the hungry, protect peace among nations, and leave this world a better place.

The time has come for a new American Emancipation—a great national drive to tear down economic barriers and liberate the spirit of enterprise in the most distressed areas of our country. My friends, together we can do this, and do it we must, so help me God.

From new freedom will spring new opportunities for growth, a more productive, fulfilled and united people, and a stronger America—an America that will lead the technological revolution, and also open its mind and heart and soul to the treasures of literature, music and poetry, and the values of faith, courage, and love.

A dynamic economy, with more citizens working and paying taxes, will be our strongest tool to bring down budget deficits. But an almost unbroken 50 years of deficit spending has finally brought us to a time of reckoning.

We have come to a turning point, a moment for hard decisions. I have asked the Cabinet and my staff a question, and now I put the same question to all of you: If not us, who? And if not now, when? It must be done by all of us going forward with a program aimed at reaching a balanced budget. We can then begin reducing the national debt.

I will shortly submit a budget to the Congress aimed at freezing Government program spending for the next year. Beyond that, we must take further steps to permanently control Government's power to tax and spend.

We must act now to protect future generations from Government's desire to spend its citizens' money and tax them into servitude when the bills come due. Let us make it unconstitutional for the Federal Government to spend more than the Federal Government takes in.

[Applause.]

We have already started returning to the people and to State and local governments responsibilities better handled by them. Now, there is a place for the Federal Government in matters of social compassion. But our fundamental goals must be to reduce dependency and upgrade the dignity of those who are infirm or disadvantaged. And here a growing economy and support from family and community offer our best chance for a society where compassion is a way of life, where the old and infirm are cared for, the young and, yes, the unborn protected, and the unfortunate looked after and made self-sufficient.

[Applause.]

And there is another area where the Federal Government can play a part. As an older American, I remember a time when people of different race, creed, or ethnic origin in our land found hatred and prejudice installed in social custom and, yes, in law. There is no story more heartening in our history than the progress that we have made toward the "brotherhood of man" that God intended for us. Let us resolve there will be no turning back or hesitation on the road to an America rich in dignity and abundant with opportunity for all our citizens.

[Applause.]

Let us resolve that we the people will build an American opportunity society in which all of us—white and black, rich and poor, young and old—will go forward together arm in arm. Again, let us remember that though our heritage is one of blood lines from every corner of the Earth, we are all Americans pledged to carry on this last, best hope of man on Earth.

[Applause.]

I have spoken of our domestic goals and the limitations which we should put on our National Government. Now let me turn to to a task which is the primary responsibility of National Government—the safety and security of our people.

Today we utter no prayer more fervently than the ancient prayer for peace on Earth. Yet history has shown that peace will not come nor will our freedom be preserved by good will alone. There are those in the world who scorn our vision of human dignity and freedom. One nation, the Soviet Union, has conducted the greatest military buildup in the history of man, building arsenals of awesome offensive weapons.

We have made progress in restoring our defense capability. But much remains to be done. There must be no wavering by us, nor any doubts by others, that America will meet her responsibilities to remain free, secure, and at peace.

[Applause.]

There is only one way safely and legitimately to reduce the cost of national security, and that is to reduce the need for it. And this we are trying to do in negotiations with the Soviet Union. We are not just discussing limits on a further increase of nuclear weapons. We seek, instead, to reduce their number. We seek the total elimination one day of nuclear weapons from the face of the Earth.

[Applause.]

Now, for decades, we and the Soviets have lived under the threat of mutual assured destruction; if either resorted to the use of nuclear weapons, the other could retaliate and destroy the one who had started it. Is there either logic or morality in believing that if one side threatens to kill tens of millions of our people, our only recourse is to threaten killing tens of millions of theirs?

I have approved a research program to find, if we can, a security shield that would destroy nuclear missiles before they reach their target. It wouldn't kill people, it would destroy weapons. It wouldn't militarize space, it would help demilitarize the arsenals of Earth. It would render nuclear weapons obsolete. We will meet with the Soviets, hoping that we can agree on a way to rid the world of the threat of nuclear destruction.

We strive for peace and security, heartened by the changes all around us. Since the turn of the century, the number of democracies in the world has grown fourfold. Human freedom is on the march, and nowhere more so than our own hemisphere. Freedom is one of the deepest and noblest aspirations of the human spirit. People worldwide hunger for the right of self-determination, for those inalienable rights that make for human dignity and progress.

America must remain freedom's staunchest friend, for freedom is our best ally——

[Applause.]

And it is the world's only hope, to conquer poverty and preserve peace. Every blow we inflict against poverty will be a blow against its dark allies of oppression and war. Every victory for human freedom will be a victory for world peace.

So we go forward today, a Nation still mighty in its youth and powerful in its purpose. With our alliances

strengthened, with our economy leading the world to a new age of economic expansion, we look forward to a world rich in possibilities. And all this because we have worked and acted together, not as members of political parties, but as Americans.

My friends, we live in a world that is lit by lightning. So much is changing and will change, but so much endures, and transcends time.

History is a ribbon, always unfurling; history is a journey. And as we continue our journey, we think of those who traveled before us. We stand together again at the steps of this symbol of our democracy—or we would have been standing at the steps if it hadn't gotten so cold. Now we are standing inside this symbol of our democracy. Now we hear again the echoes of our past.

A General falls to his knees in the hard snow of Valley Forge; a lonely President paces the darkened halls, and ponders his struggle to preserve the Union; the men of the Alamo call out encouragement to each other; a settler pushes west and sings a song, and the song echoes out forever and fills the unknowing air.

It is the American sound. It is hopeful, big-hearted, idealistic, daring, decent, and fair. That's our heritage; that is our song. We sing it still. For all our problems, our differences, we are together as of old, as we raise our voices to the God who is the Author of this most tender music. And may He continue to hold us close as we fill the world with our sound—sound in unity, affection, and love. One people under God, dedicated to the dream of freedom that He has placed in the human heart, called upon now to pass that dream on to a waiting and hopeful world.

God bless you and may God bless America.

[Applause.]

Mr. MATHIAS. I'll ask the Reverend Peter Gomes, minister in the Memorial Church of Harvard University, to pronounce the benediction. Following the benediction, these proceedings will be concluded by the playing of "The National Anthem" by the Marine Corps Band.

Reverend GOMES. Let us pray.

Almighty God, who has given us this good land for our heritage: We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from discord, violence, and confusion, and the frailty of our own hearts. Defend our liberties, preserve our unity, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom, prudence, and fortitude the President and the Vice President of these United States and all those to whom is entrusted the authority of government, to the end that justice and peace may flourish at home and abroad. Make us, with them, equal to our high trusts: reverent in the use of freedom, just in the exercise of power, generous in the protection of weakness. May wisdom and compassion be the stability of our times, and our deepest trust in Thee, in whom we live, and move, and have our being. Unto Thee we ascribe all honor and glory, and, in thanksgiving and in hope, we commend now to Thy eternal protection ourselves, our Nation, and our world. Amen.

"The National Anthem" was played by the United States Marine Band, audience standing.

[Applause.]

The inaugural ceremonies were concluded at 12:15 p.m.

The Senate met at 4 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray.

I said to the man who stood at the gate of the year, "Give me a light that I may tread safely into the unknown." And he replied, "Go out into the darkness and put your hand into the hand of God. That shall be to you better than light and safer than a known way."

The steps of a good man are ordered by the Lord, and he delighted in His way.

Father of Light, thank You for beginnings. Thank You for the lessons of the past and the opportunities of the future, bright with hope, when we walk with our hands in Yours.

May the next 2 years of Congress and 4 years for the President and Vice President be under Your continuous direction and blessing.

Imponderable issues face our leadership, Father: the mammoth national debt; the persistent deficit; the needs of the elderly, the unemployed, the poor, and the oppressed; moral decay; crime; terrorism; and the relentless threat of nuclear holocaust.

Gracious God, grant our leaders the humility and good sense to put their hands in the hand of God and to move into the irresistible future, trusting in your wisdom, power, and compassion.

In the name of Him who is the way, the truth, and the light. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

ORDER FOR RECESS UNTIL 2 P.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Tuesday, January 22, 1985.

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

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. DOLE. Mr. President, I ask unanimous consent that the RECORD remain open until 5 p.m. today for the introduction of bills and resolutions and the submission of statements.

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

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that following the recognition of the two leaders on tomorrow, the following Senators be recognized for not to exceed 15 minutes each, or special orders: myself, the distinguished Senator from Wyoming [Mr. SIMPSON], Senator STAFFORD, and Senator LEAHY.

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

Mr. PROXMIRE. Mr. President, will the majority leader yield?

Mr. DOLE. I yield.

Mr. PROXMIRE. Is it possible to add my name to that list?

Mr. DOLE. Yes.

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

SENATE SCHEDULE

Mr. DOLE. Mr. President, I should like to give Members present and those who may be listening a brief idea of what may happen during the remainder of the week.

Tomorrow, January 22, we will convene at 2 o'clock. There will be 1 hour of special orders to eulogize the late Senator George Aiken. There will be a brief period for morning business sometime following that special order.

On Wednesday, January 23, the Senate will not be in session.

On Thursday, January 24, we will convene at noon, but we may or may not be in session. I hope to determine that this afternoon.

There is no reason to be in session on Friday unless committees have reported nominations from the White House or the Committee on Committees completes its work and we have resolutions pending in that area.

As I understand it, we have just given the distinguished minority leader, Senator BYRD, details—not full

details yet—of how we are coming along on our side of the Committee on Committees; and it goes without saying that it is not possible for the distinguished minority leader to act until we make certain determinations.

We have made progress in reducing the size of a number of committees, and we believe that most Members of the Senate will applaud the efforts of the Senator from Georgia [Mr. MATTINGLY], who is the chairman of the Committee on Committees.

In the event that nominations will be reported, we hope to be able to confirm those nominations on Friday of this week. If not, we will not be in session.

NOTICE CONCERNING ANNUAL REGISTRATION OF MASS MAILINGS

Mr. DOLE. Mr. President, in view of the approaching February 1 filing date, I would like to remind Senators of the requirements concerning registration of mass mailings under Senate rule 40.

Members are required to register annually such mass mailings. The 1984 calendar year filing will be due on February 1, 1985. Mass mailings are also accepted on a "as mailed" basis if Members so desire.

For your information, following are excerpts from rule 40:

. . . 3. (a) When a Senator disseminates information under the frank, by a mass mailing (as defined in Section 3210(a)(6)(E) of Title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.

(b) the Secretary of the Senate shall promptly make available for public inspection and copying a copy of the matter mailed, and a description of the group or groups of persons to whom the mass mailing was mailed . . .

Mass mailing registrations should be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510, telephone 224-0322. Registration forms can be obtained at that office.

NOTICE CONCERNING THE YEAR END REPORT REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED

Mr. DOLE. Mr. President, the mailing and filing date for the January 31 year end report required by the Federal Election Campaign Act, as amended is Thursday, January 31, 1985. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510, telephone: 202-224-0322.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

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

Mr. BYRD. Mr. President, I thank the Chair, and I thank the distinguished majority leader.

SENATOR STROM THURMOND

Mr. BYRD. Mr. President, the office of President pro tempore of the U.S. Senate is an honor that is awarded only to a very senior Member of the majority party. Since 1946, with only one exception, it has been conferred on the most senior Member of the party in control of the Senate.

On January 3, the Senate continued this practice by electing the most senior Republican Member, the Senator from South Carolina [Mr. THURMOND], as President pro tempore, a position he has held with distinction since the first session of the 97th Congress.

I have served with the Senator from South Carolina [Mr. THURMOND] since I entered the Senate on January 3, 1959. During these past 26 years, I have come to respect and admire his ability and dedication to his duties as a Member of this body. Since the 97th Congress, he has served as chairman of the Judiciary Committee along with performing the additional duties of President pro tempore. The Senator from South Carolina [Mr. THURMOND] has approached his new responsibilities with his customary diligence and enthusiasm.

One of the most visible assignments of the President pro tempore is to preside over the Senate when the Vice President is not present. While the presiding job is shared among Republican Senators, the Senator from South Carolina [Mr. THURMOND] as President pro tempore is almost always present to preside over the daily opening of each Senate session.

A less publicly visible, but extremely important, duty is to be available to sign duly enrolled bills and joint resolutions on behalf of the Senate before the legislation is sent to the President for his consideration. This responsibility often involves being present after the Senate has completed its work for the day; and in the case of a sine die adjournment—or when the Senate recesses for legislative breaks from time to time during the year—it can mean that the President pro tempore is required to remain in Washington for a number of days while these various measures are being processed and properly enrolled.

Our President pro tempore, Senator STROM THURMOND, has carried out this portion of his responsibilities with particular diligence.

The Senate is fortunate indeed to have the services of the Senator from South Carolina [Mr. THURMOND] as its President pro tempore. I wish to extend my personal congratulations to him on his election for the third time as President pro tempore, and I look forward to working with him for the duration of the 99th Congress.

The President pro tempore [Mr. THURMOND] is, first of all, a gentleman. He is liked by everybody on both sides of the aisle. He is a reasonable man. He is a courteous man. He is an understanding man. He is a man who is considerate of the problems of the leadership, and is always willing to listen to any Senator who has an opposite view, and we on this side of the aisle respect him for that.

I have been honored to have the opportunity to serve with Senator THURMOND over these 26 years. Senator THURMOND has been and is a man of the highest caliber and the highest integrity.

I remember the late Senator Dick Russell saying to me one day, when we were talking about STROM THURMOND, "He is absolutely fearless."

He has the courage of his convictions. He works hard, as hard as any Member of this body. I am proud to be able to call STROM THURMOND my friend.

(Mr. GORTON assumed the chair.)

Mr. THURMOND. Mr. President, will the distinguished minority leader yield?

Mr. BYRD. I am glad to yield.

Mr. THURMOND. Mr. President, I feel very humbled by the kind remarks of the distinguished minority leader. I wish to express to him my sincere appreciation.

I came here in January 1955, and I have known the distinguished minority leader ever since he came to the Senate. He served in the House of Representatives before he came to the Senate.

I have great respect and admiration for him. He is one of the finest parliamentarians I have ever known in the Senate. He is a man of character and integrity.

Those words coming from him mean a great deal for me. I thank the Senator.

Mr. BYRD. Mr. President, I thank the distinguished President pro tempore.

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

Mr. BYRD. I yield to the distinguished majority leader.

Mr. DOLE. Mr. President, as I indicated on the opening day of Congress, I think everyone, as the Senator well stated, on each side of the aisle, has the greatest respect for the distinguished Senator from South Carolina.

Having served with Senator THURMOND—in fact he is my chairman on the Judiciary Committee—I can underscore his total fairness, accessibility, and willingness to listen to opposite points of view; and I must say, in my role as I am sort of feeling around what I do in the leadership role, I found my friend from South Carolina to be very helpful, very understanding, and willing to sort of give me a little guidance from time to time, and that I also appreciate very much.

So I wish to join my distinguished colleague from West Virginia in commending the distinguished Senator from South Carolina.

Mr. BYRD. I thank my friend.

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

Mr. BYRD. I yield.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Kansas, the distinguished majority leader, for his kind remarks.

It has been a great pleasure to serve with him. I feel he is going to make one of the greatest majority leaders the Senate has had, and I assure him of my full cooperation.

I thank him for his kind words.

Mr. SIMPSON. Mr. President, will the minority leader yield for a moment?

Mr. BYRD. I am happy to yield.

Mr. SIMPSON. I thank Senator BYRD.

Mr. President, let me just add very swiftly my congratulations and respect to Senator STROM THURMOND.

He served with my father in this Chamber which was a great honor to my father.

I met STROM THURMOND in 1963 in this Chamber, and I serve, as Senator DOLE does, on the Judiciary Committee. This is my chairman as it is Senator DOLE's chairman. In my particular line of work, which has been dabbling in the mysteries of immigration reform—an issue filled with about every kind of human emotion one can conjure: emotion, fear, guilt, and racism—this man has been so supportive, so kind, so expressedly optimistic as I deal with that, and I am deeply appreciative.

He has been of marvelous assistance to me and his wise counsel and guidance have aided me so greatly in the Senate.

So to STROM THURMOND, who is always gracious, thanks for your work with me in the Veterans' Affairs Committee as you guided me through that shoal, as has another remarkable veteran, Senator DOLE.

So, I just wish to add my note and tell what a gracious addition it is to have you, sir, and Nancy, and Nancy Moore, Strom, Paul, and Julie as remarkable friends of ours, Ann and myself. I deeply appreciate it.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. BYRD. I yield.

Mr. THURMOND. Mr. President, I thank the able Senator from Wyoming for his kind remarks.

He came on the Judiciary Committee and made one of the ablest members there. He is chairman of the Immigration Subcommittee, and I do not know of any Member of the Senate who has done a finer job within the subcommittee than he has with immigration. He is Mr. Immigration. He knows more about it than any other person I have come in contact with.

It has been a pleasure to know him and his family.

I thank him again for his kind remarks.

ADMINISTRATION OF OATH OF OFFICE TO SENATOR ROCKEFELLER

Mr. BYRD. Mr. President, for the RECORD, I wish to make note of the fact that on January 15 while the Senate was in adjournment, the oath of office was administered to JOHN D. ROCKEFELLER, IV, as the junior Senator from West Virginia.

UNANIMOUS-CONSENT ORDER

Mr. BYRD. Mr. President, I ask unanimous consent that the various measures which I introduced on January 3 to change the rules of the Senate be printed in the RECORD.

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

The text of the resolutions submitted by Mr. BYRD on January 3, 1985, are as follows:

SENATE RESOLUTION 2—TO IMPROVE SENATE PROCEDURES

Mr. BYRD submitted the following resolution, which was ordered to lie over under the rule.

S. RES. 2

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

(b) Such broadcast coverage shall be—

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

(2) provided continuously at such times as the Majority Leader and Minority Leader jointly agreed by a non-debatable motion, voted on without intervening action, and to be concluded by joint agreement by non-debatable motion of the Majority and Minority Leaders voted on without intervening action except for any time when a meeting with closed doors is ordered; and

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties; and

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

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

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

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

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

(2) employ necessary expert consultants; and

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

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

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsections (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon pay-

ment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

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

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

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

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

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent funds of the Senate.

SEC. 9. Rule XXVI, paragraph 7.(a)(1), is amended to read as follows:

"7. (a)(1) Except as provided in this paragraph, each committee and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

SEC. 10 Rule XXX, paragraph 1(b), is amended to read as follows:

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

SEC. 11. Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered."

SEC. 12. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any roll call shall be recorded by electronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to have their vote recorded.

"6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration."

SEC. 13. Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill."

SEC. 14. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SEC. 15. Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

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

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

(2) shall not apply to—

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

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

SEC. 16. Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

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

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane."

SEC. 17. Paragraph 7 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

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

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

And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting-except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly

chosen and sworn-then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, or a complete substitute and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators present and voting.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the majority leader and minority leader, or their designee, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

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

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

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with.".

Senate Resolution 20—To Amend the Cloture Rule of the Senate

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 20

Resolved, That Paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

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

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

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

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators voting.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the majority leader and minority leader, or their designees, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

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

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

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed, with.".

Senate Resolution 21—To Prohibit Polling From Committees

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 21

Resolved, That Rule XXVI, paragraph 7.(a)(1), is amended to read as follows:

"7.(a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

Senate Resolution 22—To Improve the Rule on Treaties

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 22

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

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

Senate Resolution 23—To Provide for Electronic Voting in the Senate

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 23

Resolved, That Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered,".

Sec. 2. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any roll call shall be recorded by electronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to have their vote recorded.

6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration."

Senate Resolution 24—To Limit Legislative Amendments to General Appropriations Bills

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 24

Resolved, That paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill."

SENATE RESOLUTION 25—TO LIMIT TIME ON THE MOTION TO PROCEED

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 25

Resolved, That Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SENATE RESOLUTION 26—TO PROVIDE FOR A 2-DAY RULE IN LIEU OF A 3-DAY RULE

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 26

Resolved, That Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

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

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

(2) shall not apply to—

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

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

SENATE RESOLUTION 27—TO PROVIDE FOR GERMANENESS OR RELEVANCY OF AMENDMENTS

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 27

Resolved, That Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

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

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane.

SENATE RESOLUTION 28—TO IMPROVE SENATE PROCEDURES

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 28

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

(b) Such broadcast coverage shall be—

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

(2) provided continuously at such times as the Majority Leader and Minority Leader jointly agreed by a nondebatable motion, voted on without intervening action, and to be concluded by joint agreement by nondebatable motion of the Majority and Minority Leaders voted on without intervening action except for any time when a meeting with closed doors is ordered;

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties;

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

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news-gathering, educational, or information distributing-entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

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

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

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

(2) employ necessary expert consultants; and

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

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

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studies, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b)(1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to

them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

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

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

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

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

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. Rule XXVI, paragraph 7. (a)(1), is amended to read as follows:

"7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

SEC. 10. Rule XXX, paragraph 1(b), is amended to read as follows:

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

SEC. 11. Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered.".

SEC. 12. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any roll call shall be recorded by electronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to have their vote recorded.

"6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration.".

SEC. 13. Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill.".

SEC. 14. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SEC. 15. Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

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

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

"(2) shall not apply to—

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

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

SEC. 16. Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

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

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under suparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane.".

SEC. 17. Paragraph 7 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

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

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

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

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Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators present and voting.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the Majority Leader and Minority Leader, or their designees, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

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

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

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed, with.".

SENATE RESOLUTION 29—TO IMPROVE SENATE PROCEDURES

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 29

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

(b) Such broadcast coverage shall be—

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

(2) provided continuously at such time as the Majority Leader and Minority Leader jointly agreed by a non-debatable motion, voted on without intervening action, and to be concluded by joint agreement by non-debatable motion of the Majority and Minority Leaders voted on without intervening action, except for any time when a meeting with closed doors is ordered; and

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties; and

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

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

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

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

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

(2) employ necessary expert consultants; and

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

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

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b)(1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subseciton, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

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

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

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

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

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

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

Mr. DOLE. I yield.

The PRESIDING OFFICER. The Senator from Maryland.

THE INAUGURATION PROCEEDINGS

Mr. MATHIAS. Mr. President, I ask unanimous consent that the transcript of the inauguration proceedings conducted today in the rotunda of the Capitol may appear in the RECORD and, I further ask unanimous consent that the transcript of the inauguration proceedings may be printed first in the RECORD for today.

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority is using his time?

Mr. DOLE. Yes. There is still time remaining to the majority leader?

The PRESIDING OFFICER. There is.

THANKS TO SENATORS MATHIAS AND FORD

Mr. DOLE. Mr. President, I take a moment at this time, and I will do so more fully later, to thank the distinguished Senator from Maryland, Senator MATHIAS, along with the distinguished Senator from Kentucky, Senator FORD, for their tireless efforts in the entire inaugural proceedings.

I know the distinguished Senator from Maryland probably has not had any sleep last night because suddenly at 6 o'clock yesterday the parade was canceled and a bit later the outside swearing-in ceremony was canceled, and the Senator from Maryland was calling me looking for something of sympathy and I gave it to him.

Mr. MATHIAS. Moral support.

Mr. DOLE. Moral support. But that was about all I was able to provide.

But I must say along with his wife, Ann, the distinguished Senator from Maryland has done an outstanding job. We are very proud of the Senator from Maryland, proud of the work he has done not only in this event but in many other areas.

THE PRESIDENT'S INAUGURAL ADDRESS

Mr. DOLE. Mr. President, I also say, and I will have a further statement on this at some later date, that I believe the President has in effect invited Congress to participate in his second term in making these very difficult decisions.

The tone of the President's inaugural address in my view was just right. I do not believe anyone could have been offended by what the President said, whether Democrat, Republican, independent, or someone who just does not care.

The President was not here in any partisan way. He was speaking to the American people, those who voted for him, those who voted against him, and I assume those who did not vote at all.

He stressed, as I think he properly should have stressed, the need for restraint on Federal spending, and I interpret his statement as meaning that is the No. 1 priority, and obviously, arms control, tax simplification, making certain that we improve the quality of life for all Americans, disabled, senior citizens, whatever special cases and vulnerable groups there may be.

So I indicate for the RECORD at this time that the President made an excellent speech. I am very proud to be a Republican and proud to be a supporter of Ronald Reagan and Vice President GEORGE BUSH, and I believe they will find a spirit of cooperation in the Senate and in the House of Representatives that will be welcome in the White House, be important to America, and we will act responsibly. We are prepared to make difficult decisions. We know there are no gimmicks, no painless solutions.

I believe the American people demand it and I believe that the Senate in a bipartisan way will come to grips with the problems we have and the opportunities we have. We will demonstrate to the American people that we have the will to govern.

Mr. MATHIAS. Mr. President, will the majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. MATHIAS. He was kind enough to make some reference to the efforts that my wife and I invested in the inaugural proceedings today. Since he has done that, I think I have to set the record straight and to give the credit where the credit is really due, because there has been an extraordinary achievement by personnel of various Government agencies, first of all, to prepare the inauguration as it was originally planned at the west front of the Capitol and then, as of 9 o'clock last night, to convert an immense outside activity into the more compressed ceremony in the rotunda today.

I would be remiss if I let 1 hour further go by without acknowledging that the Joint Committee on the Inaugural, the staff of the Rules Committee, my own personal staff, the staff of the Senate, especially the staff of the press, radio-TV, photographers, and periodical press galleries, the House and Senate Sergeants at Arms, the Capitol Police, the Secret Service, the military representatives who were assigned to the Joint Committee on Inaugural Ceremonies, the members of the White House staff, the members of the Office of the Architect of the Capitol, and the service personnel around the Capitol have all cooperated closely with us. It made me extremely proud to watch these people go into high gear last night, work through the night and make the ceremony possible today.

Mr. President, I take this opportunity to express my profound gratitude to each one of them and my appreciation, which is really very heartfelt. It is a performance that I shall always remember with gratitude and with admiration.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes each.

PRESIDENT REAGAN'S SECOND INAUGURAL ADDRESS

Mr. PROXMIRE. Mr. President, President Reagan's second inaugural speech is a stirring appeal to shift American resources away from big increases in Federal spending which were designed to meet domestic problems. In this, he is right. But then the President calls for us to shift these resources and more into a larger eventual increase to carry the arms race with the Soviet Union into space. And in this, he is wrong.

In his first inaugural in 1981, the President called for a reduction in Federal spending and a balanced budget by 1984. What happened? Instead of a balanced budget, we have had the biggest deficits by far in the history of our country, deficits three times higher than the country had ever before suffered. Why?

The President called for and won major reductions in Federal taxes to the warm applause of the country. He has also achieved a sharp slowdown in the rate of increase in Federal spending on domestic programs. The deficits have obviously come from a king-size increase in military spending. Combine that with lower taxes. Result: A very fat series of Federal deficits.

And where does the President propose to take the country in the next 4 years? He says he wants to reduce the deficit and move us toward a balanced budget. But will the program he sketched in his second inaugural speech do that? How can it when President Reagan also calls for the Star Wars antimissile defense that the Defense Department itself admits will cost so much it will stagger us? How can such a program reduce the deficit?

The answer is the same old smoke and mirrors routine. The administration achieves a lower deficit while pouring more money into the military and cutting taxes by making some very happy and very unrealistic assumptions about the kind of economy we will have in the next 4 years. Get this: The economy is supposed to boom while interest rates fall and inflation continues to behave. Of course, anything is possible. The Sun might rise in the West tomorrow. The law of gravity might be repealed, so we can all float to work. The Soviet Union might renounce communism, embrace nonviolence, democracy and elect Mother Theresa as its first President. But do not count on any of this. And do not count, on the basis of this stirring inaugural speech, that the next 4 years of President Reagan will bring us any closer to a balanced budget than the first 4 years did.

President Reagan is the hardest President to criticize of any of the seven Presidents who have served since I entered the Senate in 1957. Like President Eisenhower, President

Reagan was elected and then reelected by landslides. But unlike President Eisenhower, President Reagan carried into office a philosophy: lower taxes and less goverment; and a program the same as his philosphy that the American people have now obviously strongly endorsed.

Unlike any President since Franklin Roosevelt 40 years ago, President Reagan is what we all admire in an acquaintance and especially in a high Government official—a happy, upbeat, always optimistic personality. When he gives the kind of uplifting, inspiring, patriotic speech he delivered today, almost any American would like to throw his hat in the air and cheer. We love our country. We are proud of our country.

And in some ways, President Reagan has given this country exactly what it needed. We were indeed going much too far in the interference of our Government with our free economic system. The Federal Government was interfering in people's lives far too much. The lumbering dinosaur of a mammoth, swelling Federal Government obviously can not and should not try to do what a State or a city or especially a smaller community can do for its citizens.

As a man named Levy said so well: "If good intentions are combined with stupidity, it is impossible to out-think them." Good intentions combined with stupidity is what the Federal Government has been dealing in for the past 50 years. Some would say that the President brought a new stupidity into the debate. And maybe he did. But it worked. It succeeded and we all like success. At any rate, President Reagan has been half right in cutting domestic spending and half wrong in transferring most of that cut to the military. The America people liked the first half. I know they do not like the military spending second half. So the President was half right. That is not a bad batting average for an American President. Judging by the second inaugural speech, he may not do that well in the next 4 years.

SENATOR GLENN'S WARNING ON NUCLEAR PROLIFERATION

Mr. PROXMIRE. Mr. President, in the winter 1985 edition of Issues in Science and Technology, our colleague, the distinguished Senator from Ohio [JOHN GLENN], has written an excellent and alarming article entitled: "Nuclear Proliferation: The Current and Future Threat." As we know, Senator GLENN has been the leading expert in the Senate in this field, almost since he entered the Senate 10 years ago.

In his typical, thorough, low key manner, Senator GLENN has set forth a carefully balanced analysis of the growing threat of nuclear weapon proliferation. It is the conviction of many thoughtful experts that far and away the most likely outbreak of nuclear war will come from the explosive spread of nuclear weapons that seems all but inevitable in the next 10 or 20 years. But wait a minute, is the spread of nuclear weapons so very likely? Is it not true that there has been little, if any, nuclear weapon proliferation for the past 20 years in spite of dire predictions again and again throughout this period that unless we mounted a vigorous international antiproliferation crusade nuclear weapons would spread everywhere? What happened? There was a very modest limited effort to slow proliferation. Certainly there was no crusade. Did nuclear weapons proliferate? A little. But only a little.

Twenty years ago five nations—the United States, the Soviet Union, France, the United Kingdom, and China—had nuclear arsenals. Today India has joined the club. Israel and South Africa are quiet, small, side door entrance members. And that is it.

To most of the world it still seems like a two-member game. The world has 50,000 nuclear warheads. More than 95 percent of those warheads are in the custody of the United States and the Soviet Union. The general attitude is that we have plenty to worry about in Soviet nuclear weapons power. But for the rest, forget it. England and France are our firm allies. China is certainly no buddy of the Soviet Union and unlikely to become one for a long time. As for India, Israel, and South Africa, there seems to be no way that any of them no matter how big a nuclear arsenal they acquired could become a threat to the United States. So why the sweat?

Senator GLENN's very timely article explains in detail exactly "why the sweat." Here it is: First we have relied heavily on the International Atomic Energy Agency with its international inspection capability to prevent the transfer of nuclear materials to weapons purposes. Those materials include 48,000 tons of such material including 6.8 tons of separated plutonium and 11 tons of highly enriched uranium. Where are these materials? At 320 sites, and get this, in more than 50 countries. That's right 50 countries. Senator GLENN argues that the IAEA simply does not have the manpower to do the massive inspection job. It has only 156 inspectors. And to do its job properly it would have to change its policies to: First, initiate unannounced inspections, second, end the secrecy surrounding inspection results; third, undertake closer observation of nuclear operations using both instruments and human monitors; and fourth, refuse to allow inspected States an unlimited veto of chosen inspectors. What prospect is there that the IAEA will do all this? Don't hold your breath until it happens.

Second, the problem of maintaining common suppliers standards is likely to worsen as so-called second tier suppliers enter the picture. India, China, South Africa, Argentina, Brazil, Spain, and Niger are all gearing up to compete in the world nuclear export market. And as Senator GLENN points out: the commitment of these countries to a strong nonproliferation regime varies from weak to none.

Third, the U.S. agreement with China for the sale of nuclear technology and materials appeared to provide pitifully inadequate safeguards to begin with. Unless the agreement is conspicuously strengthened to prevent proliferation, it would be seen, as JOHN GLENN points out, by many nations as another blow to their commitment not to proliferate, especially since China is a weapons state and has not signed the Non-Proliferation Treaty.

Fourth, Pakistan seems well on its way to building its own nuclear arsenal. Senator GLENN writes that if Pakistan does test a nuclear explosion, India could retaliate with another test explosion of its own, or it could launch a preemptive military strike to knock out Pakistan's nuclear facilities. It could thus follow the Israel example in knocking out the Iraqi nuclear weapons factory.

Fifth, Israel's nuclear capacity represents a provocative incentive for bitterly hostile Arab States to develop their own nuclear capability.

Sixth, Libyan leader Quadhafi is trying hard to purchase a nuclear weapon.

Seventh, the Ayatollah Khomeni could at any time revive the Shah's aborted attempt to give Iran a potential weapons capability.

Eighth, some nations that are not parties to the Non-Proliferation Treaty receive more technical assistance from the IAEA than do parites to the treaty. Only the United States, Canada, and Australia require all recipients of nuclear trade to satisfy essentially the same safeguard requirements as are required for NPT parties. Because other suppliers are not as careful, Senator GLENN argued that some NPT signatories may just walk away from the treaty.

Ninth, the continued arms race between the United States and the Soviet Union have developed advances in nuclear arms technology that have made nuclear devices, tailor made for both the smaller economies of other nations and State-directed terrorism. Nuclear devices can now be carried by one person, and easily concealed in a small car. This headlong competition to make the supreme military power cheap and easily delivered has added a new and very tempting dimension to nuclear power.

Senator GLENN balances this ominous analysis with the developments

that have slowed down proliferation and may continue to do so.

First most nations recognize the limited utility of nuclear weapons. After all even a small nuclear war could mean virtual nuclear suicide.

Second, greater sensitivity to the threat and danger of nuclear proliferation now exists than ever before. Senator GLENN may be right on this. Here's one Senator who is not so sure. If business interests in a country including the United States can make a buck while risking proliferation they go for the buck and often get it.

Third, nuclear suppliers are more cooperative in enforcing safeguards than they have been in the past, says GLENN. Again, I am not sure. I would feel better if we had some concrete examples of such enforcement. It is hard to find such examples in the conduct of this country especially in view of the nuclear agreements we have just made with Sweden and Norway, and may be making with China.

Fourth, Senator GLENN argues that pressure on the weapon states to reduce their arsenals are growing. JOHN GLENN may be right about this. But where is the evidence? Certainly the pressure is not getting meaningful results. We may have reduced our megatonnage and even the number of warheads, but our capacity for delivering our nuclear payload on target has immensely increased. Certainly the United States and the Soviet Union are far, far more formidable nuclear powers than they were 20 or 10 years ago. And the race goes on. And where is the evidence that France, the United Kingdom, and China are not at least as heavily armed with nuclear weapons as they were 10 or 20 years ago?

Fifth, GLENN contends that a combination of energy conservation, alternative technologies and excess oil supplies has dimmed the attractiveness of technologies that pose a high proliferation risk, such as the breeder reactor and the recycling of plutonium for use in conventional reactors. GLENN is dead right here. This is a prime advantage we should build on.

In sum, the GLENN presentation is right on target in assessing the dangers now posed by the threat of proliferation. Anyone who believes that nuclear weapon proliferation is not virtually inevitable unless we find a way to greatly strengthen international antiproliferation policies is living in a dream world. It is coming. It is immensely dangerous, far more threatening than the relatively remote prospect of a Soviet nuclear attack on the United States. And it has had very little attention from this or previous administrations. JOHN GLENN has made a critical contribution to our understanding of our national security responsibilities. It is time we took proliferation and what we do in the event a non-superpower nuclear war breaks out far more seriously.

Mr. President, I ask unanimous consent that a copy of the GLENN article in the winter 1985 edition of Issues in Science and Technology be printed at this point in the RECORD.

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

NUCLEAR PROLIFERATION: THE CURRENT AND FUTURE THREAT

(John H. Glenn)

PROLOGUE: Although the number of nations that openly maintain stockpiles of nuclear weapons has remained constant for nearly 20 years, the delicate fabric of institutional and moral commitments that restrains nuclear proliferation is showing signs of coming unraveled.

In this essay, John H. Glenn, Democratic senator from Ohio, warns that the world could soon face a nuclear arms race in South Asia and the Middle East. At a time when the international agency responsible for safeguarding nuclear materials is becoming increasingly politicized, more and more nations are gaining access to sensitive technology. Glenn, the principal author of the 1978 Nuclear Nonproliferation Act, which tightened controls on U.S. nuclear exports, argues that the mounting threat of proliferation warrants the highest national attention.

John H. Glenn was born in Cambridge, Ohio. He received a B.S. degree from Muskingum College in 1961 after serving as a Marine Corps fighter pilot during World War II and the Korean conflict, and as a jet aircraft test pilot. One of the original seven astronauts in the U.S. space program, on February 20, 1962, he bacame the first American to orbit the earth. He was elected to the U.S. Senate from Ohio in 1974 and serves on the Governmental Affairs and Foreign Relations committees. Glenn, who was a candidate for the Democratic presidential nomination in 1984, has written extensively on energy and defense policy and the U.S. space program, and in other forums has offered detailed prescriptions for dealing with the nuclear proliferation problem.

Five nations in the world today overtly manufacture nuclear weapons: the United States, the Soviet Union, Great Britain, France, and China. At least 10 other nations are capable of producing nuclear weapons in a relatively short time; two may already have done so clandestinely. Sixteen other nations are moving toward a nucelar weapons capability, and evidence suggests that there may be military purposes behind the nuclear programs in eight of these countries.

The establishment of Nuclear Emergency Search Teams (NEST) in the United States to investigate threats to detonate nuclear devices or to use nuclear material in some harmful way is testimony to the existence of a terrorist interest in nuclear materials. Nuclear weapons have been designed and tested that can fit into a golf bag.

Thus, while the world's attention has recently been focused on the nuclear arms race between the superpowers, developments are occurring that in the future will put nuclear weapons into the hands of other nations, including some in politically volatile areas of the world. This increases the likelihood of such weapons being used during conflict and threatens us with the specter of terrorist acquisition of portable nuclear explosive devices.

The acquisition of nuclear weapons by one nation tends to encourage proliferation by inducing others to seek a matching nuclear deterrent. This is especially dangerous when the acquiring countries lack the sophisticated command, control, and communications sytems necessary to prevent the unintended use of these weapons in times of crisis. The world has been lulled into a false sense of security on this potentially disastrous issue by a natural preoccupation with the activities of existing nuclear weapon states and by the fact that no new *overt* nuclear weapon state has come into existence since 1964. Nevertheless, the threat of proliferation is real and growing, and we should accord it the highest level of attention.

During the past 40 years, a variety of national and international policies and institutions have evolved to curtail the spread of nuclear weapons. Collectively, these are known as the world's nonproliferation regime. Foremost in this regime is the Nuclear Non-Proliferation Treaty [NPT], which went into effect in 1970 and has since been signed by 118 nonweapon states and 3 weapon states, Great Britain, the United States, the Soviet Union. Two weapon states, France and China, have not signed. The nations adhering to the treaty, together with France, which has said it will act in accordance with the treaty, account for 98 percent of the world's nuclear power capacity, all of the world's exports of enriched uranium, and almost all of the reprocessing capability.

In essence, the Non-Proliferation Treaty promises full access to peaceful nuclear technology, subject to international safeguards, to any country that promises to forgo acquiring nuclear weapons. The treaty bars signatories from helping other countries to acquire or make nuclear weapons and prohibits nonweapon states from acquiring nuclear weapons or using nuclear energy for any military purpose. It requires non-nuclear weapon states to place under international safeguards all their nuclear facilities in which fissionable material—material suitable for use in nuclear weapons—is used; that is, these facilities must be subject to a system of materials accounting and inspection carried out by the International Atomic Energy Agency [IAEA]. The safeguards process is essentially a record-keeping, not a policing, activity; the IAEA has no authority to impose sanctions against a nation that diverts fissionable material to military purposes.

In return for these restrictions, the treaty guarantees "the inalienable right of all the parties to the treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination" and obligates the parties to "facilitate . . . the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy." The treaty extends this right to acquire and use peaceful nuclear energy even to "peaceful nuclear explosives"—bombs by any other name—for engineering projects and mineral extraction, but restricts possession of explosive devices only to weapon states. Another key article of the treaty requires the nuclear weapon states to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." Adherence to the provisions of the Non-proliferation Treaty is entirely voluntary. There are no

sanctions for violations, and a signatory may withdraw from the treaty on 90-days notice by declaring that its "supreme" interests are jeopardized by extraordinary events "related to the subject matter of the treaty."

Other elements of the nonproliferation regime include: formal and informal agreements among nuclear suppliers to exercise restraint in their exports and to not sell certain kinds of materials or equipment without requiring that safeguards be imposed; alliances and other security arrangements to influence nations to not acquire nuclear weapons; international networks of intelligence gathering and exchange concerning nuclear activities worldwide; and individual national policies, including export laws such as the U.S. Nuclear Nonproliferation Act of 1978, to discourage misuse of nuclear technology. This act is designed to establish tighter criteria for nuclear exports from the United States, to impose controls on the separation and use of plutonium from spent reactor fuel of U.S. origin, and to provide for sanctions against nations that violate safeguards or engage in other actions indicating movement toward a nuclear weapons program.

II

During the past decade, concern has grown worldwide over the issue of horizontal proliferation—the acquisition of nuclear weapons by nations that do not yet have them. This has helped to produce some cooperation among nuclear suppliers to limit voluntarily certain kinds of nuclear trade when proliferation risks are evident. But the extent of cooperation is still inadequate, and major problems remain that could threaten future progress.

Any realistic policy must address two basic elements in horizontal proliferation: the political will and the technical capability of the potential proliferator. West Germany, Japan, Canada, and Sweden have the technical capability to produce nuclear weapons but have chosen not to do so because they believe their security concerns are best met by other means.

Thus, a key factor in preventing horizontal proliferation is to assist nations in meeting their legitimate security needs, thereby reducing their motivation to obtain nuclear weapons. Alliances, economic and military assistance, and the fostering of better international relations—including confidence-building measures between rivals—can all contribute significantly to this sense of security.

In addition, the attitude of the weapon states toward the role of nuclear weapons in their own security can affect the motivation of nonweapon states with security problems. That is, if the nuclear powers react to international tensions by building more nuclear weapons, the connection between security and nuclear weapons is enhanced. On the other hand, the evident reluctance of weapon states to use nuclear weapons in military situations suggests that their usefulness is limited. The latter point is also made by agreements to reduce nuclear arms.

The risk of horizontal proliferation also depends on the technical capability of states to build nuclear weapons. That, in turn, depends on access to fissile material, either plutonium or highly enriched uranium. States that have access to an ongoing supply of such materials essentially have a nuclear arsenal within their grasp, even if they still face some difficult technical problems in the fabrication of bombs and triggering mechanisms. If uranium enrichment (which produces highly enriched uranium and requires no nuclear reactor) and reprocessing technology (which separates plutonium from spent nuclear fuel) become widespread, proliferation can no longer be controlled from the standpoint of technical capability. The problem, therefore, becomes more difficult. For this reason, the supplier nations, including West Germany and France, that formerly demonstrated an indifference to the problem by signing agreements to export reprocessing plants to such nations as Brazil, Pakistan, and South Korea, have since agreed to exercise restraint in transferring these sensitive nuclear technologies. (The Pakistan and South Korea agreements were subsequently cancelled.)

Unfortunately, this does not mean there is agreement to restrict the use of plutonium and highly enriched uranium (particularly the former) in the nuclear reactors of the future. Although a current worldwide glut of uranium and enrichment capacity has eliminated shortages of fuel for nuclear power plants, a number of industrialized and near-industrialized countries are pursuing research and development on a breeder reactor that operates on a uranium oxide-plutonium oxide fuel and can theoretically produce more plutonium than it consumes. Some of these countries are also interested in eventually operating their conventional nuclear reactors with such a mixed-oxide fuel. This threatens to create a "plutonium economy" in these countries putting tons of plutonium into the commercial sphere and raising the availability of plutonium by theft, black market purchase, or other illegal means. Furthermore, it legitimizes the commercial production and use of weapons material, thereby making it far more difficult to discern the true intent of other states seeking the same material. Because a nuclear bomb can be constructed using only a few kilograms of plutonium, it is not clear that any international safeguard system would be adequate to deal with such plutonium commercialization.

Although the United States can avoid using plutonium as a fuel in most circumstances, other nations are not as rich in alternatives. This raises an important policy issue: to what extent should the United States help other nations carry on research and development programs aimed at producing plutonium for breeders or for conventional reactors? The United States can currently control the reprocessing of U.S.-origin spent fuel outside of the countries belonging to Euratom, an organ of the European Economic Community, and seeks to extend its influence to the decisions of this European consortium as well. But for the United States to refuse to permit reprocessing in a country with good nonproliferation credentials, such as Japan, would provoke hostility, the loss of future fuel enrichment service contracts, and a decline in future U.S. influence over that country's nuclear program. However, for the United States to relax restrictions on reprocessing would be to risk accelerating the emergence of plutonium economies in other nations and to reduce our own national security.

Fortunately, the economics of the breeder reactor, reprocessing, and the recycling of plutonium into conventional reactors now appears to be quite unfavorable. All such programs—including that of the French, the leaders in the field—are being cut back. Hence, more time is available to consider alternatives to advanced nuclear technology and to improve safeguards. But if the alternatives fail, pressures may again increase for the widespread use of plutonium in power reactors. The United States must be prepared with policy contingencies if the existing safeguard system remains inadequate to the task.

III

In addition to horizontal proliferation, the problem of vertical proliferation continues; that is, stockpiles of weapons belonging to the nuclear powers are increasing. The United States and the Soviet Union together reportedly possess more than 50,000 nuclear warheads. At a time when arms control negotiations have broken down, proposals to develop newer and more modern weapons are being favorably received in both Washington and Moscow. This buildup is increasingly unacceptable to the nonweapon states, which insist that the nuclear powers live up to their obligations under Article VI of the Non-Proliferation Treaty, which calls for the nuclear weapon state to pursue genuine arms control agreements. Failure to pursue such agreements was a major issue at the 1980 NPT review conference and is quite likely to be so again at the 1985 conference.

Considerable time would be required, even under favorable diplomatic conditions, for the superpowers to negotiate a verifiable treaty involving significant nuclear arms reductions. This has motivated some proliferation experts to search for meaningful near-term arms control objectives that would have a beneficial impact on nonproliferation as well as on U.S.-Soviet relations. A comprehensive ban on nuclear weapons testing is one example of such a measure.

The main stumbling block to a comprehensive test ban in the past has been the issue of verifying compliance. Scientists disagree about the threshold at which underground nuclear explosions can be detected and whether explosions can be distinguished from seismic events, such as earthquakes. Many now believe that our instrumentation, which will surely improve, is sufficiently sensitive that a test ban would not pose significant risk to our national security. For its part, the Soviet Union has not rejected the possibility of permitting unmanned detection instruments on its territory. U.S. policymakers will have to decide whether the residual risks of signing a test ban treaty exceed the growing risk of failing to check the unraveling of the nonproliferation regime.

In addition to the comprehensive test ban, a verifiable agreement by the United States and the Soviet Union to halt or limit the production of separated fissile material (highly enriched uranium or plutonium) would also have a beneficial effect on the climate for both nuclear arms control and nonproliferation. Eventually, all the weapon states would have to join in such an agreement if it were to be fully effective.

IV

Although 121 countries have signed the Non-Proliferation Treaty, a significant number of nations still have not, including some that are known to be considering or actively pursuing a nuclear weapons program and others that are developing unsafeguarded nuclear facilities that could provide fissile material for a future weapons program.

Israel and South Africa reportedly have undeclared nuclear weapons or are producing weapons-grade material. India, which has exploded a fission device, is believed to be maintaining a stockpile of unsafeguarded

plutonium and can add to this stockpile at will.

For several years, Pakistan has been engaged in a worldwide effort to purchase or otherwise acquire plans, components, equipment, and technology for the construction of a gas centrifuge nuclear enrichment plant to produce highly enriched uranium. (A.Q. Khan, head of Pakistan's nuclear enrichment project, was accused of stealing plans for a centrifuge facility from a Dutch company. He was convicted in absentia by a Dutch court.) Pakistan, with only one small nuclear power plant, has also built a reprocessing plant and is reportedly working on bomb-triggering mechanisms.

Argentina and Brazil have both been interested in developing capacities for reprocessing plutonium and for producing highly enriched uranium. Until its recent change of government, Argentina was well on its way to achieving this capability with indigenous, unsafeguarded facilities. The future plans of the Argentine government in this area are unclear. Brazil has an agreement with West Germany that provides for German export of facilities for the full fuel-cycle processing of nuclear fuels, both reprocessing and enrichment (under safeguard). Brazil is developing unsafeguarded facilities as well. Neither Argentina nor Brazil is presently committed to adhering to the Treaty of Tlatelolco, which entered into force in 1968 and is designed to create a nuclear-weapon-free zone in Latin America.

In addition to the above nonsignatory nations, some parties to the Non-Proliferation Treaty have engaged in nuclear activities that raise suspicions about their future intent. These nations include Iraq, Libya, Iran, South Korea, and Taiwan. Alarmed by Iraqi activities, the Israelis launched an air stike that destroyed a research reactor near Baghdad on June 7, 1981.

The common motives that link these countries are rivalry and insecurity. For example, India produces her "peaceful nuclear explosion" to deter China; Pakistan develops the bomb to deter India. South Africa and Israel may produce nuclear weapons to deter military assaults by hostile forces vastly superior in number; Arab countries such as Iraq and Libya want to counter any Israeli nuclear advantages. Argentina and Brazil vie for political supremacy in South America and may see nuclear weapons capability as enhancing their efforts. South Korea worries about North Korea military superiority and the possible removal of U.S. protection. Taiwan is concerned about its future as China grows in strength and influence.

American diplomacy and policy will have to be flexible in dealing with these diverse situations, and in most cases international cooperation, including coordinated diplomacy, will be required to prevent the present situation from worsening.

V

A review conference is held every five years to examine how the Non-Proliferation Treaty is working and to search for a consensus on ways to improve it. In addition, parties to the treaty are to decide in 1995 on whether or not to extend the treaty. The past two review conferences held in 1975 and 1980 were rancorous affairs, with some parties charging that the supplier states, especially the United States, had not lived up to their obligations under Article IV, which obligates the supplier states to share the benefits of nuclear technology. And, as mentioned earlier, several nations protested that the superpowers had failed to meet their obligations under Article VI to curb their own nuclear arms race.

The nuclear technology issue is exacerbated by the fact that some nations that are not parties to the Non-Proliferation Treaty receive more technical assistance from the IAEA than do parties to the treaty, and that only the United States, Canada, and Australia require all recipients of nuclear trade to satisfy essentially the same safeguard requirements as are required for NPT parties. Because other suppliers are not as meticulous in their trading practices, some NPT signatories have begun to question the value of their nonproliferation commitment. Some have even hinted that unless the supplier nations and the superpowers better fulfill their obligations under Articles IV and VI, some nations may defect from the treaty.

Should the NPT collapse in 1995 or before, a major toll for maintaining the international nonproliferation regime would be lost. On the other hand, as Iraq, Libya, Iran, South Korea, and Taiwan make amply clear, the PNT is not adequate to assure the nuclear suppliers that all signatory countries are sufficiently committed to nonproliferation to allow transfers of sensitive nuclear technology, even with safeguards. Straddling the line between supporting the NPT and strengthening nuclear export controls will require deft maneuvering by the United States and other supplier nations.

VI

The International Atomic Energy Agency has managed a difficult transition from an agency whose primary focus was the promotion of nuclear energy and technical assistance to an agency in which the safeguard function is no longer a subordinate activity. But difficulties remain and are growing. The agency has been greatly politicized during the past decade, with Israel and South Africa under periodic attack for reasons unrelated to their agency obligations. In 1982 the United States walked out of the organization for several months to protest a move to strip the Israelis of their credentials at the International Atomic Energy Agency General Conference that year because of Israel's attack on the Iraqi reactor. The Israeli issue has still not been resolved, and the IAEA General Conference of 1984 voted to postpone the issue of imposing sanctions against Israel for another year.

The agency's 156 inspectors are responsible for monitoring the whereabouts of some 48,000 tons of nuclear material worldwide (including 6.8 tons of separated plutonium and 11 tons of highly enriched uranium) at roughly 320 sites in more than 50 countries. Because of a shortage of qualified inspectors, the IAEA must husband its resources to ensure that the most sensitive facilities are properly safeguarded. (Of the IAEA's 1984 budget of $143 million, $37 million was allocated for safeguards.) In particular, bulk-handling facilities, through which highly enriched uranium and plutonium flow, require continuous monitoring by resident inspectors. In a sufficiently large plant, state-of-the-art measurement techniques do not allow the IAEA, on the basis of the measurements alone, to declare that diversions have not occurred; the limit of error on materials unaccounted for may still allow significant quantities of fissile material to escape without detection. To raise the level of confidence, an effective surveillance and detection system must be installed in addition to materials accounting and inspection activities.

Serious doubts exist as to whether the IAEA will ever have sufficient trained manpower to meet its own technical objectives for ensuring the early detection of a diversion of nuclear material. (As mentioned earlier, the IAEA has no police authority or ability to prevent diversion.) To raise its public credibility substantially, the agency would have to: (1) initiate unannounced inspections, (2) end the secrecy surrounding inspection results, (3) undertake closer observation of nuclear operations using both instruments and human monitors, and (4) refuse to allow inspected states an unlimited veto of chosen inspectors.

The Israeli raid on Iraq's safeguarded Tammuz I reactor was clearly a vote of no confidence in the safeguard system. In September 1980, Iraq temporarily evicted all French nuclear technicians working on the project, saying it could not guarantee their protection during the Iran-Iraq war. Then, in November, Iraq announced it was suspending IAEA inspection of its nuclear facilities until the war was over. Meanwhile, the Iraqi government was refusing a French request to substitute less highly enriched uranium for bomb-grade uranium in the reactor core. The Israeli air raid that destroyed the reactor was the first direct military action ever undertaken to prevent another country from furthering its nuclear weapons capability.

VII

Maintaining effective international nonproliferation norms requires a commitment by nuclear suppliers to a common set of standards. While some progress has occurred in recent years in extending the list of equipment and components that should carry safeguards when transferred, there is still significant disagreement among suppliers on such fundamental questions as whether nuclear trade should be allowed with nonweapon states that have unsafeguarded facilities. The French, in particular, believe that a requirement for comprehensive safeguards is too rigid, while other suppliers, notably the United States, argue that a strict policy enhances the political value of adherence to the treaty.

The problem of maintaining common supplier standards is likely to worsen as so-called "second-tier" suppliers enter the picture. India, China, South Africa, Argentina, Brazil, Spain, and Niger are all gearing up to compete in the world nuclear export market. Unfortunately, the commitment of some of these countries to a strong nonproliferation regime varies from weak to none. Finding ways to bring the export policies of second-tier suppliers into line with accepted practices (perhaps through joint ventures with first-tier suppliers that would preserve uniform standards) will require imaginative policies and persistent diplomacy.

The recently negotiated but unsigned agreement for cooperation between the United States and China warrants special mention. The agreement—whose language has not been made available to date—is currently in limbo while the United States attempts to clarify Chinese pledges not to help nations seeking nuclear assistance if there are proliferation implications. According to press reports, the Chinese may have cooperated with Pakistan in sharing nuclear information useful for weaponmaking. While the U.S.-China agreement and subsequent sales of equipment may help to induce China to share in strengthening the nonproliferation regime, the agreement must be completely unambiguous in terms

of the responsibilities of the Chinese to satisfy the letter and the spirit of applicable U.S. legislation, especially the Nuclear Nonproliferation Act. Care must also be exercised that the agreement not be seen as unduly emphasizing the discriminatory nature of the nonproliferation regime. A nuclear agreement with another weapon state that contains overweak safeguards against using exported nuclear material or equipment for weapon purposes would be seen by many nations as another blow to their own commitment not to proliferate, particularly when one of the weapon states (China) has refused to sign the Non-Proliferation Treaty.

VIII

Far more ominous at this point is the prospect, in the near-to-intermediate term, of a nuclear arms race in South Asia and the Middle East. If the Pakistani nuclear program culminates in construction of a weapon—or, especially, a nuclear test explosion—it will be politically difficult for India to stand pat. Whether the initial Indian reaction would be to build a nuclear arsenal, match the test with another of its own, launch a preemptive military strike to knock out the offending nuclear facilities, or simply wait and see what the Pakistanis do next, a Pakistani bomb would have serious repercussions not only in South Asia but in the Middle East and elsewhere.

The United States has been wrestling with this problem for a decade. In 1976 Congress passed the Glenn/Symington amendment to the Foreign Assistance Act, an amendment that required cutting off economic and military assistance to countries engaged in certain nuclear trading practices and other behavior detrimental to nonproliferation. U.S. aid to Pakistan was ended in 1979 under this provision. It was restored in 1981 after the Soviet invasion of Afghanistan, with a provision that assistance must be suspended again in the event of a Pakistani nuclear test. Additional moves are being considered by Congress to make military assistance to Pakistan contingent on better nuclear behavior by that country.

As Pakistan moves closer to nuclear weapons capability, the United States will be faced with the dilemma of balancing its security interests in South Asia with its wider interest in nonproliferation. Continuing U.S. aid to Pakistan helps to ensure Pakistani cooperation in containing Soviet ambitions in South Asia, and it may give the United States some leverage over future Pakistani actions. However, it sends a poor signal to potential proliferators around the world as to the depth of the U.S. commitment to nonproliferation and, in particular, to the notion that violators of nonproliferation norms should be penalized. The United States must decide at what point its long-term security interests become more threatened by Pakistani nuclear activities than by possible Pakistani noncooperation on Afghanistan.

An equally delicate problem exists in the Middle East, where it is tacitly assumed that Israel has a nuclear capability, stemming from an unsafeguarded research reactor in the Negev that was delivered to Israel by France in 1961. Israel's nuclear program, coupled with the bitter hostility that marks relations among states in that region, has increased incentives for other Middle Eastern nations to acquire nuclear weapons. Shortly after seizing power in 1969, Libyan leader Colonel Muammar Quaddafi reportedly tried unsuccessfully to purchase an atomic bomb from China. He is rumored to have made similar efforts with other states.

Before the revolution that brought the Ayatollah Khomeini to power, the Shah of Iran launched an ambitious nuclear program that would have eventually given Iran a potential weapons capability. The program has since been suspended but could one day be revived. Considering the lack of restraint in the use of chemical weapons in the Iran-Iraq war, one shudders to think what might be happening in the Middle East today if those nations had nuclear weapons. The Israeli preemptive air strike against the Iraqi reactor and the violence of the Iran-Iraq conflict have induced greater caution on the part of nuclear suppliers. Nonetheless, the specter of a future nuclear arms race in the Middle East cannot be dismissed.

In both South Asia and the Middle East, there has been occasional talk of negotiating a nuclear-weapon-free zone, but the prospect of accomplishing such a goal outside the context of a general political settlement does not seem promising. The participants in any proposed nuclear-weapon-free zone tend to demand the inclusion of an excessive number of neighboring states.

IX

The balance sheet on nonproliferation is not encouraging. Although the number of declared nuclear weapon states has remained constant for nearly 20 years, at least 10 nations have moved close to an overt nuclear capability. These nations have built an undeclared stockpile of weapons, constructed or are constructing unsafeguarded facilities to produce fissile material, have an interest in weapons development, or have sought nuclear technology incompatible with a cost-effective program of power generation but compatible with development of a future weapons program. Some of these nations have signed the Non-Proliferation Treaty, but most have not, indicating in both cases that it is futile to rely on the NPT alone for protection against proliferation.

Current international agreements on nuclear trade do not rule out transfers of sensitive technology that are difficult to safeguard. Moreover, the international agency responsible for the safeguard function is becoming increasingly politicized.

Although fine in theory, nuclear-weapon free zones are difficult to achieve. The most successful attempt—the Treaty of Tlatelolco—is still far from being accepted by the Latin American nations whose endorsement is most needed, namely Cuba, Argentina, and Brazil.

Conceivably, in the next decade we could see open or clandestine nuclear arms races in South Asia and the Middle East, while adherence to the NPT suffers further erosion.

And finally, the superpowers still broadcast a message that equates national security with more nuclear weapons and new technologies promise to make the future production of fissile material easier, less expensive, and more widespread.

On the other side of the ledger, the limited utility of nuclear weapons is now better understood, and greater sensitivity to proliferation exists now than ever before. Nuclear suppliers are more cooperative in enforcing safeguards than they have been in the past, and pressure on the weapon states to reduce their arsenals is growing. In addition, a combination of energy conservation, alternative technologies, and excess oil supplies has dimmed the attractiveness of technologies that pose a high proliferation risk, such as the breeder reactor and the recycling of plutonium for use in conventional reactors.

Despite these gains, ominous prospects demand that the prevention and control of nuclear proliferation remain among the highest priorities of the United States.

SEGAL'S MEMORIAL

Mr. PROXMIRE. Mr. President, on November 9 of last year, the Capital Times of Madison, WI, described a new monument to the victims of the Holocaust and its dedication ceremonies. The monument is located in San Francisco. It depicts a pile of dead victims of the Holocaust with a solitary survivor looking out from his barbed-wire confinement.

As the Capital Times article notes, the monument rouses haunting images of that terror which occurred some 40 years ago. George Segal created the monument. He stated that he intended to make the piece a memorial to all of those who have had the misfortune of experiencing mankind's "dark underside."

That "dark underside" which Segal mentions has appeared numerous times. Not only the Jews, but the Cambodians, Armenians, and other groups have been victims of it.

As a response to the displays of this "dark underside" of man, the United States has become a leader in fighting for human rights. As part of our response, we were a leader in the drafting of the Genocide Convention.

But our reply to mankind's "dark underside" as demonstrated by the Holocaust continues to be incomplete. We have not ratified the convention which we were instrumental in creating. We have not done all that we can to fight for the basic rights of our fellow man.

Yet our need to fight continues. From reports around the world we still see real occurrences of what George Segal's monument depicts—a group of victims, some unable to struggle anymore, some peering out from behind the barrier which encloses them in their oppression, torture, or even deadly environment. Many of the oppressed flee to this country, but many, like Segal's survivor, cannot flee.

Certainly, ratification of the Genocide Convention would not give us the ability to right all of the world's wrongs, but it would be one step in reaffirming our commitment to the basic rights of others. We should make this step as soon as we can.

At the end of the last session of Congress, the Senate passed a resolution expressing its commitment to consider the Genocide Convention early this year. It is time for us to make good on that commitment and finally ratify the treaty.

KENTUCKY GENERAL ASSEMBLY RESOLUTIONS REGARDING TOBACCO IMPORTS AND FUNDING FOR THE TENNESSEE VALLEY AUTHORITY

Mr. FORD. Mr. President, during the recent organizational session of the Kentucky General Assembly, two resolutions were passed by the house of representatives regarding tobacco imports and funding for the Tennessee Valley Authority.

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

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

HOUSE RESOLUTION NO. 7

A resolution requesting the President to reduce tobacco imports to expeditiously bring the excessive tobacco loan stocks in the pool under control, with 50 million pounds being the maximum carryover

Whereas, imports of burley tobacco have increased about 290 percent since 1975; and

Whereas, imports of tobacco unnecessarily increase the cost of the no net cost program, at the expense of the American tobacco farmer; and

Whereas, American tobacco farmers have production controls while foreign producers do not, an unfair advantage for the foreign producer; and

Whereas, tobacco is the lifeblood of Kentucky agriculture, accounting for about 50 percent of the State's total crop receipts; and

Whereas, about 76 percent of Kentucky's tobacco farmers have a net annual farm income of less than $10,000; and

Whereas, imports of burley tobacco have contributed to the increase of burley pool tobacco from zero pounds in 1981 to about 307,000,000 pounds as of January 1, 1985, not including the large amount of the 1984 burley crop going to the pool; and

Whereas, tobacco imports should not be allowed from those countries which do not allow American tobacco into their countries; and

Whereas, tobacco imports should not be allowed from those countries or manufacturers which subsidize the production or manufacturing of tobacco; and

Whereas, imported tobacco should not be allowed which does not meet the same pesticide and herbicide requirements which American-produced tobacco must meet; and

Whereas, imported tobacco should be charged a single rate of duty for each pound, regardless of the classification; and

Whereas, imported tobacco should not be allowed from nations whose human rights posture precludes a fair wage for a person's effort; and

Whereas, imported tobacco should not be allowed from nations who do not allow a fair and just market for American products; and

Whereas, imported tobacco should not be allowed from nations which do not require adequate labeling information regarding the use of pesticides and herbicides because of the risk to uninformed workers when exposed to harmful chemicals: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the President take the immediate necessary legal action under Section 22 of the Agricultural Adjustment Act (7 USCA Section 624), as amended, to reduce tobacco imports because they ". . . render or tend to render ineffective, or materially interfere with . . ." the tobacco price support program. It is recommended that tobacco imports be reduced to expeditiously bring the excessive tobacco loan stocks in the pool under control. Fifty million pounds of tobacco carryover in the pool is the maximum level objective.

Section 2. That copies of this resolution be sent to the President, Madam Chairman of the U.S. International Trade Commission, U.S. Secretary of Agriculture, Kentucky's Congressional delegation, and Kentucky Commissioner of Agriculture.

HOUSE RESOLUTION NO. 10

A resolution urging President Ronald Reagan to reject the recommendation of David Stockman, Director of the Office of Management and Budget, that the budget for the Tennessee Valley Authority be reduced from 135 million dollars to 38 million dollars

Whereas, the reduction in the TVA budget represents a savings of 97 million dollars within the context of the federal budget, yet in reality a budget cut of such magnitude is no savings at all because this budget cutting would eliminate TVA programs which are the seedbed for millions of dollars being produced within the private sector; and

Whereas, one example of such a phantom savings would occur should the 7½ million dollar TVA program for management of the Land Between The Lakes in Western Kentucky be eliminated; and

Whereas, funding for the Land Between The Lakes generates a large portion of the private sector dollars for the Western Kentucky counties of Graves, McCracken, Calloway, Marshall, Livingston, Crittenden, Lyon, Caldwell, Trigg, and Christian, the adverse impact from the loss of the 7½ million dollars for the Land Between The Lakes will be greatly disproportionate to the savings made in the federal budget; and

Whereas, the TVA management of the Land Between The Lakes attracts 2,100,000 tourists annually, directly employs three-hundred individuals, creates 1800 jobs within the region, maintains the natural resources where hunters and fishermen spent 6.8 million dollars in 1984 and where photographers and others spent 2.8 million dollars in 1984, and lastly, provides a focal point for a 150 million dollar tourist industry extending for a 200 mile radius beyond the Land Between The Lakes; and

Whereas, the economic life created within the region by the TVA funding for the Land Between The Lakes has even greater importance when it is realized that the major industry of Western Kentucky has slumped since 1970 when the western coal fields produced 52 million tons of coal but in 1983 only produced 34 million tons: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky urges President Ronald Reagan to reject the recommendation that the budget of the Tennessee Valley Authority be reduced from 135 million dollars to 38 million dollars because the elimination of the 7½ million dollar program for the Land Between The Lakes in Western Kentucky will ultimately be more costly to the federal government than funding the program.

Section 2. That this resolution be sent to President Ronald Reagan, Director David Stockman, and the members of the Kentucky Congressional Delegation.

SOVIET JEWRY

Mr. BOSCHWITZ. Mr. President, I rise today to initiate the 1985 Congressional Call to Conscience. This is a congressional effort to draw attention to the problem of Jews and others living in the shadow of oppression in the Soviet Union.

The Soviet Union is the nation with the third largest Jewish community. It has, with historical continuity, violated the rights of those Jews, and others as well. It is a state that refuses to allow Jews to live in their owner country with dignity and with the freedom to be Jews, and yet denies them the right to emigrate to fulfill these rights.

As you know, despite international human rights agreements—most notably the Helsinki accords—which guarantee an individual's rights to freedom of religion, cultural practices and emigration, the situation in the Soviet Union has worsened.

The closing of synagogues, banning of Hebrew language instruction, the pervasive discrimination in education, employment and social life, and the confiscation of prayer books are all a part of a sinister state policy to destroy Jewish culture.

Yet, as the Kremlin denies anti-Semitism, it continues its harsh policy of keeping its exit gates shut and keeping these Jews caged within their own country. In 1984, fewer than 1,000 Soviet Jews were allowed to emigrate. This is the lowest level in over a decade.

With emigration in its abyss and with the Soviet authorities accelerating their harassment of Jewish activists, this Congressional Call to Conscience is extremely essential to the morale and cultural survival of the Jewish minority trapped within the Soviet Union. We must emphasize to the Soviets at every opportunity that we consider the issue of human rights, including the emigration of Soviet Jews and others, of great importance in evaluating our overall relations with them.

It is critical that each of us in our own way let the citizens of the Soviet Union know that we care and that we have not abandoned and will never abandon their cause. We must continuously denounce the forced surrender of basic human rights to the arbitrary will of a repressive government. It is crucial that we do not lessen our efforts on their behalf, even if other momentous events temporarily overshadow the suffering of Soviet Jewry and others in the Soviet Union.

Recently, I contacted President Chernenko on behalf of Soviet refus-

niks, Vladimir and Maria Slepak, and urged his immediate attention and appeal to their behalf.

Vladimir, Maria, and their son first applied for exit visas in April 1970. They were refused 2 months later because of Vladimir's "classified" work as head of a laboratory in the Moscow Scientific Institute of Television Research. Although he had left his position a year earlier, hoping that this step would facilitate his visa, Maria's and his applications were turned down because of Vladimir's "state interest."

Eight years later, Maria and Vladimir Slepak were arrested for displaying a banner from their home window saying "Let us Go to Our Son in Israel." As a result, Vladimir was sentenced to 5 years of internal exile on charges of "malicious hooliganism," and Maria was given a 3-year suspended sentence.

Vladimir was released from Siberia in 1981 and permitted into Moscow where he currently works as an elevator operator. Both he and Maria reapplied for exit visas to Israel this past summer, 14 years after the original exit visas were applied for, but were once again refused.

As we begin this Congressional Call to Conscience, let us band together to voice congressional concern about those who have repeatedly been denied the right to practice their religion freely and the right to emigrate. There are unfortunately thousands of refusniks, not only Jews but many others as well, like Maria and Vladimir Slepak who so desperately yearn for freedom.

It is the obligation of all of us in the free world to call for a stop to this tyranny of Soviet authority.

Mr. President, I yield to the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, let me say that I very much appreciate the remarks of my friend from Minnesota, Senator BOSCHWITZ. I worked very closely with him on the issue of Soviet Jewry. There is no more conscientious legislator with whom I have come to work. He and I came to this Chamber at the same time. He still, of course, is one in rank ahead of me, and continually makes reference to it. I see he is gone. Yes.

RECOGNITION OF NEW COLLEAGUES

Mr. SIMPSON. Mr. President, I want to recognize the presence of three new colleagues who are here to observe the Senate procedures on this opening day—Senators PAUL SIMON, JAY ROCKEFELLER, and JOHN KERRY. I appreciate their attention to the extraordinary history of this Chamber, and it is the way to learn of it; that is, to be here, to observe it, even in these rather slack times, as Senator BOSCHWITZ, I, and the occupant of the chair, Senator GORTON, have done—to observe it, to learn it, and of course learn to love it. And it works best that way.

I commend you for that. Indeed, I do.

MEASURES PLACED ON THE CALENDAR

Mr. SIMPSON. Mr. President, I believe we have resolutions, or proposals, to be made at this time to which the leadership must respond.

S. 46—A BILL TO PROTECT THE LIVES OF UNBORN HUMAN BEINGS

The PRESIDING OFFICER. The assistant majority leader is correct. The clerk will read for the second time any bill which has been received and which has remained at the desk pending second reading.

The first bill will be stated by title.

The assistant legislative clerk read as follows:

S. 46, a bill to protect the lives of unborn human beings.

Mr. SIMPSON. Mr. President, I object to further consideration of that bill.

The PRESIDING OFFICER. Objection, having been heard to further proceedings of the bill at this time, the bill will be placed on the calendar.

S. 47—A BILL TO RESTORE THE RIGHT OF VOLUNTARY PRAYER IN PUBLIC SCHOOLS AND TO PROMOTE THE SEPARATION OF POWERS

The PRESIDING OFFICER. The clerk will report the next bill.

The assistant legislative clerk read as follows:

A bill (S. 47) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

Mr. SIMPSON. Mr. President, I object to the further consideration of that bill.

The PRESIDING OFFICER. Objection, having been heard to further proceedings of this bill at this time, the bill will be placed on the calendar.

S. 49—A BILL PROTECTING FIREARMS OWNERS' CONSTITUTIONAL RIGHTS, CIVIL LIBERTIES, AND RIGHTS TO PRIVACY

The PRESIDING OFFICER. The clerk will report the next bill.

The assistant legislative clerk read as follows:

S. 49, a bill to protect the firearm owners' constitutional rights, civil liberties, and rights to privacy.

Mr. SIMPSON. Mr. President, I object to further consideration of that bill.

The PRESIDING OFFICER. Objection having been heard to further proceedings on this bill at this time, the bill will be placed on the calendar.

JOINT REFERRAL OF NOMINATION OF RICHARD L. FRANCIS

Mr. SIMPSON. Mr. President, as in executive session, I ask unanimous consent that the nomination of Richard L. Francis, of Virginia, to be President of the Solar Energy and Energy Conservation Bank, be jointly referred to the Committee on Energy and Natural Resources, and the Committee on Banking, Housing, and Urban Affairs.

I indicate that this request has been cleared by the minority.

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

THE INAUGURATION CEREMONY

Mr. SIMPSON. Mr. President, I understand we may have another resolution in a moment. Without suggesting the absence of a quorum at this moment, let me briefly reflect on and thank Senators MATHIAS and FORD for the remarkable effort they made in presenting this country with an extraordinarily moving and powerful inauguration ceremony under extraordinary conditions. I think not one of us who were actually there participating and the millions of Americans observing could not have felt the power of that ceremony in that very extraordinary rotunda of the Capitol. Certainly Senators MATHIAS and FORD must be very proud of their efforts as they dealt with the situation in a very, very skilled way. It is regrettable, indeed, that many thousands were unable to participate and observe the ceremony on the west front of the Capitol, as we were privileged to do 4 years ago for the first time, I believe, in history.

From this vista, as the Sun sets this evening, it is a beautiful sight. It is regrettable that we could not have held it there, but perhaps some would not have been able to get through it. I speak as one from Wyoming who is of rather hardy stature, and it was a sharp, bitter day and best that alternate plans were made.

I do hope that our future legislature activities will be as crisp and bright as our day and our relationships with our colleagues on the other side of the Capitol will be much more thawed. I hope that we may work closely with the Democratic majority in the House. I pledge to do that. I pledge that to my peers on the other side of the aisle and on the other side of the Capitol.

I think also of the President's remarks. I read import into the relationships he described between Jefferson and Adams, who lived in enmity and hostility toward each other, yet they made their peace. I think that is very important, and I would hope that our President and the Speaker of the House will have that same type of accord because there are those of us who know them as both warm, remarkable men of good humor in their singular capacities. Let us let the rest of the American people see them doing that in their joint and several

capacities. I hope we will see that. It will be a great pleasure to work with this President. Yet all Presidents and all Governors at this time of year—and I see former Governor ROCKEFELLER—tremble as the legislature gathers to do its work.

My father was a Governor, and he used to say, as the legislature would come to Cheyenne in January, "My Lord, I feel like a toothless tiger." Indeed, that was often the case because it is our job to produce on the budget, not the Governor. It is our job to produce on this budget and not the President. So I look forward to working with this remarkable President. I look forward to serving him and I am delighted in the special privilege of participating in this day.

We are waiting clearance from the other side of the aisle, and apparently that has not yet been obtained so I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DEATH OF REPRESENTATIVE GILLIS LONG OF LOUISIANA

Mr. SIMPSON. Mr. President, I send to the desk a resolution and ask that it be stated by the clerk.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 39

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Gillis Long, late a Representative from the State of Louisiana.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Without objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 39) was agreed to.

Mr. SIMPSON. Mr. President, I move that the Senators be appointed in accordance with the resolution.

The PRESIDING OFFICER. The Chair, pursuant to the resolution just agreed to, appoints the Senators from Louisiana [Mr. LONG and Mr. JOHNSTON] as the committee on the part of the Senate to join the committee on the part of the House of Representatives to attend the funeral of the deceased Representative.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 7, January 9, January 11, and January 18, 1985, received messages from the President of the United States submitting sundry nominations (and a withdrawal on January 7); which were referred to the appropriate committees.

(The nominations received on January 7, January 9, January 11, and January 18, 1985, are printed at the end of the Senate proceedings.)

SECOND BIENNIAL REPORT ON COASTAL ZONE MANAGEMENT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 4

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 8, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

Pursuant to the provisions of Section 316 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1462(a)), I herewith transmit the second biennial report on coastal zone management, which covers fiscal years 1982 and 1983.

RONALD REAGAN.

THE WHITE HOUSE, *January 8, 1985.*

THIRD ANNUAL REPORT ON ALASKA'S NATURAL RESOURCES—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 5

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 8, 1985, received the following message from the President of the United States, together with the accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 1011 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3151), I transmit herewith the third annual report on Alaska's mineral resources, which covers calendar year 1984.

RONALD REAGAN.

THE WHITE HOUSE, *January 8, 1985.*

SEVENTH ANNUAL REPORT ON FEDERAL ENERGY PROGRAMS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 6

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 8, 1985, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the provisions of Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c)) and Subtitle H of the Energy Security Act (42 U.S.C. 8286), I herewith transmit the seventh annual report on Federal Energy Conservation Programs undertaken during fiscal year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *January 8, 1985.*

ANNUAL REPORT OF THE FEDERAL RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 7

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 9, 1985, during the adjournment of the Senate received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with Section 5347(e) of Title 5 of the United States Code, I hereby transmit the 1983 Annual Report of the Federal Prevailing Rate Advisory Committee.

RONALD REAGAN.

THE WHITE HOUSE, *January 9, 1985.*

ANNUAL REPORT OF THE REHABILITATION SERVICES ADMINISTRATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 8

Under the authority of the order of the Senate of January 8, 1985, the Secretary of the Senate on January 9, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 13 of the Rehabilitation Act of 1973, as amended, I am pleased to transmit the enclosed report to the Congress. The report, prepared by the Department of Education, covers activities supported under the Act in fiscal year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *January 9, 1985.*

ANNUAL REPORT ON THE ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 9

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 15, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the Thirteenth Annual Report on the Administration of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) as required by the Act. This report was prepared in accordance with Section 211 of the Act and covers calendar year 1982.

RONALD REAGAN.

THE WHITE HOUSE, *January 15, 1985.*

ANNUAL HIGHWAY SAFETY AND NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY REPORTS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 10

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 15, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

The Highway Safety Act and the National Traffic and Motor Vehicle Safety Act, both enacted in 1966, initiated a national effort to reduce traffic deaths and injuries and require annual reports on the administration of the Acts. This is the 16th year that these reports have been prepared for your review.

The report on motor vehicle safety includes the annual reporting requirement in Title I of the Motor Vehicle Information and Cost Savings Act of 1972 (bumper standards). An annual report also is required by the Energy Policy and Conservation Act of 1975, which amended the Motor Vehicle Information and Cost Savings Act and directed the Secretary of Transportation to set, adjust, and enforce motor vehicle fuel economy standards. Similar reporting requirements are contained in the Department of Energy Act of 1978 with respect to the use of advanced technology by the automobile industry. These requirements have been met in the Seventh Annual Fuel Economy Report, the highlights of which are summarized in the motor vehicle safety report.

In the Highway Safety Acts of 1973, 1976, and 1978, the Congress expressed its special interest in certain aspects of traffic safety, which are addressed in the volume on highway safety.

For the second year in a row, traffic fatalities have dropped significantly. The 43,945 fatalities recorded in 1982, while still unacceptably high and a tragedy to the Nation both in terms of lives lost and the economic consequences of the deaths, represent an 11 percent decrease from the preceding year.

In addition, despite large increases in drivers, vehicles, and traffic, the Federal standards and programs for motor vehicle and highway safety instituted since 1966 have contributed to a significant reduction in the fatality rate per 100 million miles of travel. The rate has decreased from 5.5 in the mid-60's to the 1982 level of 2.76. This means that motorists can drive more miles today with less risk. If the 1966 fatality rate had been experienced in 1982, more than 87,586 persons would have lost their lives in traffic accidents.

Achieving even greater reductions in the annual traffic death toll will not be easy, but it is a challenge we readily accept and intend to actively pursue. Motorists today are better informed and driving in safer vehicles and on safer roads. But they are still victims of habit and of human nature. They choose not to wear safety belts because they do not expect to be in an accident. They drive after drinking too much, because alcohol is part of our social mores. And they sometimes speed and take unnecessary chances, because being in a hurry is an unfortunate fact of modern life. Changing these ingrained behaviors is the traditional and most challenging obstacle to improving traffic safety.

The answer lies in widespread public education efforts, and a continuing national traffic safety commitment that involves government, the private sector, and the individual motorist. We will also consider new regulations, but only when there is no practical alternative, and when we are certain that doing so will result in a clear and beneficial improvement in safety.

While we can be justifiably proud of the accomplishments to date, we are convinced that this approach will bring about even more progress, and that American motorists and pedestrians will ultimately enjoy a greater level of personal safety as a result.

RONALD REAGAN.

THE WHITE HOUSE, *January 15, 1985.*

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 7, 1985, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled joint resolution:

S.J. Res. 6 Joint resolution extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

Under the authority of the order of the Senate of January 3, 1985, the enrolled joint resolution was signed on January 7, 1985, by the President pro tempore [Mr. THURMOND].

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on January 8, 1985, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 6. Joint resolution extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 46. A bill to protect the lives of unborn human beings.

S. 47. A bill to restore the right of voluntary school prayer in public schools and to promote the separation of powers.

S. 49. A bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

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-32. A communication from the Attorney General of the United States transmitting, pursuant to law, a report on the administration of the Foreign Agents Registration Act for 1983; to the Committee on Foreign Relations.

EC-33. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the U.S. within the

sixty days previous to November 19, 1984; to the Committee on Foreign Relations.

EC-34. A communication from the Secretary of Transportation transmitting, pursuant to law, the semiannual report of the Inspector General of the Department of Transportation for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-35. A communication from the Under Secretary of Labor transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-36. A communication from the Inspector General of the Department of Health and Human Services transmitting, pursuant to law, his semiannual report for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-37. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on three new and one altered Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-38. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-39. A communication from the Administrator of the Health Care Financing Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-40. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-41. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-42. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-43. A communication from the Secretary of Education transmitting, pursuant to law, the Inspector General's report for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-44. A communication from the Inspector General of the Department of Energy transmitting, pursuant to law, his semiannual report for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-45. A communication from the Inspector General of the Department of Energy transmitting, pursuant to law, comments of the Secretary of Energy and FERC relative to the semiannual report of the IG; to the Committee on Governmental Affairs.

EC-46. A communication from the Administrator of NASA transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-47. A communication from the Administrator of AID transmitting, pursuant to law, the semiannual report of the Inspector General for the period ending September 30, 1984; to the Committee on Governmental Affairs.

EC-48. A communication from the Comptroller General of the United States transmitting, pursuant to law, a listing of GAO reports issued in October 1984; to the Committee on Governmental Affairs.

EC-49. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report on aggregate compensation in the Senior Executive Service; to the Committee on Governmental Affairs.

EC-50. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, a report on a computer match of Veterans Compensation, Pension, Education, and Rehabilitation against State Vital Statistics Records; to the Committee on Governmental Affairs.

EC-51. A communication from the Secretary of Agriculture transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-52. A communication from the Attorney General of the United States transmitting, pursuant to law, a report on the Department of Justice determination that Federal agencies should not execute certain bid protest provisions of the Competition in Contracting Act of 1984; to the Committee on the Judiciary.

EC-53. A communication from the Chairman of the National Advisory Council on Continuing Education transmitting, pursuant to law, the annual report of the Council; to the Committee on Labor and Human Resources.

EC-54. A communication from the Principal Deputy Assistant Secretary of Defense transmitting, pursuant to law, the audit of the Red Cross for the year ended June 30, 1984; to the Committee on Labor and Human Resources.

EC-55. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Education Block Grant Alters State Role and Provides Greater Local Discretion"; to the Committee on Labor and Human Resources.

EC-56. A communication from the Acting Assistant Secretary of Defense transmitting, pursuant to law, a secret report on supplemental contract award dates for Nov.-Dec. 1984; to the Committee on Armed Services.

EC-57. A communication from the President and Chairman of the Export-Import Bank transmitting, pursuant to law, a report on transactions during September 1984 with Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-58. A communication from the Executive Director of the Neighborhood Reinvestment Corporation transmitting, pursuant to law, the 1983 annual report of the Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-59. A communication from the Chairman of the National Research Council transmitting, pursuant to law, a report entitled "55: A Decade of Experience"; to the Committee on Commerce, Science, and Transportation.

EC-60. A communication from the Secretary of the Interior transmitting, pursuant to law, a corrected copy of the Report to Congress on Matters Contained in the Helium Act; to the Committee on Energy and Natural Resources.

EC-61. A communication from the Secretary of Energy transmitting, pursuant to law, a report on implementation of the Residential Conservation Service program; to the Committee on Energy and Natural Resources.

EC-62. A communication from the Assistant Attorney General transmitting, pursuant to law, a report on the Voluntary Agreement and Plan of Action To Implement the International Energy Program; to the Committee on Energy and Natural Resources.

EC-63. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the need for legislative change affecting the Medicaid Program; to the Committee on Finance.

EC-64. A communication from the Secretary of State transmitting, pursuant to law, a report on payments under loan guarantees or credit assurance agreements to Poland; to the Committee on Foreign Relations.

EC-65. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the U.S. within the sixty days previous to November 28, 1985; to the Committee on Foreign Relations.

EC-66. A communication from the Under Secretary of Labor transmitting, pursuant to law, a report on an altered Privacy Act system of Records; to the Committee on Governmental Affairs.

EC-67. A communication from the Acting Administrator of GSA transmitting, pursuant to law, a report on the disposal of surplus Federal real property for historic monument purposes; to the Committee on Governmental Affairs.

EC-68. A communication from the Assistant to the President for Management and Administration transmitting, pursuant to law, the aggregate personnel report for fiscal year 1984 for the White House, the Executive Residence, the Office of Vice President, the Office of Policy Development, and the Office of Administration; to the Committee on Governmental Affairs.

EC-69. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, on a report on the transfer of surplus real property for fiscal year 1984; to the Committee on Governmental Affairs.

EC-70. A communication from the Librarian of Congress transmitting, pursuant to law, a report entitled "Books in Our Future"; to the Committee on Rules and Administration.

EC-71. A communication from the Administrator of NASA transmitting, pursuant to law, the annual report on NASA's industrial applications centers; to the Committee on Small Business.

EC-72. A communication from the Executive Secretary of Defense transmitting, pursuant to law, the report on procurement from small and other business firms October 1983-August 1984; to the Select Committee on Small Business.

EC-73. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, the fiscal year 1984 report on the Exchange of Medical Information Program; to the Committee on Veterans Affairs.

EC-74. A communication from the Assistant Secretary of State transmitting, pursuant to law, a report on fiscal 1985 allocations of funds under PL 98-473; to the Committee on Appropriations.

EC-75. A communication from the Secretary of State transmitting, pursuant to law, a report on the whereabouts of military

equipment provided to El Salvador by the U.S. and the whereabouts of Salvadoran military personnel trained with U.S. military aid funds; to the Committee on Foreign Relations.

EC-76. A communication from the Assistant Secretary of State transmitting, pursuant to law, a report on a determination that the furnishing of direct assistance to Mozambique would further the foreign policy interests of the U.S.; to the Committee on Foreign Relations.

EC-77. A communication from the Office of the Special Counsel of the Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of improprieties in the procurement of certain boats from Bath Iron Works, Maine, and an allegedly altered report of an investigation of the procurement; to the Committee on Governmental Affairs.

EC-78. A communication from the Office of the Special Counsel, Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of gross waste of funds and mismanagement by the Veterans Administration Medical Center, Augusta, Georgia; to the Committee on Governmental Affairs.

EC-79. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, the semiannual report of the Inspector General; to the Committee on Governmental Affairs.

EC-80. A communication from an Assistant Secretary of HHS and an Assistant Secretary of Agriculture transmitting, pursuant to law, the 2nd progress report on the Human Nutrition Research and Information Management System; to the Committee on Agriculture, Nutrition, and Forestry.

EC-81. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on eight new deferrals of budget authority; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Budget, Energy and Natural Resources, Foreign Relations, and the Judiciary.

EC-82. A communication from the Secretary of the Army transmitting, pursuant to law, the annual report for 1982 of the Soldier's and Airmen's Home, and the general inspection report for 1983; to the Committee on Armed Services.

EC-83. A communication from the Chairman of the Federal Home Loan Bank Board transmitting, pursuant to law, the Board's 1983 annual report; to the Committee on Banking, Housing, and Urban Affairs.

EC-84. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on National Transportation Safety Board Recommendations; to the Committee on Commerce, Science, and Transportation.

EC-85. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on the Agency's experience in implementing the "Superfund"; to the Committee on Environment and Public Works.

EC-86. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the U.S. within the sixty days previous to December 7, 1984; to the Committee on Foreign Relations.

EC-87. A communication from the Chairman of the National Credit Union Administration transmitting, pursuant to law, the 1984 report on the Credit Union Administration's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-88. A communication from the Inspector General of HHS transmitting, pursuant to law, a summary of his office's long-range strategic plan for fiscal year 1985 and 1986; to the Committee on Governmental Affairs.

EC-89. A communication from the Assistant Attorney General transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-90. A communication from the Adjutant General of the Military Order of the Purple Heart transmitting, pursuant to law, the financial audit of the Order; to the Committee on the Judiciary.

EC-91. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the assistance to States for Education of Handicapped Children; to the Committee on Labor and Human Resources.

EC-92. A communication from the Under Secretary of Labor transmitting, pursuant to law, the fifth report under sec. 4(d)(3) of the Fair Labor Standards Act; to the Committee on Labor and Human Resources.

EC-93. A communication from the Architect of the Capitol transmitting, pursuant to law, the report on all expenditures from moneys appropriated during the period April 1-September 30, 1984; to the Committee on Appropriations.

EC-94. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, a secret report on contract award dates for January-February 1985; to the Committee on Armed Services.

EC-95. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on the decision to convert the storage and warehousing function at the Naval Support Activity, New Orleans, LA to performance under contract; to the Committee on Armed Services.

EC-96. A communication from the Director of the Selective Service System transmitting, pursuant to law, the SSS's semiannual report for the period ended September 30, 1984; to the Committee on Armed Services.

EC-97. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on the decision to convert the custodial services function at the Marine Corps Logistics Base, Albany, GA to performance under contract; to the Committee on Armed Services.

EC-98. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report on findings regarding U.S. membership in the Bank for International Settlements; to the Committee on Banking, Housing, and Urban Development.

EC-99. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on highway accidents to permit evaluation and comparison of highway safety performance of the States; to the Committee on Commerce, Science, and Transportation.

EC-100. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the implementation of Sec. 9 of PL 97-136; to the Committee on Commerce, Science, and Transportation.

EC-101. A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "The Washington, D.C. Heliport Study"; to the Committee on Commerce, Science, and Transportation.

EC-102. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on the Comprehensive Ocean Thermal Program Management Plan; to the Committee on Energy and Natural Resources.

EC-103. A communication from the Under Secretary of Energy transmitting, pursuant to law, the quarterly report on Biomass Energy Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC-104. A communication from the Secretary of Energy transmitting, pursuant to law, a conceptual plan for the development of the California-Oregon Transmission Project; to the Committee on Energy and Natural Resources.

EC-105. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of a meeting relating to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-106. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-107. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-108. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-109. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-110. A communication from the Acting Assistant Secretary of the Interior transmitting, pursuant to law, a report on an application for a loan by the Greater Wenatcheee Irrigation District, Washington; to the Committee on Energy and Natural Resources.

EC-111. A communication from the Secretary of the Interior transmitting, pursuant to law, the annual report for 1984 of the Migratory Bird Conservation Commission; to the Committee on Environment and Public Works.

EC-112. A communication from the Secretary of State transmitting, pursuant to law, a report on the situation in El Salvador; to the Committee on Foreign Relations.

EC-113. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the United States within the 60 days previous to December 19, 1984; to the Committee on Foreign Relations.

EC-114. A communication from the Secretary of State transmitting, pursuant to law, a report on payments made to U.S. creditors on credits guaranteed by the Commodity Credit Corporation for which payments had not been received from the Polish People's Republic; to the Committee on Foreign Relations.

EC-115. A communication from the Assistant Legal Adviser for Treaty Affairs, De-

partment of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 days previous to December 13, 1984; to the Committee on Foreign Relations.

EC-116. A communication from the Chairwoman of the U.S. International Trade Commission transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative controls of the Commission; to the Committee on Governmental Affairs.

EC-117. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on a determination by the Commission to extend the time period for acting upon certain appeals before the Commission; to the Committee on Governmental Affairs.

EC-118. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, a report on the Commission's system for internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-119. A communication from the Director of the Peace Corps transmitting, pursuant to law, a report on the Corps' system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-120. A communication from the Director of the Peace Corps transmitting, pursuant to law, a report on the Corps' central accounting and internal control systems; to the Committee on Governmental Affairs.

EC-121. A communication from the Special Counsel, Merit Systems Protection Board, transmitting, pursuant to law, a report on the Board's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-122. A communication from the Secretary of Commerce transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-123. A communication from the Chairman of the Postal Rate Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative controls; to the Committee on Governmental Affairs.

EC-124. A communication from the Executive Director of the Board for International Broadcasting transmitting, pursuant to law, a report on the Board's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-125. A communication from the Chairman of the Securities and Exchange Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-126. A communication from the Director of ACTION transmitting, pursuant to law, a report on the Agency's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-127. A communication from the General Counsel of the U.S. Information Agency transmitting, pursuant to law, a report on two new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-128. A communication from the Secretary of Education transmitting, pursuant to law, a report on the disposal of surplus real property to educational institutions; to the Committee on Governmental Affairs.

EC-129. A communication from the Acting Inspector General of the General Services Administration transmitting, pursuant to law, a summary of the significant activities of the Inspector General for the six month period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-130. A communication from the Chairman of the Merit Systems Protection Board transmitting, pursuant to law, a report on internal controls and accounting system integrity; to the Committee on Governmental Affairs.

EC-131. A communication from the Director of the Selective Service System transmitting, pursuant to law, a report on the System's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-132. A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-133. A communication from the Governor of the Farm Credit Administration transmitting, pursuant to law, a report on the FCA's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-134. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a list of reports issued by the GAO in November 1984; to the Committee on Governmental Affairs.

EC-135. A communication from the Assistant Secretary of Health and Human Services transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-136. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a report on entitled "Better Management of Information Resources at the Bureau of Indian Affairs Could Reduce Waste and Improve Productivity"; to the Select Committee on Indian Affairs.

EC-137. A communication from the Chief Justice of the U.S. transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the U.S.; to the Committee on the Judiciary.

EC-138. A communication from the American Council of Learned Societies transmitting, pursuant to law, its audited financial statement for fiscal 1984; to the Committee on the Judiciary.

EC-139. A communication from the Secretary of Education transmitting, pursuant to law, a report on final regulations for the College Housing Progam—Loan Discount Provisions; to the Committee on Labor and Human Resources.

EC-140. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of December 1, 1984; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

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. GOLDWATER:

S. 195. A bill to amend the Internal Revenue Code of 1954 to repeal the capital gains tax on disposition of investments in U.S. real property by foreign citizens, to repeal the provisions providing for withholding of, and reporting on, such tax, and for other purposes; to the Committee on Finance.

By Mr. CRANSTON:

S. 196. A bill to repeal section 212(a)(4) of the Immigration and Nationality Act, as amended, and for other purposes; to the Committee on the Judiciary.

S. 197. A bill for the relief of Elga Bouiliant-Linet; to the Committee on the Judiciary.

By Mr. BYRD (for Mr. BENTSEN):

S. 198. A bill for the relief of Li Cunxin; to the Committee on the Judiciary.

S. 199. A bill for the relief of Pedro Narvaez-Guajardo and Rosario Bernal de Narvaez; to the Committee on the Judiciary.

S. 200. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for retirement savings on the basis of the compensation of the spouse; to the Committee on Finance.

By Mr. FORD:

S. 201. A bill amending title 49 of the United States Code with respect to standards for rail rates and determinations of rail carrier market dominance, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TRIBLE (for himself and Mr. SYMMS):

S. 202. A bill to amend title 5, United States Code, to establish a cash or deferred arrangement permitting Federal employees to save for their retirement, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DIXON:

S. 203. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1954 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. INOUYE, Mr. JOHNSTON, and Mr. MOYNIHAN):

S. 204. A bill to provide a national program for improving the quality of instruction in the humanities in public and private elementary and secondary schools; to the Committee on Labor and Human Resources.

By Mr. BUMPERS:

S. 205. A bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund; to the Committee on Finance.

By Mr. TRIBLE (for himself, Mr. HUMPHREY, and Mr. EAST):

S. 206. A bill to amend section 5155 of the revised statutes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 207. A bill concerning vandalism of religious property; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 208. A bill for the relief of Ronilo Ancheta; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 209. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebted-

ness owed the United States; to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself and Mr. LONG):

S. 210. A bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of social security benefits; to the Committee on Finance.

By Mr. PROXMIRE:

S. 211. A bill to amend the Agricultural Act of 1949 to extend the milk diversion program and to remove the authority of the Secretary of Agriculture to modify the price support rate for milk; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 212. A bill to make permanent the prohibition of credit card surcharges; to the Committee on Banking, Housing, and Urban Affairs.

S.J. Res. 17. Joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week"; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. PROXMIRE and Mr. SIMON):

S.J. Res. 18. Joint resolution relating to NASA and cooperative Mars exploration; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMPSON (for Mr. LONG (for himself and Mr. JOHNSTON)):

S. Res. 39. Resolution relative to the death of Representative Gillis Long, of Louisiana; considered and agreed to.

By Mr. GOLDWATER:

S. Res. 40. Resolution to declare the sense of the Senate regarding the termination of defense and security treaties; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BUMPERS, Mr. BINGAMAN, Mr. SASSER, Mr. PRYOR, Mr. SARBANES, Mr. STENNIS, Mr. FORD, Mr. BYRD, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. NUNN, Mr. LEVIN, Mr. RIEGLE, Mr. BURDICK, Mr. DIXON, Mr. EAGLETON, Mr. BRADLEY, Mr. LEAHY, Mr. GLENN and Mr. JOHNSTON):

S. Res. 41. Resolution to express the sense of the Senate that the funds of the Economic Development Administration should not be impounded; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER:

S. 195. A bill to amend the Internal Revenue Code of 1954 to repeal the capital gains tax on disposition of investments in United States real property by foreign citizens, to repeal the provisions providing for withholding of, and reporting on, such tax and for other purposes; to the Committee on Finance.

REPEAL TO FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT OF 1980

● Mr. GOLDWATER. Mr. President, I am today reintroducing legislation to repeal FIRPTA, the Foreign Investment in Real Property Tax Act of 1980.

Mr. President, FIRPTA levies a discriminatory tax burden against foreign investors who sell real property holdings in the United States. As originally introduced 5 years ago, the provision was a very limited one aimed at preventing foreign takeovers of farm production land. However, the original concept was changed at the urging of the Treasury Department so that the final version became an all inclusive reporting and capital gains tax applicable to foreign investment in real estate of all kinds. Today, FIRPTA is so sweeping it not only applies to direct investment in U.S. real estate, but to oil and gas leases and to stock interests in any U.S. manufacturing or production firm in which a foreign investor holds more than 5 percent of the company stock.

The result has been a law that strongly discourages needed investment which might otherwise have increased the competitiveness of domestic corporations and created more U.S. jobs. FIRPTA is harming the U.S. economy and serving no useful purpose.

The Tax Reform Act of 1984 compounded the problem by imposing withholding on transactions occurring after January 1, 1985. Withholding will supposedly replace reporting requirements, but the 1984 statute authorizes the Department of the Treasury to continue reporting requirements on a very broad range of investments in its discretion. Withholding does nothing for the economy of individual American States which are dependent upon a favorable investment climate.

Mr. President, there can be no doubt that FIRPTA will stifle investment. Two European witnesses, who appeared at the hearing on FIRPTA by the Finance Committee last June 19, testified that uncertainty created by FIRPTA has seriously dampened direct investment in U.S. real property and will continue to deter such investment unless the law is repealed. Unlike tax theorists who have absolutely no knowledge of large foreign investment firms, these witnesses represented enormous investment trust companies. Lord Mark Fitzalan Howard appeared on behalf of the British Association of Investment Trust Companies, whose member firms hold assets of $20 billion, and Senator Van Tets of the Dutch Parliament appeared on behalf of the European Federation for Retirement Provision, a federation of the national association of pension funds in eight European countries. Each testified that uncertainty created by FIRPTA is causing foreign investors to cut back on a wide range of investments in the United States. American tax experts who testified at the June 19 hearing indicated that the real cost of administering FIRPTA will far exceed any revenue to be received from it and that instead of creating "parity" among domestic and foreign investors, FIRPTA places the foreign investor in U.S. real estate in a disadvantaged position.

Dr. Jimmye Hillman, chairman of the department of agricultural economics at the University of Arizona, testified that FIRPTA has actually been detrimental to the farm community which it was originally designed to assist. What is not generally known is that if foreign investors make any income on their holdings, they are taxed at 30 percent of gross income. Unlike American citizens, foreign persons cannot deduct property taxes paid on the land. Nor can they deduct interest charges on any financial arrangements made to buy the land. Also, numerous tax benefits, such as accelerated depreciation and investment tax credits, that U.S. citizens may utilize, are not available to foreign investors.

Farmers who are suffering depressed land values would welcome foreign investment. Where is it, they ask.

From a wealth of new government data available on the subject, we can now see clearly that the emotional fears expressed about possible foreign domination of American farmland was based on a myth. Foreign ownership of American crop, grazing and other production land is and has been miniscule, representating less than 1 percent of all privately held agricultural land in the United States. If any law is needed to limit foreign ownership of agricultural lands in local situations, the tax code is the wrong vehicle for that purpose. The right of each sovereign State to restrict land ownership by aliens is deeply imbedded in American law.

To sum up, Mr. President, FIRPTA is contrary to our national interest and serves no reasonable purpose. Foreign investors are helping speed along the healthy economic recovery our Nation is enjoying. While foreign governments are doing everything possible to attract investment, the United States is discouraging it. In light of our present need to finance massive Government deficits, we would be foolish not to join those nations of the world which are going to great lengths to win in foreign investment. Reducing barriers which discourage access to the U.S. capital market is a better way of encouraging these investments than maintaining high interest rates.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 195

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

SECTION 1. REPEAL OF CAPITAL GAINS TAX ON DISPOSITION OF INVESTMENTS IN UNITED STATES REAL PROPERTY BY FOREIGN CITIZENS

(a) IN GENERAL.—Section 897 of the Internal Revenue Code of 1954 (relating to disposition of investment in United States real property) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (5) of section 861(a) of such Code (relating to gross income from sources within the United States) is amended to read as follows:

"(5) SALE OR EXCHANGE OF REAL PROPERTY.—Gains, profits, and income from the sale or exchange of real property located in the United States) is amended—

(2) Subsection (a) of section 862 of such Code (relating to gross income from sources without the United States) is amended—

(A) by inserting "and" after the semicolon at the end of paragraph (6),

(B) by striking out "; and" at the end of paragraph (7) and inserting in lieu thereof a period, and

(C) by striking out paragraph (8).

(3) Subsection (i) of section 871 of such Code (relating to tax on nonresident alien individuals) is amended by striking out paragraph (7).

(4) Subsection (a) of section 882 of such Code (relating to tax on income of foreign corporations connected with United States business) is amended by striking out paragraph (3).

(5) Subsections (c) and (d) of section 1125 of the Foreign Investment in Real Property Tax Act of 1980 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter N of chapter 1 of such Code is amended by striking the item relating to section 897.

SEC. 2. REPEAL OF WITHHOLDING OF TAX ON DISPOSITIONS OF UNITED STATES REAL PROPERTY INTERESTS.

(a) IN GENERAL.—Section 1445 of the Internal Revenue Code of 1954 (relating to withholding of tax in dispositions of United States real property interests) is repealed.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 3 of such Code is amended by striking out the item relating to section 1445.

SEC. 3. REPEAL OF SPECIAL REPORTING REQUIREMENTS WITH RESPECT TO UNITED STATES REAL PROPERTY INTERESTS.

(a) IN GENERAL.—Section 6039C of the Internal Revenue Code of 1954 (relating to returns with respect to foreign persons holding direct investments in United States real property interests) is repealed.

(b) CONFORMING AMENDMENT.—Section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended—

(1) by striking out subsection (g), and

(2) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively.

(c) CLERICAL AMENDMENTS.—The table of sections for subpart A of part III of chapter 61 of such Code is amended by striking out the item relating to section 6039C.

SEC. 4. EFFECTIVE DATES.

(a) REPEAL OF TAX.—The amendments made by section 1 shall apply to dispositions after June 18, 1980, in taxable years ending after such date.

(b) REPEAL OF WITHHOLDING PROVISIONS.—The amendments made by section 2 shall apply to dispositions on and after January 1, 1985.

(c) REPEAL OF REPORTING REQUIREMENTS.—The amendments made by section 3 shall apply to returns for calendar years beginning after December 31, 1979.●

By Mr. CRANSTON:

S. 196. A bill to repeal section 212(a)(4) of the Immigration and Nationality Act, as amended, and for other purposes; to the Committee on the Judiciary.

AMENDING SECTION 212(A)(4) OF THE IMMIGRATION AND NATIONALITY ACT

Mr. CRANSTON. Mr. President, the legislation I'm introducing today will strike from the Immigration and Nationality Act provisions that require the Immigration and Naturalization Service [INS] to deny admission into the United States to aliens suspected of being homosexuals.

Specifically, section 212(a)(4) of the Immigration and Nationality Act presently provides for exclusion of "aliens afflicted with psychopathic personality, sexual deviation, or mental defect."

This provision of the law was first enacted in 1952 as part of the McCarran-Walter Immigration Act. As originally written, the statute applied to "aliens afflicted with psychopathic personality, epilepsy, or a mental defect."

In 1965 the words "sexual deviation" were substituted for "epilepsy."

In other words, the 1965 amendment established legislatively that homosexuality was a specific example of an affliction requiring an examination of the person by the Public Health Service [PHS] and certification that the disease or mental defect was not present before an applicant could be admitted to the United States.

In 1973, the American Psychiatric Association formally declared that, in its view, homosexuality per se is not a mental disorder. And, in 1979, the Surgeon General of the United States announced that the PHS would no longer consider homosexuality a disease or mental defect under the statute. The Surgeon General also advised INS officers that PHS would no longer make a medical examination of aliens referred by INS because of suspected homosexuality. While this denied INS medical confirmation of its agents' suspicions, it did not change the underlying law on which INS agents are acting.

The practical result is that an inexpert immigration officer, acting alone, can now determine arbitrarily that an arriving alien is to be denied entry solely on the grounds of the officer's suspicions that the alien is a homosexual. Meanwhile, other immigration officers may admit closet homosexuals whom they fail to suspect of homosexuality. Such inconsistent enforcement discriminates against the openly homosexual person and those who appear homosexual even though they may not be, and may regard those who choose to hide their homosexuality. It punishes self-respect, honesty, and openness.

The root of the problem, however, goes beyond the arbitrary enforcement which results. It lies in the unwise and harshly discriminatory underlying law, which attempts to use private sexual orientation as a criterion for judging who does and who does not qualify for admission to the United States, either as a visitor or as a resident alien.

In 1979, I sponsored private legislation to permit a visa to be issued to a Filipino woman who had been denied an opportunity to join her family here solely because she is a lesbian. Each succeeding Congress since, I've sponsored legislation to repeal section 212(a)(4). In the 98th Congress, I introduced S. 2210, which was identical to the bill I'm now introducing.

This legislation will delete the objectionable language from section 212(a)(4) of the Immigration and Nationality Act and substitute new language excluding aliens afflicted with true mental disease or defect. This bill is intended to make clear that sexual orientation alone cannot be the ground for denying entry to aliens wishing to visit or seeking to immigrate to the United States.

Adoption of this legislation will end a form of discrimination which has no valid scientific or medical basis and which violates traditional American respect for the privacy and dignity of an individual.

I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks:

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

S. 196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 212(a) of the Immigration and Nationality Act, as amended, is hereby repealed.

SEC. 2. Section 212(a) of the Immigration and Nationality Act is further amended by adding the following new paragraph (4):

"(4) aliens afflicted with mental disease or defect,".

By Mr. BYRD (for Mr. BENTSEN):

S. 198. A bill for the relief of Li Cunxin; to the Committee on the Judiciary.

RELIEF OF LI CUNXIN

● Mr. BENTSEN. Mr. President, I am pleased to introduce legislation for Li Cunxin, a U.S. resident alien, for the purpose of expediting the time required for Li to obtain U.S. naturalized citizenship. Li, the Chinese premier dancer of the Houston Ballet, hopes to further his growing reputation and that of his company by representing the United States at the inter-

national ballet competition in Moscow in June 1985.

In order for Li to compete in Moscow, he the must be a U.S. citizen. As such, he must not only be a person of good moral character, but he must have resided in the United States as a lawful permanent resident for at least 5 years, as provided under section 316 of the Immigration and Nationality Act. As Li has only resided for approximately 3 years and 4 months, as a U.S. resident alien, it would not be legally possible for Li to file for U.S. citizenship until August 1986. Accordingly, the only way upon which Li may achieve U.S. citizenship and represent the United States in Moscow in June 1985 is for him to be exempt from the full 5 year residency requirement.

This legislation would speed up the process already underway. Although Li has lived continuously in the United States since November 1979, he did not obtain permanent residence status until the summer of 1981. Thus the magic date for U.S. citizenship does not come until August 1986. I believe that this legislation will benefit not only Li, personally, but both Houston and the United States as a whole. Our country, long described as a melting pot for many cultures and national origins, has already extended the privilege of obtaining citizenship to Li. This legislation will speed up this process for obtaining U.S. citizenship and provide Li with the opportunity to represent his new country, America, at the international ballet competition in Moscow this June.●

By Mr. BYRD (for Mr. BENTSEN):

S. 199. A bill for the relief of Pedro Narvaez-Guajardo and Rosario Bernal de Narvaez; to the Committee on the Judiciary.

RELIEF OF PEDRO NARVAEZ-GUAJARDO AND ROSARIO BERNAL DE NARVAEZ

● Mr. BENTSEN. Mr. President, today, I am reintroducing a bill on behalf of Pedro and Rosario Narvaez of San Antonio. I have been moved by the exceptional circumstances of the Narvaez family which warrants legislative action.

The Narvaez couple entered the United States illegally 18 years ago. Since that time they have worked to support themselves and their children (most of whom were born in the United States) in their own successful painting/contracting company. Their older children are permanent residents while their minor children, of course are U.S. citizens by birth. The irony which exists is that these two elderly parents, if deported, would be separated from their children, the very individuals whose lives they struggled to enrich by coming to the United States.

The Narvaez's company has from 12-16 full time employees. The Narvaez family has contributed regularly to Social Security and have always paid their Federal income taxes. There has never existed any doubt as to the outstanding moral character of Pedro and Rosario Narvaez. Nevertheless, the Immigration and Naturalization Service has refused to consider anything other than their illegal entry into this country 18 years ago.

The Narvaez couple has exhausted all of their administrative remedies and will be subject to deportation unless this private relief bill is successfully passed. I believe that this legislation in not only just but morally correct.●

By Mr BYRD (for Mr. BENTSEN):

S. 200. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for retirement savings on the basis of the compensation of the spouse; to the Committee on Finance.

HOMEMAKER'S EQUITY ACT

● Mr. BENTSEN. Mr. President, homemakers, like the self-employed and those whose jobs do not offer a retirement plan, deserve the opportunity to provide for financial security in old age. Acknowledging this, I am introducing legislation which recognizes the important economic value of our Nation's homemakers by making nonworking spouses eligible for the full $2,000 retirement deduction from taxable income that workers may receive.

Under current law, wage earners may receive a tax deferral on income they deposit in an individual retirement account up to $2,000 per year. This limit is increased to $2,250 if the wage earner is married and his spouse does not have an IRA. I do not believe that this situation is fair to homemakers who have not worked outside the home or who have interrupted their careers temporarily. My bill would permit a wage earner and his spouse to set aside increasing amounts in an IRA to provide for their retirement. The current $2,250 limit would be increased according to the following schedule:

For taxable years beginning in:	The applicable amount is:
1985 and 1986	$2,750
1987 and 1988	3,250
1989 and 1990	3,750
1991 and thereafter	4,000

When fully implemented in 1991, my bill would permit an annual contribution of up to $2,000 each by the homemaker and working spouse, for a maximum contribution of $4,000. In addition, my bill would permit the homemaker to establish an IRA and contribute $2,000 to it annually whether or not the wage earner has one. Although I would prefer increasing the limit to $4,000 immediately, I am phasing the increase in over a 7-year period of deference to revenue considerations.

Mr. President, financial security in retirement will become increasingly difficult to achieve in the years to come. By the turn of the century, 13 percent of our population will be over 65. Older persons are living longer, retiring earlier, and becoming increasingly dependent on retirement income programs. At the same time, the declining birth rate will mean fewer workers supporting more beneficiaries in the Social Security system.

In 1935, there were nine workers for every senior citizen. By 1977, that ratio had fallen to 4-to-1, and there were three workers for every Social Security beneficiary. It is estimated that by the year 2050, there will be two workers for every beneficiary. It is easy to see that our retirement system cannot take that kind of overload. One way to ease the burden on the system is to enable and encourage a person to provide for his or her own retirement. It was in this spirit that Congress adopted the Employee Retirement Income Security Act of 1974. As my colleagues are no doubt aware, the legislation contained provisions which permitted individuals not participating in qualified private or governmental retirement programs to set up their own retirement plans. It's about time that homemakers were given equal treatment under ERISA. Though they do not work for wages, our Nation's homemakers do very real work with very long hours. We must recognize the economic value of their labor. My bill will enable this important group of individuals with no current means of providing for their retirement to do so—the 30 to 50 million American homemakers rapidly approaching retirement age without any type of retirement plan.

Mr. President, I have long argued that our present tax system is biased against savings. We need to constantly be looking for ways to encourage savings which, in turn, provide a greater pool of capital for the investment needed to promote economic growth. This simple and equitable IRA extension is one such option.

I was pleased that the Senate approved this legislation last year as a part of the Deficit Reduction Act. However, the provision was dropped during conference committee deliberations on the tax bill. This recent legislative history, coupled with the administration's support for the concept make me believe that we can adopt this bill quickly.

Mr. President, colleagues, I respectfully request your consideration of the Homemakers' Equity Act, legislation which will encourage individuals to take independent action to establish their own retirement funds, thus providing them with the means to live their later years with the dignity and self-respect which is rightfully theirs.●

By Mr. FORD:

S. 201. A bill amending title 49 of the United States Code with respect to standards for rail rates and determinations of rail carrier market dominance, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REFORM OF INTERSTATE COMMERCE COMMISSION PRACTICES WITH RESPECT TO CAPTIVE SHIPPERS

Mr. FORD. Mr. President, during the 98th Congress, I introduced legislation to reform the Interstate Commerce Commission rate practices, especially in the area of captive shippers. I am today reintroducing this legislation with slight modifications. This legislation is still needed because of the irresponsible manner in which the ICC continues to implement provisions of the Staggers Rail Act of 1980 (Public Law 96-448).

During debate of the Staggers Act, many Members of the Senate worked to strike a balance between the revenue interests of the railroads with those of coal and other captive shippers by retaining an appropriate degree of rate regulation. The intent of Congress has been ignored by the ICC. Contrary to the design and intent of the Staggers Act, it is apparent that the ICC believes the responsibility of improving the financial health of the railroads should be carried largely by the No. 1 commodity—coal. Coal is the leading commodity carried by the railroads, amounting to 40 percent of all freight tonnage. Many coal shippers, especially in my State, are captive to one railroad.

In a number of proceedings, the ICC has undermined the meaning of market dominance, sanctioned a 15-percent per year increase above inflation on coal movements despite the fact that Congress provided in the Staggers Act for inflation-based increases and a zone of rate flexibility which allows an additional 6 percent per year increase, has determined that captive movements may be made to pay for other less profitable traffic carried by the railroads and exempted export coal from any regulation. These proceedings were not required by the Staggers Act, but rather reflective of the general attitude of the present Commissioners on the ICC.

In September 1984, the U.S. Court of Appeals in Washington overturned the ICC ruling that allowed railroads that ship coal for export to set rates without Government regulation. In a unanimous decision, the court said that the protections Congress meant to guarantee shippers were ignored by the ICC.

On October 9, 1984, I joined with 17 of my colleagues in a letter advising the Chairman of the ICC that it is very possible that Congress reexamine the implementation of the Staggers Act. It is time to clarify what exactly is meant by market dominance, provide commonsense business standards for determining revenue adequacy and provide additional guidance in developing standards for rail rates.

I understand the ICC has initiated a proceeding, ex parte No. 456, to gather and analyze, with the assistance of shippers and carriers, the Staggers Act. The method used by the ICC in this proceeding was the formation of voluntary conference groups and the use of concensus with those groups. I have been advised by several groups participating in this proceeding that if the ICC is seeking to use this investigation as a means of indicating public support for an unchanged Staggers Act and public approval of the ICC administration of that act in all respects, then the results would be unacceptable.

The October 9, 1984, letter also advised the Chairman that the 18 Members of the Senate would not await the conclusion of ex parte No. 456 to commence legislative actions. I have waited for 5 years for the ICC to implement the Long-Cannon amendment so I see no reason to await the outcome of ex parte No. 456. The bill that I am introducing today will not answer all the needs of shippers, but I believe that it is a good starting point and hopefully will stimulate legislative action in the Senate Commerce Committee.

The bill would establish three basic tests in the determination of market dominance for the ICC to investigate a rate:

First, establishment of a revenue-to-variable cost ratio as the threshold for ICC jurisdiction over rail rates contained in the Staggers Act;

Second, consideration of whether a shipper has substantial investment in railroad related plant and equipment; and

Third, whether 70 percent or more of a specific movement was handled by the rail carrier.

The last two tests were used by the ICC prior to the latest market dominance proceeding.

The bill provides guidance to the Commission in determining revenue adequacy by requiring the use of standard depreciation accounting and ratios indicative of financial health such as return on investment and bond ratings.

The bill also contains standards for determining whether rail rates are reasonable. The ICC would have to consider the relationship of the rate to the cost of the railroad of providing the service and whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed cost.

I 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. 201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10101a(1) of title 49, United States Code, is amended by striking out "and the demand for services" and inserting in lieu thereof "among carriers to provide transportation services".

(b) Section 10101a(6) of such title is amended to read as follows:

"(6) to maintain reasonable rates where there is an absence of effective competition as defined in section 10709(a);" SEC. 2. (a) Section 10701a(b)(2)(B) of title 49, United States Code, is amended to read as follows:

"(B) The rail carrier establishing the challenged rate shall have the burden of proving that such rate is reasonable if—

"(i) such rate is greater than that authorized under section 10707a of this title and the Commission begins an investigation proceeding under section 10707 of this title to determine whether such rate is reasonable; or

"(ii) such rate results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than the lesser of the percentages described in clauses (i) and (ii) of section 10707a(e)(2)(A) of this title.".

(b) Section 10701a(b)(2) of such title is amended by adding the following new subparagraph at the end thereof:

"(C) The rail carrier shall have the burden of going forward with evidence responsive to the factors set forth in subparagraphs (B) and (D) of paragraph 3 of this subsection.".

(c) Section 10701a(b)(3) of such title is amended to read as follows:

"(3) In determining whether a rate described in paragraph (1) of this subsection is reasonable, the Commission shall consider, among other factors, evidence of the following—

"(A) the relationship of the rate to the cost to the rail carrier of providing the service;

"(B) whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed costs;

"(C) the impact of the rate on the attainment of national energy goals; and

"(D) the extent of additional revenues, if any, required by the carrier in order to achieve adequate revenues as established by the Commission under section 10704(a)(2) of this title, while taking into account the factors described in section 10707a(e)(2)(C) of this title.".

SEC. 3. Section 10704(a)(2) of title 49, United States Code, is amended by inserting "(A)" after "(2)", and by striking all that follows the first sentence and inserting the following new subparagraphs:

"(B) Such standards and procedures shall provide for consideration of—

"(i) indicators of financial health including but not limited to bond ratings, return on investment, return on shareholders' equity, return on total capitalization, fixed charge coverage, debt-to-equity ratio, and operating ratio;

"(ii) the current cost of equity capital; and

"(iii) the actual cost of debt capital at the time such debt was incurred.

"(C)(i) In computing return on investment, the Commission shall include in the

investment base the depreciated original cost, as determined by standard depreciation accounting practices, of only those assets which are used and useful in providing railroads' deferred tax reserves.

"(ii) The Commission shall commence within 60 days of the date of enactment of this Act a rulemaking proceeding in which the burden of proof shall rest upon the rail carriers to determine for each of the Class I railroads the extent to which its railroad assets are used and useful in providing railroad transportation service. The Commission shall update its evaluation of each rail carrier's investment base each year in connection with its annual revenue adequacy determination.

"(D) Revenue levels established under this paragraph should—

"(i) provide a flow of net income plus depreciation adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and cover the effects of inflation; and

"(ii) attract and retain capital in amounts adequate to provide a sound transportation system in the United States.

"(E) The Commission shall make an adequate and ocntinuing effort to assist those carriers in attaining revenue levels prescribed in this paragraph, recognizing, however, the need to maintain rates at reasonable levels where there is market dominance as defined in section 10709(a).".

SEC. 4. Section 10707a(a)(2)(B) of title 49, United States Code, is amended by inserting ", and changes in railroad productivity, volume and output mix" after "labor" in the parenthetical clause.

SEC. 5. (a) Section 10709(d)(2) of title 49, United States Code, is amended to read as follows:

"(2) In making a determination under this section, the Commission shall find that the rail carrier establishing the challenged rate has market dominance over the transportation to which the rate applies if—

"(A) the rate charged results in a revenue-variable cost percentage for such transportation that is more than the cost recovery percentage during each 12-month period beginning on or after October 1, 1984; and either

"(B) within the 12-month period immediately preceding the beginning of such determination process, more than 70 percent of the transportation to which the challenged rate applies was by railroad; or

"(C) a shipper, with respect to the transportation of whose property the challenged rate applies, has made a substantial investment in railroad equipment or rail-related plant which prevents or makes impracticable the use of a mode of another rail carrier or transportation other than railroads.

For purposes of subparagraph (A) of this paragraph, the cost recovery percentage shall in no event be less than a revenue-variable cost percentage of 170 percent or more than a revenue-variable cost percentage of 180 percent.".

(b) Section 10709(d) of such title is amended by adding the following new paragraph at the end thereof:

"(6) No person, class of persons, transaction, or service may be exempted by the Commission under section 10505 of this title from the application of a provision of this subtitle with respect to any transportation unless a rail carrier is determined under this section not to have market dominance over such transportation, unless such transportation is pursuant to a contract entered into under section 10713 of this title.".

(c) Section 10709 of such title is amended by adding the following new subsection at the end thereof:

"(e) In determining the existence or absence of effective competition for purposes of this section, the Commission shall consider only transporation competition for movement of the same commodity from the same point of origin to the same destination.".

SEC. 6. Except as otherwise provided, the Commission shall conclude a proceeding to establish procedures for the implementation of the amendments made by this Act within 180 days after the date of enactment of this Act.

By Mr. TRIBLE (for himself and Mr. SYMMS):

S. 202. A bill to amend title 5, United States Code, to establish a cash or deferred arrangement permitting Federal employees to save for their retirement, and for other purposes: to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES CASH OR DEFERRED ARRANGEMENT ACT OF 1985

Mr. TRIBLE. Mr. President, one of the most important issues confronting the 99th Congress is deficit reduction. This Congress faces the enormous responsibility of finding ways to reduce the $200 billion Federal deficit, and all areas of the Federal budget will be examined for ways to restrain Federal spending and reduce the deficit.

Already, proposals have been offered to reduce Federal spending by drastically reducing civil service retirement benefits for Federal workers. Lower annuities and higher employee contributions are among the suggestions. Federal employees hired after December 31, 1983, have faced uncertain retirement benefits since joining the Federal work force. These employees are covered under Social Security and a supplemental retirement system which is still not designed. Congress must establish this system by the end of 1985.

Many employers outside the Federal Government offer their employees the opportunity to participate in tax-sheltered retirement programs. And increasingly, employers are offering deferred compensation plans authorized by section 401(k) of the Internal Revenue Code.

These plans allow an employee to elect to defer a portion of his or her salary and have the employer deposit that amount into an investment or savings account. The amount of the deferred salary, any employer contributions to the account, and investment earnings, are tax-exempt until the employee withdraws the funds. Funds may be withdrawn from these accounts only when the employee retires, dies, becomes disabled, separates from the service, reaches age 59½, or for reasons of hardship.

These tax-deferred accounts allow employees to save money for use in their retirement years. And, employees have the opportunity to determine, within a range, the amount of their salary that they wish to defer.

I believe that Federal employees should be given the opportunity to plan for the future and save for their retirement. That is why I am introducing legislation which would allow Federal employees to participate in tax-sheltered deferred compensation plans comparable to plans offered to their non-Federal counterparts.

My legislation would permit an employee to set aside up to 5 percent of his or her basic pay under the cash or deferred arrangement. The employing agency will be authorized to deduct and withhold that portion of the employee's pay and deposit that amount, along with an equal amount contributed by the agency, into an account.

Funds may be withdrawn from the account only in those instances outlined in section 401(k) of the Internal Revenue Code: upon the employee's retirement, death, disability, separation from the service, attainment of ages 59½, or for reasons of hardship. In addition, employees participating in the cash or deferred arrangement may be able to qualify for a loan which can be repayed through payroll deductions.

The Congress must design a new retirement program for Federal workers who were hired after December 31, 1983. I believe that this new plan should include this deferred compensation plan. A Federal retirement program consisting of Social Security, a pension plan, and a capital accumulation plan such as the deferred compensation plan authorized by section 401(k) of the Internal Revenue Code would be consistent with retirement programs typically available to employees outside the Federal sector.

Mr. President, in the wake of uncertainty with future retirement benefits for Federal workers, we should provide civil servants with the opportunity to elect to defer payment of a portion of their salary in order to set aside money for use in their retirement years. I urge my colleagues to join with me in pressing for consideration of this measure.

By Mr. DIXON:

S. 203. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1954 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

FEDERAL TAX DELINQUENCY AMNESTY ACT OF 1985

● Mr. DIXON. Mr. President, the Federal budget deficit in fiscal year 1984 was an appalling $175 billion. The lat-

est estimate for the fiscal 1985 deficit prepared by the President's Office of Management and Budget is even worse—$205 billion. This ongoing budget crisis, however, seems to defy the efforts of Congress and the President to end it. Budget deficits are not under control in spite of the major efforts to cut spending over the past 4 years, and in spite of the passage of two major tax increase bills in the last 3 years.

There are a lot of reasons for our budget crisis. One very important reason that has not received anywhere near the attention it deserves has to do with tax compliance levels.

In 1981, the most recent year for which comprehensive data is available, Federal tax collections were more than $81 billion below what they would have been if every taxpayer had paid his or her legal tax obligations. Individual taxpayers failed to report to the Internal Revenue Service almost $250 billion in income that year.

Unfortunately, 1981 is not an unusual year. The "tax gap" was more than $28 billion in 1973, or approximately double the Federal budget deficit of $14 billion that year, and it has increased steadily since then. The Treasury Department is estimating a tax gap of between $89 and $92 billion for 1985, and believes that level could rise to between $386 and $473 billion by the turn of the century.

These figures indicate that there is something fundamentally wrong with our national tax collection system. The tax gap is growing not just because the economy is growing, but also because taxpayers are increasingly not paying the taxes they owe. A recent story in the Wall Street Journal illustrates the point. It states that:

> The IRS says 19 percent of those surveyed admit to cheating on their taxes, and that probably is an underestimate of the actual number who do.

Our tax collection system in the past was able to rely on voluntary compliance with the tax laws, but that voluntary compliance is breaking down. For example, in 1973 more than 90 percent of all dividends were reported; by 1981, that percentage fell to approximately 83 percent. In 1973, over 75 percent of all capital gains were reported; by 1981, that percentage had fallen below 60 percent. According to the Internal Revenue Service, there is currently about 80 percent compliance overall among individuals and about 90 percent compliance for corporations.

The Service believes that the compliance rate for individuals is falling by about 0.2 percent per year. Now that may not seem like a large number, but over time, and given the size of the U.S. economy, it represents a real problem.

This tax cheating, Mr. President, has a dramatic impact on our budget crisis. In 1981, for example, the Federal deficit was $57.9 billion. Including off-budget borrowing programs, the total deficit was approximately $78.9 billion, still smaller than the tax gap that year of over $81 billion. What this means is that if everyone had paid the taxes they owed that year, there would have been no deficit. In 1976, as I stated earlier, the effect was even more dramatic; 100 percent compliance that year would have resulted in a Federal budget surplus, instead of a deficit, and would have permitted an actual reduction in the national debt.

The tax gap raises two kinds of issues: First, there are questions involving improving compliance rates over time. Congress, in the last two tax bills, has taken a number of steps to improve compliance. Tax legislation to be considered this year, I am sure, will take additional steps to improve compliance, and increase the fairness of Federal tax laws.

Second, there are questions involving how to recover some of the missing tax revenues from prior years. The States, which have had compliance problems similar to those experienced at the national level, have undetaken a number of efforts to deal with this matter, and perhaps the most innovative of these is tax amnesty.

Eight states—Illinois, Alabama, Arizona, Idaho, Massachusetts, Missouri, North Dakota, and Texas—have tried tax amnesty periods. Illinois and Massachusetts had legislative amnesty programs; the other State programs were set up by their revenue departments or Governors.

Amnesty is a simple concept. It provides an opportunity for delinquent taxpayers to fully pay their overdue tax liability, without being subject to crimnal prosecution. Amnesty programs have also involved reductions, or elimination, of civil and interest penalties in order to create an incentive for tax payers to make use of the amnesty period.

While the State amnesty programs differed in scope, extent, and many other particulars, they did have one thing in common: They were successful. They all resulted in taxpayers coming forward to pay overdue taxes who would probably have not otherwise done so. The State of Massachusetts, for example, collected over $72 million. In my own State of Illinois, collections exceeded $150 million.

The State programs were not giveaways, Mr. President. They did not reward tax cheaters. The State programs increased compliance efforts and increased penalties for noncompliance after the amnesty period. The State programs resulted in placing additional taxpayers on the roles, and in additional tax collections that the States would probably not otherwise have received.

Because I believe a national tax amnesty program could be effective and ought to be tried, I am today introducing the Federal Tax Delinquency Amnesty Act of 1985.

This bill establishes a 6-month amnesty period, to begin on July 1 of this year, or as soon thereafter as pactical. The amnesty would cover all tax years through 1983 still eligible for collection efforts by the IRS—which can go back 7 years.

All taxpayers would be eligible for the amnesty, with the following limited exceptions: First, those involved with the IRS in administrative or judicial proceedings before the amnesty period begins; second, those under criminal investigation where the IRS has referred the matter to the Justice Department before the amnesty period begins; and third, those who make false or fraudulent representations in attempting to take advantage of the amnesty.

The amnesty itself would be simple and straightforward. It would include amnesty from criminal and civil penalties and from 50 percent of any interest penalty owed. However, the amnesty would apply only to legal-source income. Taxes due on income resulting from criminal activity would not be covered by the amnesty.

All Federal taxes would be covered by the amnesty, not just the Federal income tax.

The amnesty provisions are generous and provide a substantial incentive for taxpayers to take advantage of the amnesty period. However, the bill does not rely just on carrots, it also contains a couple of substantial sticks.

First, it increases all tax-related civil and criminal penalties, including money fines and jail terms, by 50 percent. The tougher penalties will apply to any tax year after 1984, and, after the amnesty period, to any open tax year. Of course, the increased penalties will not apply to cases pending on the date of enactment where a judgment was entered before that date.

Second, the bill authorizes such funds as are necessary to add 3,000 additional revenue agents to the IRS, an increase of about 20 percent in the agent force. This is an extremely cost-effective provision, because each additional agent brings in approximately 12½ times his salary in additional tax revenue, depending on where enforcement efforts are concentrated.

The bill also authorizes the funds the Treasury will need to administer and publicize the amnesty program. The State experience demonstrates that wide publicity can significantly enhance the effectiveness of an amnesty program.

I recognize, Mr. President, that amnesty, by itself, will not solve the fundamental problems that have led to decreasing levels of voluntary compli-

ance with the tax laws. I know that it is equally true that tougher penalties and additional IRS agents are not enough to totally arrest the growth of the tax gap.

A comprehensive reexamination of our tax law, designed to restore the fairness that many taxpayers believe has been lost, is necessary to restore the kind of voluntary compliance that the United States has been used to and to which our country is entitled.

What amnesty will do is collect substantial tax revenues from past years that would not be otherwise collected. Increasingly, the public is convinced that the Tax Code is unfair and that many taxpayers get away with cheating. Amnesty can help reverse that perception by collecting at least part of those tax obligations. It will demonstrate that the Federal Government is a good manager, and willing to take substantial steps to obtain the taxes that are legally required to be paid.

Amnesty will benefit the honest taxpayer, because it will bring in additional revenue that could help lessen the need for further tax increases.

Efforts to restore fairness, simplicity, and equity to our tax laws are necessarily future-oriented. Amnesty, on the other hand, is oriented toward past actions, or in this case, past tax delinquencies.

By bringing forward new taxpayers and those who did not fully pay their past taxes, however, the amnesty will have much more than a one-time impact. Having additional taxpayers on the rolls is a permanent benefit, and the amnesty will also help the IRS to focus its future enforcement efforts on the areas that are the most promising.

Now some may say that amnesty is unfair, and that it rewards tax delinquents. While I understand that argument, I do not find it persuasive. Amnesty is clearly more fair than not collecting the unpaid taxes at all, which is otherwise what would, in all likelihood, be the result. Amnesty, far from rewarding tax delinquents, actually collects the taxes due, together with at least some interest. Again, given the alternatives, it is hard to conceive of that as a reward.

I know, Mr. President, that this Congress will be spending a lot of time considering tax issues. I urge my colleagues to consider the role that tax amnesty legislation can play in any comprehensive tax bill. Tax amnesty has demonstrated that it can work in the States. There is no reason to believe that it will not be even more successful at the national level. I urge my colleagues, therefore, to consider this proposal carefully, and to act promptly to enact it into law. I ask unanimous consent that a copy of the bill and a summary of its provisions be printed in the RECORD at this point.

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

S. 203

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Tax Delinquency Amnesty Act of 1985".

SEC. 2. WAIVER OF CRIMINAL AND CIVIL PENALTIES AND 50 PERCENT OF INTEREST PENALTY.

(a) GENERAL RULE.—In the case of any underpayment of Federal tax for any taxable period, the taxpayer shall not be liable for any criminal or civil penalty (or addition to tax) or 50 percent of any interest penalty provided by the Internal Revenue Code of 1954 with respect to such underpayment if—

(1) during the amnesty period—

(A) the taxpayer files a written statement with the Secretary which sets forth—

(i) the name, address, and taxpayer identification number of the taxpayer,

(ii) the amount of the underpayment for the taxable period, and

(iii) such information as the Secretary may require for purposes of determining for the taxable period, and

(B) the taxpayer agrees to a waiver of any restriction on the assessment or collection of such underpayment,

(2) when filing the statement described in paragraph (1), the taxpayer pays the amount of the underpayment shown on such statement, and

(3) not later than 30 days after the date on which the taxpayer is notified by the Secretary of the amount which equals 50 percent of the interest payable with respect to the underpayment (and the amount of any tax delinquent amount with respect to the taxpayer), the taxpayer pays the full amount of such interest (and such tax delinquent amount).

(b) INSTALLMENT PAYMENT OF TAX PERMITTED IN CERTAIN CASES.—The requirements of paragraphs (2) and (3) of subsection (a) shall be treated as met if—

(1) the taxpayer in the statement filed under subsection (a)(1) requests the privilege of making installment payments under this subsection, and

(2) the taxpayer enters into an agreement with the Secretary for the payment (in installments) of the amounts required to be paid under paragraphs (2) and (3) of subsection (a) within 30 days after contacted by the Secretary for purposes of entering into such an agreement (or in any case where the Secretary determines that permitting the payment in installments of such amounts is not appropriate, the taxpayer pays the entire amount of such amounts within 30 days after notified by the Secretary of such determination).

(c) AMOUNT OF UNDERPAYMENT DISPUTED.—If the amount under paragraph (3) of subsection (a) is disputed by the taxpayer, such amount must be paid within the period described in subsection (a). If the taxpayer is entitled to a refund as a result of the resolution of the dispute through normal administrative and judicial procedures, the Secretary shall refund the amount plus interest at the 6-month Treasury bill rate in effect as of the date the dispute is resolved.

(d) AMNESTY NOT TO APPLY IN CERTAIN CASES.—

(1) WHERE TAXPAYER CONTACTED BEFORE STATEMENT FILED.—Subsection (a) shall not apply to any underpayment of Federal tax for any taxable period to the extent that before the statement is filed under subsection (a) (1)—

(A) such underpayment was assessed,

(B) a notice of deficiency with respect to such underpayment was mailed under section 6212 of the Internal Revenue Code of 1954, or

(C) the taxpayer was informed by the Secretary that the Secretary has questions about the taxpayer's tax liability for the taxable period.

(2) WHERE FRAUD IN SEEKING AMNESTY OR WHERE CRIMINAL INVESTIGATION PENDING.—Subsection (a) shall not apply to any taxpayer if—

(A) any representation made by such taxpayer under this section is false or fraudulent in any material respect, or

(B) a Justice Department referral (within the meaning of section 7602 (c) (2) of the Internal Revenue Code of 1954) is in effect with respect to such taxpayer as of the time the statement is filed under subsection (a) (1).

(3) ILLEGAL SOURCE INCOME.—Subsection (a) shall not apply to any underpayment of Federal tax with respect to income resulting from a criminal offense under Federal, State, or local law.

(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AMNESTY PERIOD.—The term "amnesty period" means the 6-month period which begins on July 1, 1985, or on the first July 1 after the date of the enactment of this Act.

(2) FEDERAL TAX.—The term "Federal tax" means any tax imposed by the Internal Revenue Code of 1954.

(3) TAXABLE PERIOD.—

(A) IN GENERAL.—The term "taxable period" means—

(i) in the case of a tax imposed by subtitle A of the Internal Revenue Code of 1954, the taxable year, or

(ii) in the case of any other tax, the period in respect of which such tax is imposed.

(B) SPECIAL RULE FOR TAXES WITH NO TAXABLE PERIOD.—In the case of any tax in respect of which there is no taxable period, any reference in this section to a taxable period shall be treated as a reference to the taxable event.

(4) ADDITION TO TAX INCLUDES ADDITIONAL AMOUNT.—The term "addition to tax" includes any additional amount.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(6) FORM OF STATEMENT.—Any statement under subsection (a)(1) shall be filed in such manner and form as the Secretary shall prescribe.

(7) NOTICE TO RELATED PERSONS TREATED AS NOTICE TO THE TAXPAYER.—

(A) IN GENERAL.—For purposes of subsection (d)(1)(c), any notice to a related person with respect to a matter which may materially affect the tax liability of the taxpayer for any taxable period shall be treated as notice to the taxpayer with respect to such taxable period.

(B) RELATED PERSON.—For purposes of subparagraph (A), the term "related person" means—

(i) any person who during the taxable period bore a relationship to the taxpayer described in section 267(b) of the Internal Revenue Code of 1954,

(ii) any partnership in which the taxpayer was a partner during the taxable period, or

(iii) any S corporation (as defined in section 1361 of such Code) in which the tax-

payer was a shareholder during the taxable period.

(f) PERIODS FOR WHICH AMNESTY AVAILABLE.—The provisions of this section shall apply only to underpayments of Federal tax for taxable periods ending before January 1, 1984 (or, in the case of a tax for which there is no taxable period, taxable events before January 1, 1984).

(g) ADDITIONAL AUTHORIZATIONS.—

(1) AMNESTY PROGRAM.—There are authorized to be appropriated such sums as are necessary to administer the amnesty program, using special efforts to publicize such program, including direct-mail contacts and radio, television, and print-media advertising.

(2) ADDITIONAL IRS AGENTS.—There are authorized to be appropriated such sums as are necessary to employ 3,000 additional Internal Revenue Service agents.

SEC. 3. CRIMINAL AND CIVIL TAX PENALTIES INCREASED BY 50 PERCENT.

(a) CIVIL PENALTIES.—

(1) Paragraphs (2) and (3) of section 6651 (a) of the Internal Revenue Code of 1954 (relating to failure to file tax return or to pay tax) are each amended by striking out "0.5 percent" each place it appears and inserting in lieu thereof "0.75 percent".

(2) The following provisions of such Code are each amended by striking out "1 percent" each place it appears and inserting in lieu thereof "1.5 percent".

(A) Section 6657 (relating to bad checks).

(B) Subsection (b) of section 6706 (relating to original issue discount information requirements).

(C) Paragraph (2)(B)(i) of section 6707 (a) (relating to failure to register tax shelter).

(3) The following provisions of such Code are each amended by striking out "5 percent" each place it appears and inserting in lieu thereof "7.5 percent".

(A) The heading and paragraph (1) of section 72(q) (relating to 5-percent penalty for premature distributions from annuity contracts).

(B) Paragraph (5)(A)(i) of section 6013(b) (relating to joint return after filing separate return).

(C) Paragraph (1) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(D) Subsection (a)(1) of section 6651 (relating to file tax return or to pay tax).

(E) Subsection (a)(3)(A)(ii) and (g)(3)(B) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(F) Paragraph (1) of section 6653(a) (relating to failure to pay tax).

(G) Subsection (a) of section 6656 (relating to failure to make deposit of taxes or overstatement of deposits).

(H) Subsection (a) of section 6677 (relating to failure to file information returns with respect to certain foreign trusts).

(I) Subsection (a) of section 6689 (relating to failure to file notice of redetermination of foreign tax).

(4) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent".

(A) Subsection (m)(5)(B) and (o)(2) of section 72 (relating to annuities; certain proceeds of endowment and life insurance contracts).

(B) Paragraph (1) of section 408(f) (relating to additional tax on certain amounts included in gross income before age 59½).

(C) Paragraph (1) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(D) Paragraph (3)(A)(i) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfer of stock).

(E) Subsection (a) of section 6661 (relating to substantial understatement of liability).

(F) Section 6683 (relating to failure of foreign corporation to file return of personal holding company tax).

(5) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent".

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purposes of the income tax).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(6) Subsection (a) of section 6700 of such Code (relating to promoting abusive tax shelters, etc.) is amended by striking out "20 percent" and inserting in lieu thereof "30 percent".

(7) The following provisions of such Code are each amended by striking out "20 percent" each place it appears and inserting in lieu thereof "30 percent".

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purposes of the income tax).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(8) The following provisions of such Code are each amended by striking out "25 percent" each place it appears and inserting in lieu thereof "37.5 percent".

(A) Subsection (b) of section 6038B (relating to notice of certain transfers to foreign persons).

(B) Paragraphs (1), (2), and (3) of section 6651(a) (relating to failure to file tax return or to pay tax).

(C) Paragraph (1) of section 6656(b) (relating to overstated deposit claims).

(9) Subsection (f) of section 6659 of such Code (relating to addition to tax in the case of valuation overstatements for purposes of the income tax) is amended by striking out "30 percent" and inserting in lieu thereof "45 percent".

(10) The following provisions of such Code are each amended by striking out "30 percent" each place it appears and inserting in lieu thereof "45 percent".

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purpose of the income tax).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposess of the estate or gift taxes).

(11) The following provisions of such Code are each amended by striking out "50 percent" each place it appears and inserting in lieu thereof "75 percent".

(A) Paragraph (5)(A)(ii) of section 6013(b) (relating to joint return after filing separate return).

(B) Paragraph (2) of section 6332(c) (relating to enforcement of levy).

(C) Subsection (c) of section 6652 (relating to failure to report tips).

(D) Subsection (a)(2), (b)(1), (b)(2), and (e) of section 6653 (relating to failure to pay tax).

(12) Subsection (b) of section 6697 of such Code (relating to assessable penalties with respect to liability for tax of qualified investment entities) is amended to read as follows:

"(b) 75-PERCENT LIMITATION.—The penalty payable under this section with respect to any determination shall not exceed 75 percent of the amount of the deduction allowed by section 860(a) for such taxable year.".

(13) Subsection (a) of section 6651 of such Code (relating to failure to file tax return or to pay tax) is amended by striking out "100 percent" and inserting lieu thereof "150 percent".

(14) The following provisions of such Code are each amended by inserting "150 percent of" after "equal to" each place it appears.

(A) Subsection (a) of section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax).

(B) Section 6684 (relating to assessable penalties with respect to liability for tax under chapter 42).

(C) Subsection (a) of section 6697 (relating to assessable penalties with respect to liability for tax of qualified investment entities).

(D) Subsection (a) of section 6699 (relating to assessable penalties relating to tax credit employee stock ownership plans).

(15) Paragraph (1) of section 6621(d) of such Code (relating to interest on substantial underpayments attributable to tax motivated transactions) is amended by striking out "120 percent" and inserting in lieu thereof "180 percent".

(16) Subsection (a) of section 6675 of such Code (relating to excessive claims with respect to the use of certain fuels) is amended by striking out "Two times" and inserting in lieu thereof "Three times".

(17) Subsection (b) and (e) of section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "$1" and inserting in lieu thereof "$1.50".

(18) The following provisions of such Code are each amended by striking out "$5" each place it appears and inserting in lieu thereof "$7.50".

(A) Section 6657 (relating to bad checks).

(B) Subsection (a) of section 6687 (relating to failure to supply identifying numbers).

(C) Subsection (a) of section 6687 (relating to failure to supply information with respect to place of residence).

(D) Paragraph (2) of section 6695(e) (relating to failure to file correct information return).

(19) The following provisions of such Code are each amended by striking out "$10" each place it appears and inserting in lieu thereof "$15".

(A) Subsections (d), (i), and (j) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Subsection (a) of section 6675 (relating to excessive claims with respect to the use of certain fuels).

(20) The following provisions of such Code are each amended by striking out "$25" each place it appears and inserting in lieu thereof "$37.50".

(A) Subsections (f), (g)(2), and (h) of section 6652 (relating to failure to file certain information returns, registration statements, etc,).

(B) Subsections (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(21) The following provisions of such Code are each amended by striking out "$50"

each place it appears and inserting in lieu thereof "$75".

(A) Paragraphs (1) and (2) of section 6652 (a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(B) Section 6674 (relating to fraudulent statement of failure to furnish statement to employee).

(C) Subsections (a), (b), and (c) of section 6676 (relating to failure to supply identifying numbers).

(D) Subsections (a), (b), and (c) of section 6678 (relating to failure to furnish certain statements).

(E) Section 6690 (relating to fraudulent statement or failure to furnish statement to plan participant).

(F) Subsection (a) of section 6693 (relating to failure to provide reports on individual retirement accounts or annuities).

(G) Subsection (d) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(H) Subsection (b)(1) of section 6698 (relating to failure to file partnership return).

(I) Subsection (b)(1) of section 6704 (relating to failure to keep records necessary to meet reporting requirements under section 6047(e)).

(J) Subsection (a) of section 6706 (relating to original issue discount information requirements).

(K) Paragraph (2) of section 6707(b) (relating to failure to furnish tax shelter identification number).

(L) Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters).

(22) The following provisions of such Code are each amended by striking out "$100" each place it appears and inserting in lieu thereof "$150".

(A) Subsection (a) of section 6651 (relating to failure to file tax return or to pay tax.

(B) Paragraph (3)(A)(iii) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(C) Section 6689 (relating to failure to file returns or supply information by DISC or FSC).

(D) Section 6688 (relating to assessable penalties with respect to information required to be furnished under section 7654).

(E) Subsection (a) of section 6694 (relating to understatement of taxpayer's liability by income tax return preparer).

(F) Paragraph (1) of section 6695(e) relating to failure to file correct information return).

(G) Paragraph (1) of section 6707(b) (relating to failure to furnish tax shelter identification number).

(23) Subsection (c) of section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984 (relating to penalties with respect to mortgage credit certificates) is amended by striking out "$200" and inserting in lieu thereof "$300".

(24) The following provisions of such Code are each amended by striking out "$500" each place it appears and inserting in lieu thereof "$750".

(A) Subsection (a) of section 6602 (relating to false information with respect to withholding).

(B) Subsection (b) of section 6694 (relating to understatement of taxpayer's liability by income tax return preparer).

(C) Subsection (f) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(D) Subsection (a) of section 6702 (relating to frivolous income tax return).

(E) Subsection (a) of section 6705 (relating to failure by broker to provide notice to payors).

(F) Paragraph (2)(A) of section 6707(a) (relating to failure to register tax shelter).

(25) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500".

(A) Paragraphs (1) and (2) of section 6038 (b) (relating to dollar penalty for failure to furnish information).

(B) Paragraphs (1) and (2) of section 6038A(d) (relating to penalty for failure to furnish information).

(C) Subsections (b) and (e)(2) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(D) Subsection (a) of section 6679 (relating to failure to file information returns with respect to certain foreign trusts).

(E) Subsection (a) of section 6679 (relating to failure to file returns, etc. with respect to foreign corporations or foreign partnerships).

(F) Section 6685 (related to assessable penalties with respect to private foundation annual returns)

(G) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(H) Section 6692 (relating to failure to file acturial report).

(I) Subsection (a) of section 6700 (relating to promoting abusive tax shelters, etc.).

(J) Subsection (b)(1) of section 6701 (relating to penalities for aiding and abetting understatement of tax liability).

(K) Subsection (a) of section 6708, as added by section 612(d)(1) of Deficit Reduction Act of 1984, (relating to penalties with respect to mortgage credit certificates).

(26) Subsection (c) of section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984 (relating to penalties with respect to mortgage credit certificates) is amended by striking out "$2,000" and inserting in lieu thereof "$3,000".

(27) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500".

(A) Subsections (d), (e)(1), and (i) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Section 6673 (relating to damages assessable for instituting proceedings before the tax court primarily for delay, etc.).

(28) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000".

(A) Paragraph (2)(A) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(B) Subsection (h) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(C) Subsection (b)(2) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability).

(D) Paragraph (2) of section 6707 (relating to failure to register tax shelter).

(E) Subsection (b) of section 6708, as added by section 612(d)(1) of Deficit Reduction Act of 1984, (relating to penalties with respect to mortgage credit certificates).

(29) Subsection (f) of section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "$15,000" and inserting in lieu thereof "$22,500".

(30) Subsection (e) of section 6695 of such Code (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) is amended by striking out $20,000" and inserting in lieu thereof "$30,000".

(31) Paragraph (2) of section 6038A(d) of such Code (relating to penalty for failure to furnish information) is amended by striking out "$24,000" and inserting in lieu thereof "$36,000".

(32) The following provisions of such Code are each amended by striking out "$25,000" each place it appears and inserting in lieu thereof "$37,500".

(A) Paragraph (3) of section 6652(g) (relating to returns, etc., required under section 6039C).

(B) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(C) Subsection (d) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(33) The following provisions of such Code are each amended by striking out "$50,000" each place it appears and inserting in lieu thereof "$75,000".

(A) Paragraphs (1) and (3)(B) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(B) Subsection (a) of section 6676 (relating to failure to supply identifying numbers).

(C) Subsection (a) of section 6678 (relating to failure to furnish certain statements).

(D) Subsection (b)(2) of section 6704 (relating to failure to keep records necessary to meet reporting requirements under section 6047(e)).

(E) Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters).

(b) CRIMINAL PENALTIES.—

(1) Paragraph (3) of section 9012(e) of such Code (relating to kickbacks and illegal payments) is amended by striking out "125 percent" and inserting in lieu thereof "187.5 percent".

(2) Subsection (b) of section 7212 of such Code (relating to attempts to interfere with administration of internal revenue laws) is amending by striking out "$500" and inserting in lieu thereof "$750", and by striking out "double" and inserting in lieu thereof "triple".

(3) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500".

(A) Section 7204 (relating to fraudulent statement or failure to make statement to employees).

(B) Subsections (a) and (b) of section 7205 (relating to fraudulent withholding exemption certificate or failure to supply information).

(C) Section 7209 (relating to unauthorized use or sale of stamps).

(D) Section 7210 (relating to failure to obey summons).

(E) Section 7211 (relating to false statements to purchasers or lessees relating to tax).

(F) Subsection (b) of section 7213 (relating to unauthorized disclosure of information).

(G) Subsection (a) of section 7216 (relating to disclosure or use of information by preparers of returns).

(4) Subsection (a) of section 7212 of such Code (relating to attempts to interfere with administration of internal revenue laws) is amended by striking out "$3,000" and inserting in lieu thereof "$4,500".

(5) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500".

(A) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(B) Subsection (a) of section 7213 (relating to unauthorized disclosure of information).

(C) Subsection (b) of section 7214 (relating to offenses by officers and employees of the United States).

(D) Subsection (a) of section 7215 (relating to offenses with respect to collected taxes).

(E) Section 7231 (relating to failure to obtain license for collection of foreign items).

(F) Section 7232 (relating to failure to register or false statement by manufacturer or producer of gasoline or lubricating oil).

(G) Subsections (a)(2), (b)(3), (f)(3), and (g)(2) of section 9012 (relating to criminal penalties).

(6) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000".

(A) Section 7202 (relating to willful failure to collect or pay over tax).

(B) Section 7207 (relating to fraudulent returns, statements, or other documents).

(C) Section 7208 (relating to offenses relating to stamps).

(D) Subsection (a) of section 7214 (relating to offenses by officers and employees of the United States).

(E) Section 7240 (relating to officials investing or speculating in sugar).

(F) Section 7241 (relating to willful failure to furnish certain information regarding windfall profit tax on domestic crude oil).

(G) Subsections (c)(3), (d)(2), and (e)(2) of section 9012 (relating to criminal penalties).

(H) Subsections (b)(2), (c)(2), and (d)(2) of section 9042 (relating to criminal penalties).

(7) The following provisions of such Code are each amended by striking out "$25,000" each place it appears and inserting in lieu thereof "$37,500".

(A) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(B) Subsection (a) of section 9042 (relating to criminal penalties).

(8) Section 7207 of such Code (relating to fraudulent returns, statements, or other documents) is amended by striking out "$50,000" and inserting in lieu thereof "$75,000".

(9) The following provisions of such Code are each amended by striking out "$100,000" each place it appears and inserting in lieu thereof "$150,000".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(C) Section 7206 (relating to fraud and false statements).

(10) The following provisions of such Code are each amended by striking out "$500,000" each place it appears and inserting in lieu thereof "$750,000".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7206 (relating to fraud and false statements).

(11) Section 7209 of such Code (relating to unauthorized use or sale of stamps) is amended by striking out "6 months" and inserting in lieu thereof "9 months".

(12) The following provisions of such Code are each amended by striking out "$1 year" each place it appears and inserting in lieu thereof "1.5 years".

(A) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(B) Section 7204 (relating to fraudulent statement or failure to make statement to employees).

(C) Section 7205 (relating to fraudulent withholding exemption certificate or failure to supply information).

(D) Section 7207 (relating to fraudulent returns, statements, or other documents).

(E) Section 7210 (relating to failure to obey summons).

(F) Section 7211 (relating to false statements to purchasers or lessees relating to tax).

(G) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(H) Subsection (b) of section 7213 (relating to unauthorized disclosure of information).

(I) Subsection (a) of section 7215 (relating to offenses with respect to collected taxes).

(J) Subsection (a) of section 7216 (relating to disclosure or use of information by preparers of returns).

(K) Section 7231 (relating to failure to obtain license for collection of foreign items).

(L) Section 7241 (relating to willful failure to furnish certain information regarding windfall profit tax on domestic crude oil).

(M) Subsections (a)(2), (b)(3), (f)(3), and (g)(2) of section 9012 (relating to criminal penalties).

(13) The following provisions of such Code are each amended by striking out "2 years" each place it appears and inserting in lieu thereof "3 years".

(A) Subsection (b) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(B) Section 7240 (relating to officials investing or speculating in sugar).

(14) The following provisions of such Code are each amended by striking out "3 years" each place it appears and inserting in lieu thereof "4.5 years".

(A) Section 7206 (relating to fraud and false statements).

(B) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(15) The following provisions of such Code are each amended by striking out "5 years" each place it appears and inserting in lieu thereof "7.5 years".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7202 (relating to willful failure to collect or pay over tax).

(C) Section 7208 (relating to offenses relating to stamps).

(D) Section 7213 (relating to unauthorized disclosure of information).

(E) Subsection (a) of section 7214 (relating to offenses by officers and employees of the United States).

(F) Section 7232 (relating to failure to register, or false statement by manufacturer or producer of gasoline or lubricating oil).

(G) Subsections (c)(3), (d)(2), and (e)(2) of section 9012 (relating to criminal penalties).

(H) Section 9042 (relating to criminal penalties).

(c) OTHER PENALTIES.—

(1) Section 7273 of such Code (relating to penalties for offenses relating to special taxes) is amended by inserting "double the amount of" after "equal to".

(2) The following provisions of such Code are each amended by striking out "double" each place it appears and inserting in lieu thereof "triple".

(A) Section 7268 (relating to possession with intent to sell in fraud of law or to evade tax).

(B) Section 7270 (relating to insurance policies).

(C) Section 7273 (relating to penalties for offenses relating to special taxes).

(3) Section 7273 of such Code (relating to penalties for offenses relating to special taxes) is amended by striking out "$10" and inserting in lieu thereof "$15".

(4) The following provisions of such Code are each amended by striking out "$50" each place it appears and inserting in lieu thereof "$75".

(A) Section 7271 (relating to penalties for offenses relating to stamps).

(B) Section 7272 (relating to penalty for failure to register).

(5) Subsection (c) of section 7275 of such Code (relating to penalty for offenses relating to certain airline tickets advertising) is amended by striking out "$100" and inserting in lieu thereof "$150".

(6) The following provisions of such Code are each amended by striking out "$500" each place it appears and inserting in lieu thereof "$750".

(A) Section 7268 (relating to possession with intent to sell in fraud of law or to evade tax).

(B) Section 7269 (relating to failure to produce records).

(7) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500".

(A) Section 7261 (relating to representation that retailers' excise tax is excluded from price of article).

(B) Section 7262 (relating to violation of occupational tax laws relating to wagering—failure to pay special tax).

(8) Section 7262 of such Code (relating to violation of occupational tax laws relating to wagering—failure to pay special tax) is amended by striking out "$15,000" and inserting in lieu thereof "$7,500".

(d) EXCISE TAX PENALTIES.—

(1) Subsection (a)(1) of section 4701 of such Code (relating to tax on issuer of registration—required obligation not in registered form) is amended by striking out "1 percent" and inserting in lieu thereof "1.5 percent".

(2) The following provisions of such Code are each amended by striking out "2½ percent" each place it appears and inserting in lieu thereof "3.75 percent".

(A) Subsection (a)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (a)(2) of section 4945 (relating to taxes on taxable expenditures).

(C) Subsection (a)(2) of section 4951 (relating to taxes on self-dealing).

(D) Subsection (a)(2) of section 4952 (relating to taxes on taxable expenditures).

(3) Section 4981 of such Code (relating to excise tax based on certain real estate investment trust taxable income not distributed during the taxable year) is amended by striking out "3 percent" and inserting in lieu thereof "4.5 percent".

(4) The following provisions of such Code are each amended by striking out "5 per-

cent" each place it appears and inserting in lieu thereof "7.5 percent".

(A) Subsection (a)(1) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (a)(1) of section 4943 (relating to taxes on excess business holdings).

(C) Subsections (a) and (b)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(D) Subsection (a) of section 4953 (relating to tax on excess contributions to black lung benefit trusts).

(E) Subsection (a) of section 4971 (relating to tax on prohibited transactions).

(F) Subsection (a) of section 4975 (relating to tax on prohibited transactions).

(5) Subsection (a) of section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended by striking out "6 percent" each place it appears and inserting in lieu thereof "9 percent".

(6) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent".

(A) Subsection (a)(1) of section 4945 (relating to taxes on taxable expenditures).

(B) Subsection (a)(1) of section 4951 (relating to taxes on self-dealing).

(C) Subsection (a)(1) of section 4952 (relating to taxes on taxable expenditures).

(D) Subsection (b)(1) of section 4978 (relating to tax on certain dispositions by employee stock ownership plans and certain cooperatives).

(7) Subsection (a) of section 4942 of such Code (relating to taxes on failure to distribute income) is amended by striking out "15 percent" and inserting in lieu thereof "22.5 percent".

(8) The following provisions of such Code are each amended by striking out "25 percent" each place it appears and inserting in lieu thereof "37.5 percent".

(A) Subsection (a)(1) of section 4911 (relating to tax on excess expenditures to influence legislation).

(B) Subsection (b)(1) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(9) Subsection (a) of section 4977 of such Code (relating to tax on certain fringe benefits provided by an employer) is amended by striking out "30 percent" and inserting in lieu thereof "45 percent".

(10) The following provisions of such Code are each amended by striking out "50 percent" each place it appears and inserting in lieu thereof "75 percent".

(A) Subsection (b)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (b)(2) of section 4945 (relating to taxes on taxable expenditures).

(C) Subsection (b)(2) of section 4951 (relating to taxes on self-dealing).

(D) Subsection (b)(2) of section 4952 (relating to taxes on taxable expenditures).

(E) Subsection (a) of section 4974 (relating to excise tax on certain accumulations in individual retirement accounts or annuities).

(11) The following provisions of such Code are each amended by striking out "100 percent" each place it appears and inserting in lieu thereof "200 percent".

(A) Paragraph (6)(A) of section 857(b) (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest).

(B) Subsection (b) of section 4942 (relating to taxes on failure to distribute income).

(C) Subsection (b)(1) of section 4945 (relating to taxes on taxable expenditures).

(D) Subsection (b)(1) of section 4951 (relating to taxes on self-dealing).

(E) Subsection (b)(1) of section 4952 (relating to taxes on taxable expenditures).

(F) Subsection (b) of section 4971 (relating to taxes on failure to meet minimum funding standards).

(G) Subsection (b) of section 4975 (relating to tax on prohibited transactions).

(H) Subsection (a) of section 4976 (relating to taxes with respect to funded welfare benefit plans).

(12) The following provisions of such Code are each amended by striking out "200 percent" each place it appears and inserting in lieu thereof "300 percent".

(A) Subsection (b)(1) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (b) of section 4943 (relating to taxes on excess business holdings).

(13) Paragraph (5) of section 857(b) of such Code (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest) is amended by inserting "2 times" after "equal to".

(14) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500".

(A) Subsection (d)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(B) Subsection (c)(2) of section 4945 (relating to taxes on taxable expenditures).

(15) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000".

(A) Subsection (c)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (d)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(C) Subsection (C)(2) of section 4945 (relating to taxes on taxable expenditures).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1983 (or, in the case of a tax for which there is no taxable period, taxable events occurring after such date).

(2) AMNESTY PERIOD.—At the expiration of the amnesty period described in section 2, in the case of any taxpayer remaining liable for any underpayment of Federal tax, the amendments made by this section shall apply to any taxable year (or any taxable event occuring during such taxable year) for which any period of limitation has not expired.

(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any judicial or administrative proceeding with respect to any underpayment of Federal tax pending on the date of enactment of this Act in which a judgment was entered before such date.

SUMMARY OF FEDERAL TAX DELINQUENCY AMNESTY ACT OF 1985

(1) *Amnesty Period:* 6-month period—July 1, 1985, through December 31, 1985, or the six-month period beginning the first July 1st after the date of enactment of the bill.

(2) *Tax Years Covered:* All open tax years ending by December 31, 1983, or taxable events occurring before January 1, 1984.

(3) *The Amnesty:* Amnesty from criminal and civil penalties and 50% of the interest penalty owed.

NOTE: Exception—no amnesty for illegal source income (income resulting from a criminal offense under federal, state, or local law).

(4) *Eligibility:* Every tax delinquent individual or corporation is eligible for the amnesty, with the following exceptions:

(a) those currently involved in administrative or judicial proceedings with regard to their unpaid tax liability before the date the amnesty period begins;

(b) those under criminal investigation where the Internal Revenue Service has referred the matter to the Justice Department before the amnesty period begins; and

(c) those who make false or fraudulent representations in attempting to take advantage of the amnesty.

(5) *Taxes Covered:* All federal taxes, including the income tax, social security tax, and excise taxes.

(6) *Increase in Tax Penalties:* All tax-related civil and criminal penalties, including money fines and jail terms, are increased by 50%. The tougher penalties will apply to any tax year beginning after December 31, 1983, and to any taxable event occurring after that date. The tougher penalties are also to apply to open tax years before 1984 after the expiration of the amnesty period. The increased penalties will not apply to cases pending on the date of enactment of this bill where a judgment was entered before that date.

(7) *Authorization of Funds for Additional IRS Agents:* Authorizes such funds as are necessary to add 3,000 additional IRS agents.

(8) *Administration:* Treasury, or its designee, is given the authority to administer the program (design forms, issue regulations, etc. . . .). Payment of taxes owed must be made during the amnesty period (except that installment payments, as in Section 2(b) of H.R. 4885, would be permitted). In cases where there is a dispute between Treasury and the taxpayer as to the amount owed, the total amount, including the disputed amount, must be paid by the end of the amnesty period. If the taxpayer is entitled to a refund as a result of the resolution of the dispute, through the normal administrative and judicial procedures, then the Treasury must refund that amount plus interest at the six-month T-bill rate in effect as of the date the dispute is resolved.

(9) *Authorizations:* Treasury is authorized to request sufficient appropriations to administer and publicize the amnesty program. Teasury is directed to make special efforts to publicize the amnesty program, including, but not limited to, direct-mail contacts, radio, TV, and print-media advertising. Direct-mail contact by the Treasury under this provision will not make a taxpayer ineligible to participate in the amnesty program.●

By Mr. BUMPERS (for himself, Mr. INOUYE, Mr. JOHNSTON, and Mr. MOYNIHAN):

S. 204. A bill to provide a national program for improving the quality of instruction in the humanities in public and private elementary and secondary schools; to the Committee on Labor and Human Resources.

HUMANITIES EXCELLENCE AND TEACHER TRAINING ACT OF 1985

Mr. BUMPERS. Mr. President, today I am introducing the Humanities Excellence and Teacher Training Act of 1985 on behalf of Senator INOUYE, Senator JOHNSTON, Senator

MOYNIHAN, and myself. This bill will improve the quality of humanities instruction in our schools by providing summer training institutes for elementary and secondary school humanities teachers.

In the last year many of us, in response to the several Education Commission reports, have made public statements decrying the state of American education. Our reaction to these reports is reminiscent of our reaction to the launching of sputnik in 1957. At the time of sputnik, Adm. Hyman Rickover insisted that our schools had endangered the Nation's security by neglecting those with talent. The recent National Commission on Excellence on Education stated in its report, "A Nation at Risk," "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might have viewed it as an act of war." One of the less alarmist and more positive statements—perhaps an understatement—was made by the Carnegie Foundation Commission, which asserted only that "revitalizing the American high school is an urgent matter."

In 1957 science education was the primary concern. Congress rushed to approve the National Defense Education Act, which spurred the teaching of the hard sciences, mathematics, and foreign languages in the public schools. This act provided funds for new courses in math, science, and foreign languages and to modernize school laboratories, and as a result enrollments in math, science, and foreign language classes soared. Once again, in 1984, we were greeted by the need to improve math and science instruction. The conclusions of the recent commissions, combined with our fears that we're being "bested" by other nations in technical training, that we're losing our industrial edge, and the fact that we can't keep qualified math and science teachers in our public schools, have prompted us to act to stop this decline.

Last year we approved the math and science bill. The 2-year program authorized by this bill attempts to bolster the quality of math and science teaching by providing for training and retraining programs for math and science teachers. I wholeheartedly support the math and science bill. However, I think we're going to pay a high price if we continue to teach our children sophisticated computer programming skills and complex telecommunications technology but teach them little about the U.S. Constitution, the works of American artists, the writings of poets and philosophers, or the history of this Nation and its people.

The tragic effects of this lack of emphasis on the humanities was recently summed up in the report of the Study Group on the State of Learning in the Humanities in Higher Education. The report, entitled "To Reclaim a Legacy," says that many of our country's college and university graduates do not receive an adequate humanities education. William J. Bennett, Chairman of the National Endowment for the Humanities stated, "Too many students are graduating from American colleges and universities lacking even the most rudimentary knowledge about the history, literature, arts, and philosophical foundations of their Nation and their civilization." I believe this problem is faced not only by our college and university students, but also by students in our elementary and secondary schools.

The tragic consequences of neglecting to teach the humanities are obvious. A 1978 study reported that the ability of 17-year-olds to explain democracy's essentials had declined 12 points in 6 years. A 1979 Gallup poll reported that only 3 percent of the Nation's 17- and 18-year-olds could identify Alaska and Hawaii as the last States to join the Union, and we know that fewer Americans vote than in almost any other democratic nation. And those facts and figures don't begin to suggest Americans' scandalous lack of understanding of our history and government. The very survival of our democratic institutions depends on an educated citizenry, so it is not wrong to suggest that the future of our country is at stake.

A 1980 editorial in the Chronicle of Higher Education suggested that scholars trained in the humanities seek jobs as technical writers for computer firms—turning computer manuals into English. The humanists should have no trouble getting these jobs, the writer noted, since so many computer programmers have weak writing skills. The editorialist noted this employment opportunity for humanists with pleasure, but it seems shameful to me that we treat so cavalierly the weak writing skills of some of our most highly trained computer programmers. It's a tragedy that individuals with such sophisticated technical skills can't even communicate their knowledge of computers to their fellow citizens.

Many individual educational institutions and corporations are realizing the value of humanities education. In 1981, a vice president of a major U.S. corporation noted in the Wall Street Journal that his corporation was no longer recruiting only employees with MBA's but was also recruiting BA's in the humanities. He praised the undergraduates with humanities training for their writing ability, analytical ability, adaptability and their willingness and success in working on unstructured research projects. In addition, many technical colleges are finding that their students can't compete in the job market without a strong background in the humanities. If their training is narrow, they can't adapt when their technical expertise is quickly outdated. Many technical colleges are instituting requirements that their students take a strong core of humanities courses. Cobol and Fortran are transient; English is not.

Jerome Weisner, former president of Massachusetts Institute of Technology, states, "A person is much less of a human being if he thinks of himself only as a technocrat." He is right. Our emphasis in the recent past has been on training Americans to do a job; as jobs have required more sophisticated technical skills, our education has become more technical. But jobs don't last forever. Our schools are churning out technocrats, and that's a dangerous trend. Technology is moving and developing so fast that students who receive only a technical training have a hard time adapting when the technology changes. I also believe that an education is something more than teaching students the skills necessary to do a job. There are many practical reasons to teach the humanities, but those reasons aren't the most important. I am convinced that exposure to and good teaching in the humanities will help our citizens cope with difficult questions about human life.

For example, we now have the ability to save seriously ill infants who would not have had a chance for survival only a few years ago, yet doctors and clergy and policymakers are embroiled in controversy over the proper use and implications of this technology. We can also prolong the lives of the very ill and injured almost indefinitely, but we can't define the quality of life those individuals should enjoy. These are issues which theologians and philosophers should be discussing with technicians and scientists, issues which we should be asking our students to think seriously about.

The humanities force us to answer important questions about the moral issues of our life and the history and traditions that shape our society, fundamental human questions. The philosophers, prophets, and poets raise questions which have been with man since the dawn of history. American schools must make the humanities the center of our education, not an add-on that is taken care of after we've taught sophisticated technical or vocational skills. After all, what are those skills worth if we can't discuss important issues or dilemmas that confront us?

When Thomas Jefferson explained his plan for education, he said that students should study history because:

> History, by apprising them of the past, will enable them to judge of the future; it will avail them of the experiences of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under

every disguise it may assume, and knowing it, to defeat its views.

Jefferson is usually noted for his influence on scientific education, but his view of education was not narrow. Jefferson understood that the humanities—especially history—must be a part of our education if we are to know how to use our knowledge and govern ourselves.

I am convinced that our students must have a strong background in the humanities, and that means quality teachers. I am here today to introduce a measure which would provide teacher training institutes for teachers of the humanities—philosophy, history, classical languages, and literature. These teacher training programs are based on a very successful program carried out in 1983 by the the National Endowment for the Humanitites and expanded in 1984 with the help of a Mellon Foundation grant. This program has provided teachers the opportunity to study literature, philosophy, history, and other subjects in summer seminars, but the seminars reach only a small proportion of our humanities teachers. In 1984 the NEH programs included 765 teachers. In 1982, however, there were 1,040,000 secondary school teachers and 1,364,000 elementary school teachers in the United States. Clearly, the NEH program is not enough.

The measure I am introducing would authorize grants by the Secretary of Education of institutions of higher education to conduct teacher training institutes in the humanities for elementary and secondary school teachers. The institutions of higher education or consortia of institutions would submit applications including the proposed program of instruction, teaching faculty, and the procedures for selecting participants. Funds would be provided for operating costs and faculty salaries as well as living allowances and small stipends for participants. The awards shall be made to institutions on the basis of excellence of the proposed programs, and each State will be awarded at least one institute.

The institutes will recognize teachers for their achievement as classroom teachers, give them an opportunity to study further their own area or other areas of the humanities, and allow them to share ideas on the teaching of their discipline. One participant in an NEH seminar last summer said the seminars say to teachers: "We think you are important." The training institutes authorized by this bill would say that the teaching of humanities and teachers of humanities are very important. Our teachers are our greatest educational asset, and only by keeping good teachers in our schools and providing them additional training can we hope to provide our citizens strong training in the humanities. I urge my colleagues to join me in cosponsoring this measure to improve humanities instruction in our schools.

I ask unanimous consent that the Humanities Excellence and Teacher Training Act of 1985 be printed immediately following my remarks, along with a brief section-by-section analysis of the bill.

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

S. 204

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

GRANTS FOR TEACHER TRAINING INSTITUTES IN THE HUMANITIES

SEC. 1. (a) The Congress finds that—

(1) it is in the national interest to have citizens who are broadly educated. Our nation's schools must prepare young people for active participation in community life and a democratic society. This is not possible without knowledge and understanding of the humanities.

(2) in order to ensure that our nation's children acquire the conceptual and analytical skills necessary and have an appreciation for the traditions and values of Western and non-Western cultures, studies in the humanities are essential.

(3) it is necessary to improve the quality of instruction in the humanities and it is not possible to accomplish this goal unless our nation's teachers have the necessary background and training in the humanities.

(b) It is therefore the purpose of this Act to authorize a national program for improving the quality of education which would make grants to institutions of higher education for the establishment and operation of teacher institutes for the enhancement of subject matter skills of private and public elementary and secondary school teachers of the humanities.

(c) This act may be cited as "The Humanities Excellence and Teacher Training Act of 1985."

SEC. 2. (a) The Secretary shall make grants in each State to an institution of higher education (or a consortium of such institutions) whose application is approved under subsection (b) for the purposes of conducting summer humanities training institutes for the professional development of elementary and secondary school humanities teachers. Any institution or consortium whose application is so approved shall receive an amount equal to not more than $3,000 multiplied by the number of teachers, not to exceed two hundred, enrolled in such institute.

(b) Any institution of higher education or consortium desiring to receive a grant in its State shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of instruction, and the extent to which eligible classroom teacher participants will be involved in the planning and design of the institutes;

(2) contains an estimate of the number of teachers, including the number of teachers from private elementary and secondary schools, to attend the institute, and describes the selection procedures;

(3) describes the nature and location of existing facilities to be used in the operation of the institute;

(4) specifies the teaching and administrative staff for the institute including the involvement of faculty from both the humanities and education departments and educators familiar with the operation of humanities programs in elementary and secondary schools;

(5) specifies the academic credits, if any, to be awarded for the completion of the course of study to be offered at the institute;

(6) provides a schedule of stipends to be paid teacher participants in the institute, including (A) allowances for subsistence and other expenses for teachers attending the institute and their dependents and (B) provisions assuring that there will be no duplication of Federal benefits paid to participants;

(7) provides adequate assurances that teachers from the State who wish to participate will be selected on the basis of recommendations from a principal or other supervisory official and a demonstrated commitment to the teaching of the humanities discipline or disciplines studied in the institute; and

(8) provides assurances that the institution of higher education will seek to enroll at least eighty qualified teachers in the institute;

(9) is approved by the State educational agency or agencies, of the States or States in which the applicant institution or consortium is located, as being consistent with State policies in elementary and secondary education and humanities.

(c) Awards under this section shall be made to the institutions (or consortia) on the basis of excellence of the program proposed in the application, taking into consideration such elements as library resources, faculty achievement, and humanities learning facilities.

(d) Funds available to institutions under this section may be used to cover costs associated with enrollment in an institute, including tuition, fees, administration, and living expenses.

(e) In making grants under this section, the Secretary shall assure, to the maximum extent consistent with the purposes of this Act, that there is an equitable distribution of institutes established and operated under approved applications among States and within States. The Secretary shall award not less than one institute in each State.

(f) No grant to a single application may exceed $600,000 in any fiscal year.

SEC. 3. No grants shall be made or contracts entered into under this Act except to such extent, or in such amounts, as may be provided in the appropriation Acts.

SEC. 4. For the purposes of this Act:

(1) The term "institution of higher education" means any institution of higher education, as defined under section 1201(a) of the Higher Education Act of 1965, which is located within a State, and includes a community college or junior college.

(2) The term "Secretary" means the Secretary of Education.

(3) The term "State" means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(4) The term "humanities" means both modern and classical languages, literature, history, and philosophy; and language arts

and social studies when taught in elementary schools.

(5) The term "State educational agency" has the same meaning as in section 198(a)(17) of the Elementary and Secondary Education Act.

SEC. 5. There are authorized to be appropriated to carry out this Act $50,000,000 for fiscal year 1986, $60,000,000 for fiscal year 1987, and $70,000,000 for fiscal year 1988.

BRIEF SECTION-BY-SECTION ANALYSIS OF SENATOR BUMPERS' "HUMANITIES EXCELLENCE AND TEACHER TRAINING ACT OF 1985"

SECTION 1

(a) Congressional findings about the importance of education in the humanities.

(b) Statement of the purpose of the Act, which is to authorize a national program of teacher training institutes to enhance the quality of instruction in the humanities.

(c) This Act may be cited as "The Humanities Excellence and Teacher Training Act of 1985."

SECTION 2

(a) Authorization for the Secretary of Education to make grants to colleges, universities, community colleges and junior colleges to conduct summer humanities teacher training institutes to train elementary and secondary humanities teachers. Grants would be in the amount of $3000 multiplied by the number of teachers, not to exceed 200, enrolled in the particular institute. At least one institute would be funded in each state.

(b) Applicants to conduct institutes must submit applications to the Secretary. The Secretary may approve only those applications that meet nine specific requirements; the applicant must describe, among other things, the proposed program of instruction, the number of participants in the institute, the selection procedures for participants, the teaching staff for the institute, the facilities to be used by the institute, the academic credits if any to be awarded by the institute, and the stipends to be paid to participants. The application must also be approved by the state educational agency, for the state in which the institute is to be conducted, as consistent with state humanities education policy.

(c) The Secretary would be required to make awards for institutes on the basis of the excellence of the program of instruction proposed.

(d) Awards of funds for institutes may be used to cover tuition, fees, administration, living expenses of participants, and related expenses.

(e) In making grants, the Secretary must assure, to the maximum extent consistent with the purposes of the Act, that there will be an equitable distribution of institutes approved among and within states. Each state will be awarded at least one institute.

(f) The maximum amount of any grant for an institute is $600,000 in any fiscal year.

SECTION 3

Grants are limited by the amount of funds appropriated to carry out this Act.

SECTION 4

Definitions. Humanities is defined to mean both modern and classical languages, literature, history, and philosophy; and language arts and social studies when taught in elementary schools. The definitions also make clear that colleges, universities, community colleges, and junior colleges are eligible to submit applications for approval to conduct training institutes under this Act.

SECTION 5

$50,000,000 is authorized for FY 86, $60,000,000 for FY 87, and $70,000,000 for FY 88.

By Mr. BUMPERS:

S. 205. A bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund; to the Committee on Finance.

ORGAN TRANSPLANT CONTRIBUTIONS ACT OF 1985

Mr. BUMPERS. Mr. President, today I am reintroducing a bill which I first conceived and offered in the 98th Congress on behalf of Senator PROXMIRE and myself. This bill will benefit thousands of Americans who, in my judgment, are more deserving of our help and our sympathy than perhaps any other segment of our society. Those people, Mr. President, are those thousands of Americans who are so desperately ill that their only medical remedy lies in organ transplant surgery. I am today introducing the Organ Transplant Contributions Act of 1985.

Let me begin, Mr. President, by telling you a story. Every Member of this body, I am confident, has heard a story similar to this during his or her service in the Senate. In January 1984 a young man named Charles David Stevens, who lives in North Little Rock, called my office with a rather desperate plea for help. David Stevens was 28 years old and was very seriously ill with diabetes. David had already, some time ago, had a kidney transplant, and his doctors had told him that his only hope now lay in a pancreas transplant. The University of Minnesota Hospital, certainly one of the best in the United States, had agreed to perform a pancreas transplant for David. And David's mother had also agreed to give him part of her pancreas. Only a mother, I suppose, could give as Mrs. Stevens has done for David. You see, she had already given David a kidney, and she was now prepared to give him half of her pancreas. David's problem, however, was money. The University of Minnesota required a downpayment of $35,000 before David and his mother would be admitted to surgery. David had been working desperately for a number of months making pleas on radio and television and through his church in an effort to collect this enormous sum. He had been doing very well in this effort, but $35,000 is a lot of money in Arkansas. David was asking me to help him in this effort, and I was certainly glad to try. But, as every Member of this body is aware, there is not a great deal that a U.S. Senator can do to cajole an insurance company into paying a claim that it does not believe it is obligated to pay. And the fact is that many, if not most, organ transplants today are not covered by insurance. Certainly, David's insurance coverage was not adequate. I am delighted to report that David was able to raise this money and his operation was a complete success. He is no longer a diabetic, but his hospital bill totaled more than $70,000.

Mr. President, in the past year a great deal of national attention has been focused on organ transplantation. It is an immensely complex issue. It seems to me, however, that our efforts thus far fall short of addressing the crucial issue for most organ transplant patients. That issue is cost. These operations tend to be enormously expensive, and there are thousands of Americans who could benefit from organ transplants if the problems of donor location and cost could be addressed. The bill which I am introducing today, Mr. President, will specifically address the problem of cost by appealing to our Nation's best impulses and by taking advantage of our existing tax structure. In a nutshell, what I proposed to do is to establish a "National Organ Transplant Trust Fund" in the Treasury, which would be funded by voluntary contributions made through a checkoff system on the income tax form, and which would provide funds to needy organ transplant patients.

The statistics on organ transplant procedures, Mr. President, are quite amazing. Until I began working on this bill, I had no idea how many transplant operations occur in this country each year and yet how many thousands of Americans still need organ transplants. There are now a total of 160 transplant centers in the United States; 159 of these transplant centers perform kidney transplants while only 11 perform heart transplants and only 6 perform liver transpalnts. I am proud to say, by the way, that the University of Arkansas Medical Center was a pioneer in the area of kidney transplant surgery. Most startling, Mr. President, is the fact that as many as 14,200 Americans between the ages of 10 and 54 could benefit from heart transplants. Yet, in 1983, there were only 172 heart transplants in this country. On the other hand, there were 5,500 kidney transplants, while there are at least 7,000 people on waiting lists for kidney transplant surgery. In 1983 there were 160 liver transplants, but experts tell me that somewhere between 4,000 and 5,000 Americans could benefit from liver transplant surgery. Last year there were between 18,000 and 20,000 cornea transplants in the United States, an operation that has become commonplace. There were, on the other hand, only 150 pancreas transplants.

I believe, Mr. President, that costs, as well as the experimental nature of some types of transplant surgery, is a major factor in so many Americans being unable to receive transplant surgery which they desperately need. It seems to me significant that Medicare will pay for kidney transplant surgery, which is now considered almost routine, but neither Medicare, Medicaid, nor many private insurance carriers will pay for many of the more recent and experimental procedures. Fortunately, Medicare will also pay for the corneal implant surgery for persons over 65, a factor which no doubt has something to do with the large number of corneal procedures performed last year. The availability of donor organs is, of course, a major problem and one which is addressed by legislation which has been passed in the House and the Senate. On the other hand, I am persuaded that legislation thus far does not adequately deal with the issue of cost, and that it is simply unrealistic to expect so many Americans to bear the enormous cost of these procedures by themselves, or even to be able to go into their communities and raise such enormous sums, often small communities, from charitable sources.

So, Mr. President, the idea occurred to me that we could and should use our existing revenue collection procedures to allow Americans to make voluntary charitable contributions to help their fellow citizens. I have no doubt, Mr. President, that every American would like to reach out and help his brother and sister in this situation. What we need is a mechanism and what I propose is a simple checkoff system on the income tax form which would allow taxpayers to designate $1, $2, $3, or any portion of their tax refund to be deposited in a special trust fund to be created in the Treasury Department. Let me say, Mr. President, first of all what I do not intend to do. I do not intend to create a new entitlement program. I do not intend to create any government health program for which we would have to increase the deficit and the national debt. All I propose is a program to be funded by voluntary contributions by taxpayers who, I think, would like very much to give.

The National Organ Transplant Trust Fund would be administered by the Secretary of Health and Human Services. My proposal, is to help those people who have no other source of payment. My aim is to help the David Stevens of the world, those who have little or no private insurance and those for whom Medicare and Medicaid are unavailable. The Secretary, after promulgating regulations which would establish an organ transplant payments program, would make payment to needy individuals, after taking into account the individuals resources and his or her ability to raise funds from other sources, including charities and any State resources which might be available.

It seems to me, Mr. President, that the key to this program should be speed and flexibility. These people are desperately ill, often critically ill, and they are certainly in no position to withstand any drawn out bureaucratic process. This program cannot be the complete answer for these patients, but I hope it will be a start. It will provide seed money which will help them to raise money from other sources. I do not intend, for there to be any drawn out appeal process under this program, just as there is no appeal under our veterans programs. The Secretary, presumably through the Health Care Financing Administration, should simply decide these cases fairly and as quickly as possible. Payments could then be made to the eligible transplant centers, which have been designated by the Secretary, on behalf of the needy transplant recipient.

There is not a Member of this body, Mr. President, who does not appreciate the seriousness and the urgency of this problem on a personal level. I dare say there is not a Member of Congress who has not had a call or a letter from someone in a situation as desperate as David Stevens was. Many of them, unfortunately, have not enjoyed the good result that David did. It is my hope, Mr. President, that through enactment of this legislation, we can help many more of our fellow Americans than we have been doing on an individual basis.

This, Mr. President, is what government should be about—helping people who need help. My proposal will not cost the Treasury anything. It will not increase the national deficit, and it will not take anything from anyone who does not want to give. I invite Members to join me in cosponsoring this bill.

By Mr. TRIBLE (for himself, Mr. HUMPHREY, and Mr. EAST):

S. 206. A bill to amend section 5155 of the Revised Statutes; to the Committee on Banking, Housing, and Urban Affairs.

BANKING CONVENIENCE ACT

Mr. TRIBLE. Mr. President, one of the most welcome developments of recent years has been the creation and growth of networks of shared automated teller machines [ATM's]. Consumers benefit greatly from these networks, as their huge size and rapid growth attests.

Today, along with Senators HUMPHREY and EAST, and Representatives LAFALCE and WORTLEY in the House, I am introducing legislation, the Banking Convenience Act to protect and foster these shared ATM networks, which are threatened by a recent court decision.

This legislation is nearly identical to a bill Senator HUMPHREY and I introduced in the last Congress, S. 2898. That bill was the subject of thorough hearings in the Senate Banking Committee on September 19 and 20, 1984. Twelve of the fourteen witnesses favored adoption of the bill, including the Comptroller of the Currency, the Federal Home Loan Bank Board, the National Credit Union Administration, the American Bankers' Association, the Consumer Bankers' Association, the U.S. League of Savings Institutions, the Credit Union National Association, the Electronic Funds Transfer Association, Consumers' Union, Bankcard Holders of America, Mastercard International, and the Food Marketing Institute.

Before explaining the need for the bill, and what it does, a brief introduction to ATM's and shared ATM networks is needed.

1. ATMS AND SHARED ATM NETWORKS

Automated teller machines [ATM's] are electronic devices which permit consumers to communicate with their financial institutions and to perform routine banking transactions. By inserting a plastic card into the ATM, typing in an identification number, and specifying the desired transaction, the consumer can use an ATM to withdraw cash from an account, get a cash advance on his credit card, make deposits, transfer funds among accounts or to third parties, and make balance inquiries.

The convenience of ATM's for consumers is obvious. ATM's permit afterhours banking, and allow consumers to spend less time in bank lines. They can conduct their banking business at odd hours and on weekends, swiftly, accurately, and at low cost.

Over the past decade, the consumer convenience of ATM's has been enormously expanded by the creation of far-flung networks of shared automated teller machines. In these networks, ATM's established and owned by one institution—bank, thrift, or credit union—are made available to customers of other institutions. Sharing permits customers traveling away from home on business or pleasure to communicate with their home bank through ATM's located tens, hundreds, or even thousands of miles from home.

Often, shared ATM's are located where the customer's own bank could not establish its own branch or ATM for economic or legal reasons. This, too, benefits consumers.

Without question, consumers want and demand the geographic convenience provided by shared ATM networks.

Ten years ago, there were only a handful of ATM's. Today, over 200 re-

gional shared ATM networks serve customers all over the United States, allowing consumers to use more than 16,000 ATM's to conduct more than 60 million transactions per month. And, by using over 10,000 ATM's linked by computer into seven nationwide shared ATM networks, consumers today can obtain instant cash from their accounts virtually anywhere in the United States.

All told, more than 9,000 banks, savings institutions, credit unions, credit card companies, and retailers already participate in shared ATM networks. Membership is common among both large and small, Federal and State chartered, institutions. Many more institutions plan to join networks in the future in order to serve current customers better and to attract new ones.

Clearly, anything which harms the networks could harm the customers of all these institutions—customers who already are using 50 million ATM access cards.

With that background, why is legislation needed to preserve and foster these shared ATM networks and their consumer benefits?

THE NEED FOR LEGISLATION

In April 1984, the U.S. District Court for the Western District of New York issued a ruling which could ultimately disrupt or even destroy many existing networks of shared ATM's, and so could severely inconvenience millions of network users. In addition, the cost of financial services provided through surviving networks would increase, significant investments in the networks would be jeopardized, and national banks could be placed at a significant competitive disadvantage. As one witness told the Senate Banking Committee, the court's ruling, if upheld, would be "an unmitigated disaster for the EFT industry."

In the case of Independent Bankers' Association of New York versus Marine Midland Bank—Marine Midland—the court held that if the customers of a national bank use a third party's ATM to make deposits to or withdraw funds from their home bank, then that ATM is a branch of the national bank for purposes of the McFadden Act. That 1933 Federal law restricts branching by national banks and permits a national bank headquartered in a certain State to establish branches only where State law allows State chartered banks to have branches.

Because the McFadden Act itself does not permit interstate branching by national banks, and because many States restrict branching within their borders, the Marine Midland court's decision implies that many national banks are engaged in illegal branch banking when they permit their customers to use ATM's in shared networks. This would be true if the network included ATM's in several States—as 21 of the 25 largest networks do—or if an intrastate network included ATM's in locations where no single bank could branch.

If the court is correct, and a shared ATM is a branch, then national banks could not allow their customers to use ATM's in another State. In the 29 States which do not permit statewide branching, national bank customers would be denied use of any in State ATM located where the bank itself could not branch. The Marine Midland case itself resulted in customers of one New York bank being denied use of an ATM located in a small New York town.

In effect, national banks would be unable to participate in many existing networks, and their customers would lose, if the Marine Midland ruling stands.

On its face, the Marine case appears to pose a problem only for national banks and their customers. Yet testimony before the Senate Banking Committee confirms that adverse effects could be far broader if the decision became the law of the land.

For example, State banks which are members of the Federal Reserve System, and their customers, could also be directly harmed, since such banks are subject to the same branching restrictions as national banks under other provisions of Federal law. Thus, participation of State member banks in national and regional networks of shared ATM's could also be restricted.

Ill-effects of the case would not be confined to National and State member banks and their customers, however, but could also spread to State nonmember banks, thrifts, credit unions, credit card companies, retailers, and their customers.

These varied institutions and customers all participate in existing shared ATM networks, and any development which jeopardize bank participation in the networks affects them. S&L's comprise 10 percent of the membership of the 50 largest ATM networks, for example, and credit union membership is widespread and growing very rapidly, with credit unions already participating in half of the 50 largest networks.

It is easy to see how all actual and potential users of shared ATM's would be hurt if reduced national bank participation caused certain networks to disappear, or to contract geographically. Consumers would lose access to many ATM's, which they now use, and would suffer a significant loss of convenience.

More subtle damage would be done to customers of remaining networks. With fewer financial institutions participating, the heavy fixed costs of shared networks would have to be spread over fewer customers and transactions. The cost to each remaining user for each transaction would go up, perhaps significantly. In this way, the Marine ruling could undermine economies of scale and burden all customers of the networks. In short, if Marine Midland becomes law everyone would come out the loser—banks, the EFT industry, and consumers.

Viewing all these potential problems of the Marine decision, many agencies and trade groups have submitted friend of the court briefs seeking to overturn the Marine ruling. These groups include the Comptroller of the Currency, together with Federal Reserve and the FDIC, the Electronic Funds Transfer Association, the Consumer Bankers' Association, Mastercard, and others.

3. THE BANKING CONVENIENCE ACT

Congress should act to prevent the disastrous ripple effects which the Marine Midland ruling could cause. The Banking Convenience Act would avert them.

The bill simply declares that an ATM used by a national bank's customers—but not owned or rented by that bank—is not a branch of that bank for purposes of the McFadden Act. Consequently, the bank's customers may continue to use ATM's not established, owned, or rented by their bank, even if the machines are in another State or otherwise outside their home bank's branching area. The bill also clearly authorizes national banks to share and permit their customers to use third-party ATM's, and, in effect, says that these activities would not constitute illegal branch banking.

Thus, this bill is preservative in nature, since it aims to preserve the legal status quo for ATM sharing which existed—unchallenged—between 1976 and 1984. To this end, the bill effectively codifies the regulations, rulings and interpretations of the Comptroller of the Currency upon which national banks have relied in joining ARM networks. By so doing, it would preserve national bank participation in the networks, and preserve the networks for the benefit of the American public. By clarifying, once and for all, the current uncertain legal situation, it would discourage unproductive litigation, and foster the future growth of networks.

4. WHY NOT WAIT FOR THE COURTS TO DECIDE?

Opponents of this bill last year contended that Congress should wait for the appeals court to decide the Marine Midland case. Why not wait for the appeals court?

The Marine Midland case has created severe uncertainty in the EFT industry. As Mastercard's witness told the Banking Committee, the ruling "threatens the legal integrity" of existing ATM networks because it "casts serious doubt on the judicial precedents and regulatory policies which have been relied upon in the develop-

ment of shared ATM networks. Specifically, if upheld, the decision would effectively prohibit national bank participation in intrastate shared networks.

Several witnesses, including the EFT Association and the Comptroller, have testified that this uncertainty has already created a chilling effect on the development of new ATM networks, because it increases the risk of investment or through adverse court action.

This uncertainty serves no public purpose; it merely deprives the public of additional, convenient and popular banking services.

And, of course, the appeals court may uphold the Marine Midland decision. Even opponentsdland by the prestigious Second Circuit Appeals Court could lead to other suits which might lead the Comptroller to withdraw his regulation stating that shared ATM's are not branches. If so, effects would spread nationwide. Affirmation would certainly encourage protectionist groups to file additional suits in order to reduce competition.

Of course, the second circuit might overturn the Marine decision. But that might not definitively resolve the question of whether a shared ATM is a national bank's further uncertainty. In these cases, inaction by Congress would simply retard development of beneficial ATM systems.

Keep in mind that shared networks have existed, unchallenged, for a long time. The witness from the Electronic Funds Transfer Association was right when he stated it was "wasteful, disruptive, inefficient, and patently unfair to change the rules of the game at this late date."

Finally, the Marine ruling is so broad—because it defines "branch" functionally—that it could have a number of totally unexpected consequences. For example, witnesses noted that "any retail outlet that honored a bank credit or debit card or cashed customer checks" might be considered a branch of a bank whose customers used it. This possibility injects substantial uncertainty into the relatively new point-of-sale systems as the EFTA noted. Banking via the mail, over the telephone, or by home computer, might all be considered illegal branch banking. This legislation would avoid these absurd results.

5. CONCLUSION

Mr. President, Congress needs to act to dispel this uncertainty, and to preserve and foster shared ATM networks for the benefit of American consumers. My bill does the job. I urge my colleagues to support it. Mr. President, I ask unanimous consent that the bill and an explanation be printed directly after my statement.

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

EXPLANATION OF THE BANKING CONVENIENCE ACT

The Federal McFadden Act (12 U.S.C. 36) defines a national bank's branch as a place of business where "deposits are received, or checks paid, or money lent". The act also states that a national bank may establish such a branch "at any point within the State in which (the bank) is located, if such establishment and operation are at the same time authorized to State banks by the statute laws of the State in question . . . and subject to the restrictions as to location imposed by the law of the State on State Banks."

By its terms, the McFadden Act limits intrastate branching by national banks. A national bank may branch within its home State only to the extent that the State's law permits branching by State banks.

Further, McFadden does not authorize national banks to establish branches across State lines, and it is generally interpreted to prohibit interstate branching.

In short, the McFadden Act limits intrastate branching by national banks and prohibits interstate branching.

During the early development of electronic funds transfer, the comptroller of the currency, the principal regulator of national banks, took the position that automated teller machines (ATM's) were never branches of national banks.

This view was challenged successfully in the case of *Independent Banks Association of America* v. *Smith* (1976) ("Smith"). The *Smith* court held that if a banks customers use an ATM to conduct banking transactions and if the ATM is also "established (i.e., owned or rented)" by the bank, then the ATM is a branch of the national bank under McFadden, and its location is restricted by the McFadden Act and State branching laws.

The *Smith* decision definitively resolved the status of ATM's owned or rented by national banks. Since *Smith*, such ATM's have been considered branches established by the bank, and their location is restricted.

The *Smith* ruling also implicitly resolved the question of shared ATM's—ATM's established by one financial institution but used by the customers of another. *Smith* implied that an ATM which is neither owned nor rented by a national bank is not a branch established by the bank under McFadden, even if the bank's customers use the ATM to communicate with their home bank.

Following this reasoning, a national bank's customers could use a third party ATM located where the bank itself could not branch: such customer use would not involve illegal branch banking by the national bank.

Since 1976, the Comptroller has consistently followed the *Smith* ruling. In rulings, interpretive letters, and a final regulation (12 CFR 5.31(b), 1981), the Comptroller has held that an ATM is to be considered a branch for purposes of the McFadden Act if the national bank establishes the ATM by owning or renting it; but the ATM is not a branch if the bank's customers merely use the ATM and the bank does not own or rent it.

Since 1976, national banks have relied on the Comptroller's actions with respect to shared ATM's in order to participate in nationwide, regional and intrastate networks of shared ATM's, secure in the knowledge that what they were doing was legal. National banks have permitted their customers to use many ATM's located across State lines and in other areas where they could not branch because of the *Smith* Case and the Comptroller's assurances that mere use of a third party ATM by their customers did not constitute illegal branch banking.

This legal basis for far-flung ATM networks was shaken early in 1984 by a New York District Court. In the case of *Independent Bankers' Association of New York* v. *Marine Midland Bank* ("Marine Midland"), the court rejected both the Comptroller's regulation and the *Smith* decision as they applied to shared ATM's.

In essence, the *Marine Midland* court stated that mere use of a shared ATM by a national bank's customers transforms the ATM into a national bank branch for McFadden purposes. Specifically, the court found that if a national bank's customers used an ATM to conduct banking transactions with their home bank, then the ATM is a branch even if the national bank does not establish, own or rent it.

Should this mere use doctrine become the law of the land, national banks could not continue to participate in many of the existing ATM networks. Participation would lead to customer use of ATM's located where the banks themselves could not branch, and this would be illegal branch banking. National bank customers could no longer use an ATM in another State. Nor could they use certain in-State ATM's, if they lived in a State with limited intrastate branching. Existing shared ATM networks would contract or disappear, as national bank participation diminished.

The "Banking Convenience Act" overturns the *Marine Midland* ruling, and codifies the Comptroller's regulation and interpretation of the *Smith* decision, in order to preserve the existing shared ATM networks and to allow new networks to develop under the familiar rules.

The bill effectively divides ATM's and similar "automated devices" into two classes—those which are established by national banks and those which are not so established. The former would be branches under McFadden, the latter would not.

The bill also provides a test to determine when a national bank has established an ATM. Following the Comptroller's regulation, the bill states that an automated device is established by a national bank only if it is owned or rented by that bank. If the device is neither owned nor rented by a national bank, it is not a branch established by that bank.

In addition, the bill explicitly authorizes a national bank to "share or permit its customers to use an automated device which is not established by the Bank."

The effect of these provisions is as follows.

If an ATM is owned or rented by a national bank, it would be considered a branch established by the bank for McFadden purposes (provided it is also a place where "deposits are received, or checks paid, or money lent"). As a branch, its location would be restricted by pertinent State branching law.

Other ATM's, neither established, owned, nor rented by national banks, would not be considered branches established by national banks whose customers use them. Their location would not be restricted, through the McFadden Act, by State branching laws. This exemption from McFadden would allow national banks in shared ATM networks to continue to provide customer access to ATM's anywhere in the country without fear of charges of illegal branch banking.

In exempting shared ATM's used by national bank customers from the definition of branch under McFadden, the bill does not eliminate all restrictions on ATM's. However, the restrictions that apply would be restrictions applicable to the owner/establisher of the ATM, not to the national bank whose customers use it. Thus, if the customers of national bank A use an ATM owned by national bank B, the ATM would not be bank A's branch, but it would still be bank B's branch. As such, its location would continue to be subject to the branching laws of B's State.

Thus, the bill in no way diminishes the requirement that every ATM be strictly legally located in accordance with laws applicable to its owner/establisher.

S. 206

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 "Banking Convenience Act of 1985".

SEC. 2. Section 5155 of the Revised Statutes (12 U.S.C. 36) is amended by adding at the end thereof the following:

"(i)(1) Notwithstanding any other provision of this section, a national bank may share, or permit its customers to use, an automated device that is not established by that bank, and such automated device shall not be considered a branch of that bank within the meaning of subsection (f) of this section.

"(2) For the purpose of this subsection—

"(A) an automated device is established by a national bank only if it is owned or rented by that bank;

"(B) an automated device is not established by a national bank if the bank is assessed transactional fees or similar charges for its use; and

"(C) the term 'automated device' includes, without limitation, automated teller machines, customer bank communications terminals, point-of-sale terminals, and cash dispensing machines.".

By Mr. D'AMATO:

S. 207. A bill concerning vandalism of religious property; to the Committee on the Judiciary.

VANDALISM OF RELIGIOUS PROPERTY

Mr. D'AMATO. Mr. President, I rise this afternoon to introduce legislation to combat the rising tide of anti-Semitism. Last Congress, I introduced similar legislation in response to the alarming number of atrocities against Jews and other religious and ethnic groups. I was pleased to see that this legislative proposal was included in the 252 "New Ideas" brought forth by House Republicans.

During 1984 alone, there were almost 1,100 acts of violence directed against members of the Jewish community reported to authorities. Hundreds more went unreported. According to a report issued by the Anti-Defamation League of B'nai B'rith, there were 715 incidents of anti-Semitic vandalism and other attacks against Jewish institutions, businesses, and homes.

In addition, there were more than 369 incidents of assault against individual Jews. These figures are an increase over 1983 levels and signify a potentially perilous trend in our society. These acts of violence include arson, bombing, and cemetery desecration.

We must take action to increase public awareness of the threat which these acts of bigotry pose, not only to the Jewish Community, but to the general public as well. At the same time, we must increase the penalties for those who perpetrate such vicious acts. To date, 16 States, including Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Virginia, and Washington have enacted statutes dealing with religious or ethnic vandalism. While I commend these efforts, additional measures are needed.

Accordingly, I am introducing legislation today to impose stiff new Federal penalties for those who commit acts of religious violence or vandalism. My proposal would establish a series of graduated penalties for those convicted of such acts. These penalties would include heavy fines and stiff prison sentences for these individuals.

I urge my colleagues to join me in this effort designed to effectively deal with those who commit acts of religious violence or vandalism.

Mr. President, I ask unanimous consent that this legislation be printed in the RECORD at the conclusion of my remarks in its entirety.

Thank you, Mr. President.

S. 207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 13 of title 18 of the United States Code is amended by adding the following new section:

"§ 247. Destruction or theft of property used for religious purposes

"Whoever willfully vandalizes or defaces, sets fire to, tampers with, or in any other way damages or destroys any cemetery, any building or other real property used for religious purposes, or any religious article contained therein or any religious article contained in any cemetery or any building or other real property used for religious purposes, or attempts to do any of the same, or whoever injures, intimidates, or interferes with any person or any class of persons in the free exercise of religious beliefs secured by the Constitution or laws of the United States, shall be fined not more than $10,000, or imprisoned for not more than five years, or both; and if bodily injury results shall be fined not more than $15,000 or imprisoned not more than fifteen years, or both, and if death results, shall be subject to imprisonment for any term of years or for life.".

SEC. 2. The table of sections for chapter 13 of title 18 of the United States Code is amended by adding at the end the following new item.

"247 Destruction or theft of property used for religious purposes.".

By Mr. D'AMATO:

S. 209. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on Governmental Affairs.

CONTRACTS FOR COLLECTION OF DEBTS OWED THE UNITED STATES

● Mr. D'AMATO. Mr. President, I am today introducing a bill that would enable the Federal Government to retain private law firms in connection with the recovery of the vast amounts of delinquent debt now owed it. This bill is intended to supercede S. 143, a draft bill on the same subject, which was introduced on January 3, 1985.

The bill I am introducing today is exactly the same as S. 1668 which was passed by the 98th Congress on July 25, 1984. The language contained in S. 143 reflects an earlier version of this legislation, which was subsequently refined and amended before its passage by the Senate as S. 1668.

Mr. President, I ask unanimous consent that the text of my bill be printed in its entirety in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

S. 209

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 "Federal Debt Recovery Act of 1985".

SEC. 2. Section 3718 of title 31, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) in subsection (d), as redesignated by paragraph (2), by inserting "or (b)" after "subsection (a)"

(4) in subsection (e), as redesignated by paragraph (2), by striking out "(b)" and inserting in lieu therof "(d)"; and

(5) by inserting after subsection (a) the following new subsection:

"(b)(1) The Attorney General may make contracts retaining private counsel to furnish legal services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owed the United States. If the Attorney General makes a contract for legal services to be furnished in any judicial district of the United States under the first sentence, the Attorney General shall use his best efforts to retain, from among attorneys regularly engaged in the private practice of law in such district, more than one private counsel to furnish such legal services in such district. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract or the method for calculating that fee. The amount of the fee payable for legal services furnished under any such contract may not exceed the fee that counsel engaged in the private practice of law in the area or areas where the legal services are furnished typically charge clients for furnishing legal services in the collection of claims of indebt-

edness, as determined by the Attorney General, considering the amount, age, and nature of the indebtedness and whether the debtor is an individual or a business entity.

"(2) The head of an executive or legislative agency may refer to a private counsel retained under paragraph (1) of this subsection claims of indebtedness owed the United States arising out of activities of that agency.

"(3) Notwithstanding sections 516, 518(b), 519, and 547(2) of title 28, a private counsel retained under paragraph (1) of this subsection may represent the United States in litigation in connection with legal services furnished pursuant to the contract entered into with that counsel under paragraph (1) of this subsection.

"(4) A contract made with a private counsel under paragraph (1) of this subsection shall include—

"(A) a provision permitting the Attorney General to terminate the contract if the Attorney General finds that termination of the contract is in the public interest;

"(B) a provision permitting the Attorney General to have any claim referred under the contract returned to the Attorney General if the Attorney General finds such action to be in the public interest;

"(C) a provision permitting the head of any executive or legislative agency which refers a claim under the contract to resolve a dispute regarding the claim, to compromise the claim, or to terminate a collection action on the claim; and

"(D) a provision requiring the private counsel to transmit monthly to the Attorney General and the head of the executive or legislative agency referring a claim under the contract a report on the services relating to the claim rendered under the contract during the month and the progress made during the month in collecting the claim under the contract.

"(5) Notwithstanding the fourth sentence of section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)), a private counsel performing legal services pursuant to a contract made under paragraph (1) of this subsection shall be considered a debt collector for the purposes of such Act.

"(c)(1) The Attorney General shall transmit to the Congress an annual report on the activities of the Department of Justice to recover indebtedness owed the United States which was referred to the Department of Justice for collection. Each such report shall include a list, by agency, of the total number and amounts of collected and uncollected claims of indebtedness which were referred to the Department of Justice for collection, shall separately specify any uncollected claim of indebtedness which was covered by a contract (A) which was terminated by the Attorney General under subsection (b)(4)(A) of this section or (B) under which the claim was returned to the Attorney General under subsection (b)(4)(B) of this section, and shall describe the progress made by the Department of Justice in collecting uncollected claims of indebtedness during the one-year period covered by the report.

"(2)(A) The Comptroller General of the United States shall carry out an annual audit of the actions taken by the Attorney General under subsection (b) of this section during the preceding twelve months. The Comptroller General shall determine the extent to which there is competition among private counsel to obtain contracts awarded under such subsection, the reasonableness of the fees provided in such contracts, the diligence and efforts of the Attorney General to retain counsel in accordance with the provisions of this section, and the results of the debt collection efforts of private counsel retained under such contracts.

"(B) After completing each audit under subparagraph (A), the Comptroller General shall transmit to the Congress a report on the findings and conclusions resulting from the audit.".

SEC. 3. Not later than sixty days after the date of enactment of this Act, the Attorney General of the United States shall transmit to the Congress a report on the actions taken under section 3718(b) of title 31, United States Code (as added by paragraph (5) of section 2 of this Act).●

By Mr. D'AMATO (for himself and Mr. LONG):

S. 210. A bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of Social Security benefits; to the Committee on Finance.

CONCERNING TAXATION OF SOCIAL SECURITY BENEFITS

Mr. D'AMATO. Mr. President, I rise today to reintroduce legislation that would repeal the inclusion of tax-exempt interest when calculating gross income for purposes of the taxation of Social Security benefits. This bill is identical to legislation I introduced in the 98th Congress, S. 1113. I am pleased to be joined by the ranking member of the Finance Committee, Senator LONG, who was instrumental in fighting for S. 1113 last Congress.

S. 1113 became necessary as a result of an unconstitutional provision included in the Social Security Amendments of 1983. This omnibus legislation established the first ever tax on Social Security benefits. The legislation mandated an income threshold of $25,000—$32,000 for a married couple filing jointly—for taxation of Social Security benefits. Included in the threshold calculation are taxable earnings, half of all Social Security benefits, and all tax-exempt interest income.

I feel strongly that inclusion of tax-exempt interest in the income threshold represents the first-ever Federal tax on tax-exempt interest. This is an unconstitutional infringement on the operations of State and local government.

An overwhelming majority of the Senate supported S. 1113. The bill had 25 cosponsors in the 98th Congress. On April 14, 1984, Senator LONG and I raised S. 1113 as an amendment to the Deficit Reduction Act of 1984. The amendment passed by a vote of 63 to 32. To a great extent, the amendment passed because of the efforts of Senator LONG. I believe that Senator LONG's persuasive and cogent arguments made on the Senate floor paved the way toward Senate passage of the amendment.

Unfortunately, the amendment was dropped by the conference committee. Apparently, there was little House support for the amendment among the conferees.

The Municipal Finance Officers Association [MFOA] has estimated that the inclusion of tax-exempt interest in the calculation for determining the taxation of Social Security benefits has raised municipal borrowing rates by 25 to 50 basis points. This will cost State and local government between $299 to $598 million nationwide. This is a disaster of immense proportions.

Who would pay the added interest costs? How are municipal expenses recovered? From one source and one source only: State and local taxpayers will foot the bill. And, to the extent that electric utilities issue pollution control bonds via municipalities, ratepayers will pay the added costs. The intolerable result is that individuals will pay once through higher utility bills and again through increased taxes. Can we in good conscience raise taxes and utility bills?

Municipalities do have an alternative to raising taxes: They can reduce capital outlays. This, of course, would lead to a further deterioration of existing city and State services. In this case, local leadership must make the painful choice of deciding the essential city service that must be trimmed. In most major cities, police, fire, and school services cannot be cut further without endangering the public well-being. As it is, these essential services are operating on a shoestring. Is it worth jeopardizing the safety of our citizens in the name of raising a mere pittance for the Treasury? Who in this Chamber desires to reduce the educational opportunities available to our young people?

The legislation introduced today, Mr. President, will eliminate a burden that also will be borne by the middle-income elderly of our society. The provision states that in determining gross income for purposes of taxing Social Security benefits, total taxable income is added to tax-exempt interest plus half of the Social Security benefits received. If this figure is over $25,000—$32,000 for a married couple—then half the amount of the individual's Social Security benefits over the threshold is added to taxable income and taxed at his or her marginal tax rate. For example, if a person has $20,000 of pension income, no tax-exempt income, and $10,000 of Social Security benefits, adjusted gross income would be $25,000. Given this, Social Security benefits would not be taxed.

However, if this same individual has $20,000 of pension income, $5,000 of tax-exempt income, $10,000 of Social Security benefits, then adjusted gross income would be $30,000. In this case, $650 of tax would be paid on the Social Security benefits over $25,000, or $2,250. The interest-free income of

$5,000 pushed adjusted gross income over the threshold level. This amounts to a tax on tax-exempt income. As it stands now, there exists a tremendous incentive for the middle class to sell their municipal or State bonds and buy higher yielding taxable securities. Existing legislation punishes middle-class retirees for investing their savings in the cities in which they reside. Where will cities obtain funds if their own residents will not invest?

In another example, a married couple with $27,000 of pension income, $1,000 of tax-free interest, and $10,000 of Social Security benefits would have adjusted gross income of $33,000. This figure is $1,000 over the $32,000 threshold established for a married couple only because of the inclusion of tax-exempt income. The resulting tax on Social Security benefits is $145. This amounts to a 14.5-percent marginal tax rate on previously tax-free bonds. Only an idiot would consciously pay tax on a supposed tax-free security. Mr. President, our Nation's elderly should not be responsible to a greater degree than other citizens for reducing the Federal budget deficit.

People who put their life savings in municipal bonds already are absorbing a 2½-percentage-point reduction in yield. The spread between AA-rated municipal bonds and similar quality corporate bonds is running today at 262 basis points. Municipal bond investors thus sacrifice a 28-percent reduction in yield by not buying taxable securities. We are now imposing on these same elderly citizens up to an additional 15-percent reduction in return, for a total penalty of 43 percent. What is going to be the impact of this ugly tax? These same investors, already overburdened by taxes, will exert their collective economic muscle and sell municipal bonds. And who could blame them. Cities and States will be denied the necessary financing for essential services. Police, fire, and water facilities will deteriorate for lack of funding. We will be the ones responsible unless this disgraceful provision is stricken. The Members of Congress must act to protect city and State services, lower property taxes, and maintain the financial integrity of local government.

In essence, Mr. President, current legislation will tax previously sacrosanct—since 1913—State and municipal bonds. Furthermore, this will only impact middle-class retirees near the gross income threshold. The wealthy will not be dealt any penalty. A single person or married couple with $100,000 of taxable income will pay taxes on half their Social Security benefits regardless of the amount of State or municipal bond interest they earn. There is no equity in the current system. Why punish the old lady barely making ends meet and let the rich off easy?

It has been estimated by the Joint Committee on Taxation that only a scant $5 million over 7 years will be raised by this ridiculous provision. It is my belief that even this tiny amount is overstated. Let us look at an example of an unmarried individual with pension income of $25,000 and tax-free interest income of $500 for total gross income of $25,500. Rather than pay tax on Social Security benefits, this person will sell his bonds that are currently priced at a discount and take a principal loss. In this way gross income would be reduced to $25,000 and taxes otherwise paid on Social Security benefits would be eliminated. But by selling a bond at a discount, taxable income is reduced and Federal revenues depleted. Mr. President, the Treasury would actually lose money.

Quite frankly, Mr. President, I question the ability of the IRS to keep track of most individuals' tax-exempt interest income. Most currently outstanding municipal bonds are in bearer form and thus difficult to trace. The IRS would be virtually powerless to deter people who decided not to report their tax-free income. In an effort to recover these few dollars, the IRS would have to add further detail to existing tax forms. I see no reason to further complicate what is already an unfathomable situation.

I have serious doubts whether the IRS can simplify this highly complicated provision. The average taxpayer will not be able to comprehend it. More likely than not, the honest individual will unknowingly fill the required form out wrong. Is all this worth doing for no additional revenues? The answer is unequivocally no.

Finally, the inclusion of tax-free interest in calculating the threshold for taxation of Social Security benefits is nothing more than taxing municipal bonds. This, Mr. President, is unconstitutional. The Supreme Court has consistently held that the Federal Government cannot, under the Constitution, impair State and local borrowing power. Precedent was established back in 1894 in Pollack versus Farmers Loan & Trust Co. Actually there were two Pollack decisions: The first invalidated portions of the 1894 income tax law that included the taxation of State and local bond interest income, the second opinion nullified the entire tax law under review.

The Supreme Court made it clear in the Pollack decisions that any infringement on State and local borrowing power is unconstitutional. Again, when the 16th amendment was taken up in Congress, taxation of previously tax-free bonds was promptly dismissed. Later, in 1923, congressional intent was clear in prohibiting taxation of municipal bonds. At that time, Congress considered a constitutional amendment to permit the taxation of tax-exempt interest income. The 1923 amendment was approved by the House but did not pass the Senate.

As previously stated, the inclusion of tax-exempt interest income in determining the threshold for taxing Social Security benefits would raise the cost of borrowing by municipalities up to 50 basis points. Clearly this would impair the ability of municipalities to raise money. It is also tantamount to a tax on State and local bond interest income. I see no reason to become embroiled in a serious constitutional question over an issue of marginal value. Allowing this provision to remain on the books would be a dangerous precedent.

In summary, Mr. President, the bill introduced today by Senator LONG and me would return some equity to Social Security reform. The middle-class aged of our society will heave a sigh of relief. So will the State and municipal governments across the Nation that would be forced to either raise money at a higher cost or defer capital improvements. As a result, all taxpayers will be relieved of further burgeoning State and local taxes. Moreover, a constitutional conflict will be avoided. All this will be accomplished without depriving the Treasury of needed revenues.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD in its entirety at the conclusion of my remarks.

Thank you, Mr. President.

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

S. 210

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

At the appropriate place, insert the following new section:

SEC. TAX-EXEMPT INTEREST EXCLUDED IN DETERMINING AMOUNT OF SOCIAL SECURITY BENEFITS TO BE TAXED.

(a) IN GENERAL.—Paragraph (2) of section 86(b) (defining modified adjusted gross income) is amended to read as follows:

"(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income determined without regard to this section and sections 221, 911, 931, and 933.".

(b) The amendments made by subsection (a) shall take effect as if included in the amendment made by section 121(a) of the Social Security Amendments of 1983.

By Mr. PROXMIRE:

S. 211. A bill to amend the Agricultural Act of 1949 to extend the Milk Diversion Program and to remove the authority of the Secretary of Agriculture to modify the price support rate for milk; to the Committee on Agriculture, Nutrition, and Forestry.

MILK DIVERSION PROGRAM SHOULD CONTINUE

Mr. PROXMIRE. Mr. President, today I am introducing legislation that will give new life to a program that is

one of the true success stories of recent years—the Milk Diversion Program [MDP].

Before describing what my bill will do and why it merits widespread support, let me recount briefly recent dairy legislative history. What follows is a short summary of key dairy provisions of the Dairy and Tobacco Adjustment Act of 1983, which was signed into law by President Reagan on November 29, 1983.

Right off the bat, the new law lowered the dairy price support level from $13.10 per hundredweight to $12.60 per hundredweight. This cut became effective December 1, 1983, and continues through September 30, 1985.

Prior to the cut provided for in the new law, the dairy price support level had been frozen at $13.10 per hundredweight since October 1, 1980. From that date up to December 1, 1983, there was absolutely no increase in the price support level. During that period, of course, most costs facing dairy farmers climbed upward.

The new dairy law also required another 50-cent-per-hundredweight reduction—this one to come from the price of all milk sold from December 1, 1983, through March 31, 1985, with the money to be used by the Commodity Credit Corporation [CCC] to help pay for a dairy diversion program.

Under the paid diversion program established in the new law, a $10-per-hundredweight diversion payment goes to dairy farmers who cut production between 5 and 30 percent from an earlier base period.

I should point out that I supported then—and continue to support—the paid diversion concept for dairy farmers. That approach was, in fact, the cornerstone of the dairy bill which I introduced, along with others in the Wisconsin congressional delegation, in February of 1983.

But there was one major difference between my bill and the new dairy law. My bill was designed to go into effect no later than April 1, 1983, and expire on September 30, 1985. This would have provided a full 30 months for my plan—known as the Voluntary Incentive Program [VIP]—to work.

In contrast, the new dairy law created a paid diversion program that runs from January 1, 1984, through March 31, 1985, which is 15 months or exactly half the period that my bill called for.

There is another important—and, in my view, ill-conceived—provision in the Dairy and Tobacco Adjustment Act of 1983. Under the terms of this law, on April 1, 1985—the day after the paid diversion program ends—the dairy price support level may be cut another 50 cents per hundredweight if estimated annual CCC purchases exceed 6 billion pounds milk equivalent. And on July 1, 1985, dairy price supports may be cut by yet another 50 cents per hundredweight if estimated annual CCC purchases exceed 5 billion pounds milk equivalent.

Finally, the new law prescribed a mandatory assessment of 15 cents per hundredweight for dairy product promotion, research, and nutrition education while allowing up to 10-cents-per-hundredweight credit for qualifying State or regional promotion programs.

What does the legislation I am introducing today provide? Under the terms of my bill, a new 12-month paid diversion program would be available to all dairy producers—those now participating as well as all others—as of April 1, 1985. The current program, as noted earlier, ends on March 31, 1985. The terms and conditions of the new diversion program, including its voluntary nature, would be the same as those of the current program.

There are several compelling reasons why my bill establishes a 12-month program—from April 1, 1985, to March 31, 1986. Many dairy farmers, especially those not a part of the original program, would not be interested in signing up for a shorter time period. By providing for a 1-year program, I hope to stimulate greater participation by producers. In addition, the diversion program we have now is a rousing success. A full year of further reductions in our dairy surplus and the related taxpayer expenditures for buying and storing it strikes me as very sound public policy.

And finally, there is no guarantee that the 1985 farm bill, with whatever new dairy program it may contain, will be passed by the Congress and signed into law by the target date of October 1, 1985. One need only recall that two of the last four farm bills—all with the same hoped for enactment date of October 1—were not signed into law until after October 1. And the 1981 farm bill, the most recent one, did not become law until December 22 of that year. A 12-month diversion program helps ensure predictability and continuity in our Federal dairy policy. Those drafting the 1985 farm bill can simply take into account the new diversion program provided for in my bill and hopefully enacted into law well before April 1, 1985.

My bill contains one more vital provision: It eliminates the authority in current law for further price support cuts on April 1 and July 1 of this year. Our present diversion program is working without these additional price support cuts. The same would be true for the new program set forth in my bill. More price support cuts in 1985 would only hurt dairy farmers while helping no one else.

Why do I say the current Milk Diversion Program is working and fully justifies a second life of another 12 months that my bill would make possible? Mr. President, the evidence is overwhelming.

The Milk Diversion Program was designed to bring about reductions in three related areas: First, milk production; second, CCC purchases; and third, Federal Government costs. It has met these objectives with flying colors. Consider the following facts.

Milk production during calendar year 1983 reached a record 140 billion pounds, an increase of 3.1 percent, 4.2 billion pounds, over 1982. In each quarter of 1983, milk production was marked by year-over-year increases of approximately 3 percent. But production in each of the first three quarters of 1984 was lower than the corresponding period for 1983, with July-September 1984 down 3.9 percent compared to the year-earlier figure and almost 1 percent below the third quarter of 1982.

Lower milk production has translated into reduced CCC purchases. For calendar year 1984, it is estimated that CCC net purchases will total about 8.5 billion pounds in contrast to the 1983 figure of 16.8 billion pounds. Talk about getting the job done—clearly, this is it.

But wait, there's more. Using data on a calendar-year basis can be somewhat misleading. The diversion program did not go into effect until January 1, 1984. January was the sign up month for producers and little reduction in milk production was taking place during that time. Remember, too, that 1984 was a leap year and the additional day in February meant more milk production.

What this means is that the success of the Milk Diversion Program in bringing about reduced CCC purchases is seen even more dramatically when one compares those purchases during April through September of 1984 with the corresponding period in 1983. That comparison is as follows:

April-September 1984 as percent of April-September 1983

Product:	
Butter	25.1
American cheese	55.3
Nonfat dry milk	62.3

For September, the following comparison can be made:

September 1984 as percent of September 1983

Product:	
Butter	
American cheese	18.9
Nonfat dry milk	44.6

From the beginning, October 1, 1984, of the 1984-85 marketing year through December 28, 1984, the comparison reveals the following:

1984-85 as percent of 1983-84

Product:	
Butter	19.6
American cheese	26.8
Nonfat dry milk	50.0

On a milk equivalent, fat solids basis, CCC purchases from October 1, 1984, through December 28, 1984, are 24.5 percent of the same period a year ago.

What does this spectacular record of reducing CCC purchases mean in terms of lower Federal costs for the dairy program? Mr. President, here again, the outcome demonstrates the total effectiveness of the Milk Diversion Program in meeting its aims.

A final breakdown of CCC costs for the Dairy Price Support Program for the 1983-84 marketing year, which corresponds to fiscal year 1984, is not yet available. But reliable estimates indicate that net program outlays for the 1983-84 marketing year will be about $1.5 billion. This includes product purchases, storage, transportation, and other costs and also reflects receipts from sales and transfers during the year. The comparable figure for the 1982-83 marketing year, fiscal year 1983, exceeds $2.5 billion. A claim of a $1 billion cost reduction is fully supportable. By any definition, this is a super cost turnaround. And the Milk Diversion Program was the prime factor in cutting these Government costs by a billion dollars—in fact, a little more than that—in fiscal year 1984 even though it was operational for only 9 months during that period.

One more crucial point about the Milk Diversion Program deserves special mention. The diversion payments made to producers who reduce marketings are funded to the tune of 90 to 95 percent by the 50-cent-per-hundredweight assessment levied on all milk marketed by dairy farmers. This is a self-help program in the fullest sense of the term.

Let me again also remind my colleagues that the Milk Diversion Program is wholly voluntary. Individual producers are free to choose whether or not to participate.

Has the consumer suffered in any way as a result of the Milk Diversion Program? Absolutely not. Retail dairy prices are expected to average about 253.3—1967 equaled 100—for 1984, an increase of 1.4 percent over 1983. Estimates are that retail prices for all foods in 1984 will average approximately 4 percent higher. Retail price projections for 1985 include the following: Dairy products, unchanged to 2 percent higher; all food items, 2 to 5 percent higher; and all retail items, 3 to 7 percent higher.

Mr. President, what happens if we do not have a new Milk Diversion Program in place as of April 1, 1985? We run the serious risk of dairy farmers beginning to produce more in an effort just to stay even. This, in turn, opens the way to increasing CCC purchases and rising taxpayer expenditures.

For this Senator, the choice is clear. Go with a proven success. The Milk Diversion Program should continue. The Senate should act—and act promptly—to pass my bill.

Mr. President, I ask unanimous consent that a copy of my bill be printed at this point in the RECORD.

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

S. 211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)) is amended—

(1) by striking out ", except that—" in paragraph (1)(B) and all that follows through the end thereof and inserting in lieu thereof a period;

(2) by striking out "1985" in paragraph (2)(A)(i) and inserting in lieu thereof "1986";

(3) in the first sentence of paragraph (3)(A)—

(A) by striking out "shall," and inserting in lieu thereof "shall (i)"; and

(B) by striking out the period and inserting in lieu thereof ", and (ii) not later than April 1, 1985, provide for a milk diversion program under which the Secretary shall offer to enter into a contract, at any time up to May 1, 1985, with any producer of milk in the United States for the purpose of reducing the quantity of milk marketed by the producer for commercial use during the twelve-month period beginning on April 1, 1985.";

(4) by striking out "(i)" and "(ii)" in the second sentence of paragraph (3)(A) and inserting in lieu thereof "(I)" and "(II)", respectively; and

(5) by striking out "(with" each place it appears in the second sentence of paragraph (3)(F) and inserting in lieu thereof "(in the case of a fifteen-month diversion contract, with".

By Mr. D'AMATO:

S. 212. A bill to make permanent the prohibition of credit card surcharges; to the Committee on Banking, Housing, and Urban Affairs.

PROHIBITION OF CREDIT CARD SURCHARGES

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to impose a permanent ban on credit card surcharges. I introduced identical legislation in the 98th Congress. The House approved a permanent ban on credit card surcharges in 1984. However, the Senate supported the imposition of surcharges on the use of credit cards and eliminates the opportunity for cash discounts.

Action on this issue in the 98th Congress was based on a flawed Federal Reserve study which assumed that cash customers subsidize those using credit cards. Nowhere did that study compare, or even recognize, the costs to merchants of accepting other means of payment such as cash or checks.

In addition, the study did not consider the effect credit card use has on the volume of sales and the resulting economies of scale realized by merchants—savings which reduce the cost of all goods and services to consumers. I have addressed both of the faults of the Fed study, at length, during previous debates on this issue and, therefore, I will not belabor them today. This does not mean, however, that the inadequacies of this study are any less glaring.

The cash discount system has provided, for over a decade, ample opportunity for merchants to pass on any costs of credit card use to those who actually use credit cards. Tampering with this system will be yet another example of Congress trying to fix something that is not broken.

It is my firm belief that credit card surcharges will penalize the 7 out of 10 American consumers who carry one or more of the 600 million credit cards now in circulation in the United States. These consumers value the convenience and security of credit cards, which are often used by middle-income Americans to budget, over a period of time, payment for necessary goods and services or, perhaps, an occasional luxury item. These people should not be slapped with a surcharge, which is no more than an inflationary penalty, returning no value to consumers whatsoever.

Consumers across America are rallying for Congress to enact a permanent surcharge ban. I urge you to hear the call of the American consumer by cosponsoring this permanent ban legislation. With your support, we may be able to quickly revisit the surcharge issue, either independently or as an addendum to other legislation pending in the Senate.

Mr. President, I ask unanimous consent that my legislation be reprinted in the RECORD in its entirety at the conclusion of my remarks.

Thank you, Mr. President.

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

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(c)(2) of Public Law 94-222 (15 U.S.C. 1666f note) is repealed.

By Mr. D'AMATO:

S.J. Res. 17. Joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 28, 1985 as "Jewish Heritage Week"; to the Committee on the Judiciary.

JEWISH HERITAGE WEEK

● Mr. D'AMATO. Mr. President, as Americans, we can be proud of the diverse culture which we share. The richness of our cultural heritage results from the ideals and values brought to our shores by people of many races and religions.

Among these immigrants, members of the Jewish community contributed significantly to the spiritual and cultural growth of our Nation. These individuals, along with their descendents, have brought distinction and honor to every field of endeavor, including the arts, humanities, and sci-

ences. Our Jewish citizens have fought and died to preserve and protect the freedom for which this great country stands.

The Jewish people cherish a tradition and a culture which spans the course of many thousands of years. Their perseverance through the many tests of time has made the Jewish community a vital asset to the United States.

During each spring, Jews throughout the United States and around the world observe a number of significant dates. Beginning with the observance of Passover, which commemorates their passage from bondage to freedom, along with the observance of the anniversary of the Warsaw Ghetto uprising and concluding with the celebration of Israeli Independence Day, American Jews rededicate themselves to the concepts of liberty, equality, and democracy.

In recognition of the untold contributions of Jews, who have become an integral part of the American heritage, I am introducing the following resolution requesting that the President designate April 21 through April 28, 1985, as "Jewish Heritage Week." I urge my colleagues to join me in cosponsorship of this important resolution.

Mr. President, I ask unanimous consent that this joint resolution be printed in the RECORD.

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

S.J. RES. 17

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.●

By Mr. MATSUNAGA (for himself, Mr. PROXMIRE, and Mr. SIMON):

S.J. Res. 18. Joint resolution relating to NASA and Cooperative Mars Exploration; to the Committee on Foreign Relations.

COOPERATIVE MARS EXPLORATION

Mr. MATSUNAGA. Mr. President, I rise to introduce a joint resolution pertaining to a distant planet that has fascinated the human species since our earliest ancestors first contemplated the heavens—Mars.

Some of my colleagues may wonder: Has the Senator from Hawaii lost his senses? Here the U.S. Senate convenes to address a veritable avalanche of pressing issues—tax reform, the deficit, defense spending, arms control, unemployment, crime, human rights, environmental regulation, Central America, Afghanistan, the Middle East, farm policy—and the Senator from Hawaii talks about Mars?

But Mr. President, I believe we also have a duty to try to see beyond the cascading issues that engulf us daily, even while we are considering them. No one likes to be called a reactionary, but if we simply react to problems as they occur, what else are we? Too often, it seems, harried policymakers only have time to consider the future when she has nothing to offer because the encroaching present has already violated her potential.

I don't accept that, Mr. President. I can't and I won't. I don't believe the American people sent us here only to respond to their immediate needs. I believe our constituents also hope that some day, perhaps, we will respond to their aspirations as well, and not merely by concluding our speeches with misty visions borrowed from greeting cards or uplifting quotes from folklore. The future is neither nostalgia nor a dream but an unfolding concrete reality, filled with promise, meant to be acted upon pragmatically now, with inteiligence and imagination, by those of us who are entrusted with the responsibilities of Government.

It is in that spirit, Mr. President, that I rise to introduce a joint resolution pertaining to the planet Mars, which I ask unanimous consent to include in the RECORD.

Mr. President, as the preambular clauses in my resolution indicate, the prospect of another costly and wasteful space race with the Soviets is anything but science fiction. At a Senate Foreign Relations Committee hearing last September 13, a panel of U.S. space scientists testified unanimously that the Soviets were going to Mars, perhaps as early as the 1990's. The evidence is convincing. The Soviets' record-setting achievements in long duration flight (nearly 8 months, most recently) can only be justified as preparation for an interplanetary mission, since space stations, including the one we are planning, are most efficiently serviced by rotating crews; whereas missions to the Moon can be completed in a few days. Similarly, the heavy-lift launch vehicle the Soviets are developing, which vastly exceeds our capabilities, is a requisite building block for manned interplanetary exploration. Other indications, including an already-scheduled unmanned mission to the Mars moon Phobos, plans for high-powered nuclear rocket engines, and numerous other activities and pronouncements by officials of the Soviet Government, point in the same direction. Are we setting ourselves up for another Sputnik? Many experts believe so.

We can, of course, wait characteristically until the last minute, then launch a crash program to beat the Soviets to Mars, at stupendous cost. And after that, Neptune? Pluto? The next galaxy? Even in the context of our selfperpetuating "real world" we cannot anticipate racing the Soviets into a cosmic infinity.

As the space age unfolds, it is generating new realities, and new opportunities, unlike any imaginable heretofore. Cosmic is no metaphor out there. Only fantasists talk about riding through space planting flags and defending trade routes with rocket ships. Realists recognize that the sheer immensity of space generates requirements for survival that, ultimately, will force the superpowers to cooperate. At a certain point, anything other than international exploration of the cosmos from our tiny planet will cease to make any sense at all. In our intense absorption with events of the moment, we have failed to recognize how close to that point we really are.

But before we can reach it, we must develop policies that respond to the unfolding realities of the space age, that move out to meet it on its own uniquely promising terms. Without such policies, earthbound civilization can only wind up recoiling upon itself. It is not often remarked, Mr. President, that the so-called space weapons systems currently under development will reach scarcely above the atmosphere before turning and pointing their deadly cargo back down upon the Earth. Regardless of their merits, those systems are irrelevant to the challenge of space exploration. For that compelling reason alone, it is in our interest to develop a separate track for international space exploration, even as we negotiate with the Soviets at Geneva and strengthen our defenses at home. It would permit us to test a new context for political action without letting down our guard in the context which currently prevails. As it happens, the planet Mars offers an initial guiding step in that direction.

Toward the end of this decade an unusual convergence in space exploration will occur. In 1988, the U.S.S.R. will launch an unmanned scientific mission to the Mars moon Phobos. In 1990, the United States will launch its Mars Geochemical/Climatology Orbiter. It makes no sense not to coordinate

the two scheduled missions, so as to insure maximum scientific return. But, due to long lead times for such activities, meaningful cooperation cannot be achieved unless action is taken within the next few months. My resolution proposes that the President direct the Administrator of NASA to explore the opportunities for coordinating the two Mars missions while there is still time, in the context of the administration's committed effort to renew the U.S.-U.S.S.R. space cooperation agreement in accordance with legislation the President signed last October 30. Due to the time sensitiveness and the technical complexities involved, it is entirely fitting that NASA take on this responsibility, in consultation with the Department of State. Coordinating the 1988 and 1990 Mars missions—which would require no technology transfer on either side—represents an opportunity that deserves the highest priority. Among other things, it could open the way to a wider range of cooperative activities in other areas of space science, such as solar-terrestrial physics, astrophysics and plasma physics. And, of course, it would set the stage for further collaboration in the exploration of Mars.

With the preceding in mind, my resolution also proposes that NASA prepare a report examining the opportunities for joint East-West Mars-related activities, including an unmanned sample return and all other activities that might contribute to an international manned mission to Mars, perhaps at the turn of the century. I should point out, Mr. President, that Mars contingency planning is nothing new at NASA. My resolution notes that the original target of American space planners was the planet Mars—not the Moon, which the White House decided upon for political reasons—and that Mars was subsequently advanced as a logical follow-up to the Apollo Moon Program, but this time it was rejected for budgetary reasons. Designs for Mars missions have been percolating on NASA's backburners for 25 years. I understand that even now NASA may be gearing up for yet another manned Mars mission study, in keeping with the President's admirable intention to establish goals beyond the space station that will carry us well into the next century. In effect, my resolution suggests that such a study also encompass the possibilities for U.S.-U.S.S.R. cooperation, so we can at least consider that option alongside the alternative of an absurdly wasteful U.S.-U.S.S.R. race to Mars, while we still have a choice.

In sum, Mr. President, my resolution does two things. On the one hand, it urges policymakers to exploit an immediate opportunity for space cooperation. On the other hand, it casts that opportunity in the context of requirements generated by an almost unimaginably expansive new age that promises to render many aspects of current thought and action obsolete, if we manage to keep human civilization intact long enough to enter it. I hope we will devote greater consideration to devising ways to take advantage of those uniquely promising opportunities on the horizon, even as we now stand on the brink. If successful, we will earn the gratitude of future generations—indeed, of whole new worlds.

Mr. President, for all those reasons, and others which I have enumerated elsewhere, I believe the U.S. Congress has a duty to include in its deliberations joint peaceful exploration of space, beginning with the planet Mars.

Mr. PROXMIRE. Mr. President, will the distinguished Senator from Hawaii yield?

Mr. MATSUNAGA. Mr. President, I am happy to yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. First, Mr. President, I ask permission of the Senator from Hawaii to be cosponsor of this resolution.

Mr. MATSUNAGA. I am happy to have the Senator join.

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

Mr. PROXMIRE. Mr. President, I want to congratulate the Senator from Hawaii on this resolution, an excellent resolution.

It is a way of proceeding in space economically, saving enormous sums of money, No. 1, cooperating with the Soviet Union in a way that is constructive and positive, and in a way that can help us work in the direction of peace.

Then there is one other element that I think we ignore. That is if we do these things internationally, I would hope the Senator could also eventually broaden this to include other nations—Japan, West Germany, France, and so forth. To the extent we do this, it ratifies what we are doing in space. None of us in this body or in the House of Representatives is expert enough to evaluate these programs. If other countries will put their hard money into it, I think it is an indication that these programs are useful.

Certainly, as Carl Sagan has said, this kind of activity has no military implications, only peaceful implications, enormous implications for the future.

What the Senator is proposing today makes a great deal of sense from the standpoint of peace, economy, and proceeding with programs that are scientifically valid. I congratulate him.

Mr. MATSUNAGA. I thank the Sentator from Wisconsin for his comments, especially in the light of the fact, an accepted truth, that he has been the watchdog of the Federal Treasury, of Federal expenditures. For him to join and to make the statement he just made is truly a big boost to the prospect of the passage of my joint resolution. I am happy to include him as a cosponsor.

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

S.J. RES. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, Whereas President Reagan has called upon NASA to develop concrete goals beyond the space station that "will carry us well into the next century";

Whereas the original objective of United States space planners in the 1950's was the planet Mars, but it was replaced by a lunar mission for political reasons;

Whereas in 1969, members of a Presidential task force again recommended a manned Mars mission as a logical follow-up to the successful Apollo program, with that mission to be launched from a space station, but it was rejected for bugetary reasons;

Whereas a manned Mars mission is within the reach of existing technology and could be carried out at an estimated one-half of the cost of the Apollo program in constant dollars;

Whereas the U.S.S.R. has made known that Mars is the objective of its manned space program;

Whereas recent Soviet successes in long duration space flight and Soviet development of a heavy-lift launch vehicle that far exceeds United States capabilities have been accompanied by authoritative reports that the Soviets are actively preparing for a manned Mars mission, for perhaps as early as the 1990s;

Whereas a U.S.-U.S.S.R. race to Mars would involve massive wasteful expenditures and redundancies that would be contrary to the best interests of all parties concerned;

Whereas Mars exploration is of immense scientific and social significance but without significance in terms of space weapons development;

Whereas the United States and the U.S.S.R. have scheduled unmanned scientific missions to Mars for this decade, but those missions have not yet been coordinated to insure maximum scientific return;

Whereas on October 30, 1984, the President signed a resolution passed unanimously by both Houses of Congress calling for renewal of the U.S.-U.S.S.R. space cooperation agreement that was allowed to lapse in 1982: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President, as part of his committed effort to renegotiate the U.S.-U.S.S.R. space cooperation agreement, should direct the Administrator of NASA, in consultation with the Secretary of State, to:

(1) explore the opportunities for cooperation on an already-scheduled Soviet mission to the Mars moon Phobos in 1988 and an already-scheduled United States Mars Geochemical/Climatology Orbiter mission in 1990, to insure maximum scientific return from both missions;

(2) prepare a report, in association with nongovermental space scientists, examining the opportunities for joint East-West Mars-related activitives, including an unmanned Mars sample return and all activities that might contribute to an international manned mission to Mars;

(3) submit to the Congress at the earliest practicable date, but no later than October 1, 1985, a report detailing the steps taken in carrying out paragraphs (1) and (2).

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BYRD, his name was added as a cosponsor of S. 11, a bill to amend the Steel Import Stabilization Act.

S. 15

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment, and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances.

S. 42

At the request of Mr. NICKLES, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of S. 42, a bill to facilitate the efficient use of barter in managing agricultural commodities and the stocks of the National Defense Stockpile.

S. 46

At the request of Mr. HELMS, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 46, a bill to amend the Civil Rights Act to protect the lives of unborn human beings.

S. 47

At the request of Mr. HELMS, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 47, a bill to restore the right of voluntary prayer in public schools and to promote the separation of powers.

S. 70

At the request of Mr. INOUYE, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 70, a bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer.

S. 88

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1954 to provide that restrictions on the allowance for depreciation and the investment credit for property leased by a tax-exempt entity not apply to certain correctional facilities leased by State and local governments.

S. 89

At the request of Mr. INOUYE, the names of the Senator from Montana [Mr. MELCHER], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 89, a bill to recognize the organization known as the National Academies of Practice.

S. 91

At the request of Mr. D'AMATO, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 91, a bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States.

S. 142

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Florida [Mr. CHILES] were added as cosponsors of S. 142, a bill to promote the safety of children receiving day care services by establishing a national program for the licensing of child day care providers, establishing a clearinghouse for information with respect to criminal records of employees of day care centers and establishing a hotline for reporting of abuse of children receiving day care services, and for other purposes.

S. 154

At the request of Mr. INOUYE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 154, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts for use by the U.S. Olympic Committee.

S. 176

At the request of Mr. PROXMIRE, the names of the Senator from South Dakota [Mr. ABDNOR], and the Senator from Iowa [Mr. GRASSLEY], the Senator from Arizona [Mr. DECONCINI], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 176, a bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining facilities.

S. 192

At the request of Mr. INOUYE, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 192, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit distribution of certain State-inspected meat and poultry products, and for other purposes.

SENATE RESOLUTION 29

At the request of Mr. BYRD, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Resolution 29, a resolution to improve Senate procedures.

SENATE RESOLUTION 39—RELATIVE TO THE DEATH OF REPRESENTATIVE GILLIS LONG, OF LOUISIANA

Mr. SIMPSON (for Mr. LONG) submitted the following resolution; which was considered and agreed to:

S. RES. 39

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Gillis Long, late a Representative from the State of Louisiana.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 40—RELATING TO TERMINATION OF DEFENSE AND SECURITY TREATIES

Mr. GOLDWATER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 40

Resolved, That it is the sense of the Senate that, consistent with the role of the Senate in the making of treaties and the advice and consent power of the Senate under article II, section 2, clause 2 of the United States Constitution, and in order to improve the effectiveness of treaties to which the United States is a party and to uphold the reputation of the United States as a treaty partner, the United States shall not be considered as having terminated or withdrawn from any defense or security treaty, unless—

(1) the Senate has given its advice and consent, or both Houses of the Congress have agreed, to such termination or withdrawal, or

(2) such treaty or the resolution of ratification of such treaty specifically provides that the President acting alone may determine for the United States that such treaty is terminated.

SEC. 2. It is further the sense of the Senate that whenever the President—

(1) gives notice, on behalf of the United States, to any foreign government, foreign entity or international organization, of an intention to terminate or withdraw from any defense or security treaty to which the United States is a party, or

(2) determine that any such treaty has lapsed or expired, or been voided by breach of another party, or

(3) determines that the operation of any such treaty is inoperative or suspended with respect to the United States—

the President, as soon as practicable under the circumstances, should prepare and transmit to the President pro tempore of the Senate a report setting forth the substance of such notice or determination.

Mr. GOLDWATER. Mr. President, once again I am introducing a resolution to put the Senate on record relative to the constitutional role which the framers intended this body to have in the termination of major treaties, especially treaties of mutual defense and military alliance. The measure accommodates the functions and interests of both the President and Senate.

The resolution expresses the position of the Senate that a formal defense or security treaty shall not be considered as having finally terminated under the laws of the United States at the initiative of our Nation, unless and until there is some manner of legislative participation in that decision.

The resolution recognizes that the President has a choice in seeking the manner of legislative action. He may ask the Senate to give its advice and consent to termination of a treaty which the Senate participated in making, or he may choose to ask both Houses of Congress to concur in or ratify his action.

Also, the resolution takes account of the possibility that the text of the treaty itself, or the resolution of ratification of a treaty, may specifically provide that the President acting alone is authorized to determine for the United States that the treaty is terminated. There are no such treaties now.

The second section of the resolution declares that the President should inform the Senate whenever he gives notice, on behalf of the United States, to any foreign government or entity or international body, of intention to terminate or withdraw from any defense or security treaty. In recognition of the fact that the great majority of treaties end by reason of actions taken by other governments, the resolution also states that the President should inform the Senate whenever he determines that a treaty has lapsed or expired, or become void. For example, a foreign government may inform us that it intends to end a treaty. Or, a treaty may expire by its own terms after its purposes have been fully satisfied. Or, it may become impossible to carry out the treaty because of changed international conditions.

Mr. President, I wish to emphasize that the resolution does not attempt to deny the President any constitutional authority he may possess to consider a treaty as having terminated in these circumstances. Also, the President can decide that a treaty is temporarily suspended. Obviously, there are situations where treaties cannot be given effect as black letter law, such as our present treaties with Iran or Cuba.

Moreover, I would especially call attention to the fact that nothing in the resolution denies the President an opportunity to decide that a treaty is no longer valid for the United States because there has been a serious violation by a treaty partner. One of the oldest principles of contract or treaty law is that a breach on one side discharges the other. In this situation, it is not the President who terminates the treaty for the United States. It has already been broken and terminated by another party.

If the evidence establishes, for example, that the Soviet Union has violated the 1972 Antiballistic Missile Treaty and the President determines that the violation imperils the national security, nothing in the resolution would deny the President authority to declare the treaty void, inoperative or suspended.

Rather, Mr. President, the basic purpose of the resolution is to address the rare but critical situation in which the Executive at his sole initiative decides to abrogate a treaty with a friendly, loyal treaty partner who wishes to keep the agreement alive.

My colleagues will remember that I first raised the issue of treaty termination when former President Carter abrogated the Mutual Defense Treaty with the Republic of China. His action was unprecedented in U.S. history.

Within a week after President Carter announced his decision to terminate this treaty, I filed suit in the Federal courts with 60 other Members of Congress challenging the constitutionality of his action. That lawsuit was considered at all three levels of the Federal judiciary. The district court upheld my challenge and declared the President's action unconstitutional. However, the court of appeals, by a 4-to-1 vote, supported the President's authority to unilaterally end the treaty.

Then the Supreme Court overturned the court of appeals. The High Court granted certiorari and vacated the decision by the court of appeals. Although the Supreme Court did not reach the basic constitutional issue concerning the allotment of the treaty termination power, it is clear that its final decision left the President without any judicial approval of his claim of unilateral authority.

The plurality opinion by four members of the Supreme Court in Goldwater versus Carter stated that treaty termination must be resolved among the legislative and executive branches themselves, without judicial intervention. The plurality opinion characterized the case as a political question involving a dispute between co-equal branches of our Government, each of which has resources available to protect and assert its interest.

In other words, the Supreme Court has invited a legislative response to the subject. If we are interested in protecting our power under the Constitution, it is up to us personally to assert that interest.

Mr. President, the Republic of China Defense Treaty is now behind us but there are numerous other defense and security treaties, both bilateral and multilateral, which may present the identical issue. The Library of Congress has identified at least 17 international agreements of this kind and I ask unanimous consent that a list of these treaties shall appear in the RECORD at the end of my remarks.

The flaw in the Supreme Court plurality opinion is that a treaty will, for all practical purposes, be terminated before Congress can do anything about it. If the courts refuse to take jurisdiction, no one can stop the termination of the treaty once any grace period of prior notice called for in the treaty has ended. Congress can deny all funds to operate the State Department. The treaty will still not exist. Once it is terminated, it is wiped off the slate. Congress does not have the ability to keep a treaty alive that is already terminated; nor can the Senate make a new treaty by itself.

The subject should not be left to case-by-case development whenever the next crisis arises. The Senate should act now to express our position on the constitutional law which governs the termination of defense and security treaties.

By adopting a formal resolution, we will likely confer standing on the Senate to contest any future unilateral termination by a President of a military treaty. If a difference arises between the President and the Senate, a prior declaration by the Senate as a coequal treaty making power may persuade a majority of the Supreme Court to change its mind on application of the political question doctrine.

Most likely, however, the adoption of the resolution will encourage the Executive and Senate to work in unison on the subject.

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

MULTILATERAL COLLECTIVE SECURITY TREATIES

Convention on the provisional administration of European colonies and possessions in the Americas, concluded July 30, 1940.

Charter of the United Nations, concluded June 26, 1945.

Inter-American treaty of reciprocal assistance, concluded September 2, 1947.

North Atlantic treaty, concluded April 4, 1949.

Security treaty (ANZUS Pact, Australia, New Zealand, and United States), concluded September 1, 1951.

Protocol to the North Atlantic Treaty on the accession of Greece and Turkey, concluded October 17, 1951.

Agreement between the parties to the North Atlantic Treaty regarding the status of their forces, concluded June 19, 1951.

Agreement on the North Atlantic Treaty Organization, national representatives, and international staff, concluded September 20, 1951.

Protocol on the status of International Military Headquarters, concluded August 28, 1952.

Southeast Asia collective defense treaty, concluded September 8, 1954.

Protocol to the North Atlantic Treaty on the accession of the Federal Republic of Germany, concluded October 23, 1954.

Protocol of amendment to the Inter-American Treaty of Reciprocal Assistance, concluded July 26, 1975.

Protocol to the North Atlantic Treaty on the accession of Spain, concluded December 10, 1981.

BILATERAL SECURITY TREATIES

Mutual defense treaty with the Philippines, concluded August 30, 1951.

Mutual defense treaty with Korea, concluded October 1, 1953.

Treaty of mutual cooperation and security with Japan, concluded January 19, 1960.

Treaty concerning the permanent neutrality and operation of the Panama Canal, concluded September 7, 1977.

SENATE RESOLUTION 41—RELATIVE TO THE FUNDS OF THE ECONOMIC DEVELOPMENT ADMINISTRATION

Mr. HOLLINGS (for himself, Mr. BUMPERS, Mr. BINGAMAN, Mr. SASSER, Mr. PRYOR, Mr. SARBANES, Mr. STENNIS, Mr. FORD, Mr. BYRD, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. NUNN, Mr. LEVIN, Mr. RIEGLE, Mr. BURDICK, Mr. DIXON, Mr. EAGLETON, Mr. BRADLEY, Mr. LEAHY, Mr. GLENN, and Mr. JOHNSTON): submitted the following resolution; which was referred to the Committee on Appropriations.

S. RES. 41

Whereas unemployment in the United States was still at the intolerable rate of 7.2 percent for December 1984, and that unemployment was above 12 percent in 748 counties of the Nation on that date, and unemployment was 18.8 percent among youth, including 42.1 percent among black youth;

Whereas the Economic Development Administration has proven an effective instrument in assisting communities, particularly rural areas, in their efforts to develop job opportunities;

Whereas the administration's alternatives to the assistance provided by the Economic Development Administration have not been enacted by the Congress so there is nothing in place to assist those areas who are beyond the national economic mainstream; and

Whereas the administration proposes to rescind $179,000,000 of the $200,000,000 appropriated in fiscal year 1985 for the "Economic Development Assistance Programs" administered by the Economic Development Administration, when there are so many communities in desperate need for development assistance and have no alternative source of such assistance: Now, therefore, be it

Resolved, That the Senate hereby urges the President to reconsider the rescission of the funds for "Economic Development Assistance Programs" and to make the full amount available for obligation in fiscal year 1985.

Mr. HOLLINGS. Mr. President, as we celebrate the inauguration of the President today, we also mark the beginning of the fifth annual battle to save the Economic Development Administration. Shortly after President Reagan's first inauguration, he submitted his revisions to President Carter's budget. Those proposals included a rescission to half the funds already appropriated to EDA for fiscal 1981 and no funding for fiscal year 1982. Every Reagan budget has called for the elimination of EDA.

Congress has reduced EDA to a $200 million a year program, but has rejected all the administration's efforts to terminate this program. The Congress appreciates that EDA is one of the few programs that rural areas, such as Marion, SC, with its 15-percent unemployment, can look to for help in creating the permanent job opportunities they sorely need. The White House says that the national economic growth and their still unenacted, enterprise zones can replace EDA, but they'll be no enterprise zones for Marion and the other American communities outside the economic mainstream.

The Senate will recall that in 1983 the administration proposed deferring the funds appropriated to EDA. They wanted to put the money in the freeze in order to use the money to pay off the SBA guaranteed business loans that went into default during the 1982 recession. We resisted that move by passing Senate Resolution 49, which I introduced with 51 cosponsors.

Mr. President, once again the administration plans to dismantle the Economic Development Administration. While the widely distributed Stockman "freeze plus options" propose EDA for termination in fiscal 1986, the Department of Commerce has jumped the gun and also cut off the funding appropriated for fiscal 1985. On January 8, action was taken to impound $179 million of the $200 million appropriated for EDA's "economic development assistance programs." These programs provide assistance to our communities in the form of public works grants, planning and technical assistance, and economic adjustment grants.

This Senator takes a back seat to no one in the effort to reduce the Federal deficit. I will not repeat our freeze proposal that will reduce the deficit to $29 billion by fiscal 1989, but that is based on a "freeze" and not a "termination" of necessary Federal programs, Mr. Stockman proposes a freeze plus, with plus meaning more for Defense and termination of EDA, SBA, Appalachia, and other domestic programs.

Last year when we enacted the Commerce, Justice and State appropriations bill, Mr. Stockman gave it his blessing and President Reagan signed the bill into law. Before the election the Department of Commerce assured us that all the appropriations had been made available to EDA, NOAA, and so forth, and that nothing was held back. Now that the election is over, we find the budget officer of EDA issuing a document indicating $179 million is no longer available for obligation in order to be "consistent with final departmental and OMB determinations."

Mr. President, there are 748 counties in the United States with more than 12 percent unemployment. Furthermore, unemployment among youth is 18.8 percent, and 42.1 percent among black youth. You don't have to go to Marion to find high unemployment, just go up North Capitol Street a few blocks and ask the young people of Washington how much of the national prosperity has trickled down to them.

As the Senate knows, a rescission does not go into effect unless the Congress affirmatively passes a bill to withdraw the appropriation. In the case of the EDA I really don't expect that to happen, given Congress' past support for the program. However, under the terms of the Budget Act, the funds are impounded for 45 days of continuous session of the Congress.

Therefore it would be early April before the funds would again have to be made available, while EDA and our drowning communities tread water.

Mr. President, we should not lose this time. I am today introducing a resolution by which the Senate can call upon the President to reconsider the proposed rescission and to make the funds available. I ask unanimous consent that the resolution be printed at the conclusion of my remarks.

This resolution is submitted on behalf of myself, and Senator BUMPERS, Senator BINGAMAN, Senator SASSER, Senator PRYOR, Senator SARBANES, Senator STENNIS, Senator FORD, Senator BYRD, Senator MITCHELL, Senator ROCKEFELLER, Senator NUNN, Senator LEVIN, Senator RIEGLE, Senator BURDICK, Senator DIXON, Senator EAGLETON, Senator BRADLEY, Senator LEAHY, Senator GLENN, and Senator JOHNSTON.

ADDITIONAL STATEMENTS

MINNESOTA'S REVENGE?

● Mr. DURENBERGER. Mr. President, out of duty to my home State, I must take a moment to quash a rather distressing rumor that has been circulating around our Nation's Capital on this inauguration day. It is, indeed, disappointing that unusally frigid weather has forced the cancellation of the traditional outdoor inaugural festivities. However, let me state for the RECORD that, despite some speculation,

this unfortunate situation cannot be traced to "Minnesota's Revenge."

True, Minnesota brazenly went its own way in the most recent Presidential election. Certainly, this Senator would have chosen a different outcome at his State's polls. But Minnesota has always had a penchant for pulling out of the pack—and then expressing surprise that the rest of the pack is going the wrong way. That is part of what makes us such an endearing lot, or so I am told.

It is also true that, since the November election, Minnesota and Minnesotans have become the target of uncounted political jokes. For instance, at the CIA (in which I have taken a special interest lately), they get a chuckle out of saying, "We're not going to invade Nicaragua this week. Minnesota comes first."

But would Minnesota use any of this as an excuse to take an icy revenge on our Capital on inauguration day? Are we witnessing the opening salvo of a new cold war? Certainly not. Minnesotans are not bitter people. We have a terrific sense of humor. You have to have a good sense of humor when the temperature is pushing 90 degrees below zero. Laughing creates warmth. It is a survival instinct.

Besides, if Minnesota were to exact revenge by weather, it could do much better than this. As any Minnesotan knows, this is not really cold. Cold is when the snow squeaks underfoot. Cold is when your eyelids freeze together before you even get to the driveway. Cold is when you walk to your car from the dry cleaners and your shirts shatter. But this is more like a nice spring day in International Falls. Minnesotans have picnics in weather colder than this.

Mr. President, I do not intend to belabor this point. But allow me to remind my distinguished colleagues that last month, President Reagan was asked by the press what gift he would like for Christmas and he answered, "Minnesota." Today he got his wish.●

PAUL TSONGAS—HEADING HOME

● Mr. LEVIN. Mr. President, during the recent adjournment, I read "Heading Home," a new book written by our now former colleague, Paul Tsongas.

The book is full of insights each of us will be benefited by. Paul was confronted by a difficult choice—an almost certain second 6-year term with ongoing separations from his growing family—or heading home to that family and being with them as they grow.

His illness did not dictate his choice—his self-awareness and his priorities did.

As we all so vividly remember, he chose to head home.

As much as I shall miss him—as much as we shall all miss him and his constant integrity—I congratulate him on his choice.

His compelling story makes it more likely that his readers will make right choices—for family and for community and for home when options are open to them.●

REPRESENTATIVE GILLIS LONG

● Mr. ABDNOR. Mr. President, I join my colleagues on both sides of the aisle and in the other chamber in great sadness and regret at the death of Congressman GILLIS LONG.

I feel a great personal loss at Congressman LONG's untimely passing. As chairman and vice chairman-designate, respectively, of the Joint Economic Committee, he and I had established a close and productive working relationship. In our work together to organize the committee for the 99th Congress, I developed the greatest respect and admiration for GILLIS' abilities and dedication.

GILLIS LONG will be missed by more than the Eighth Congessional District of Louisiana, the people he represented in Congress for seven terms. He would have, I believe, been a truly fine chairman of the Joint Economic Committee, using the prestigious panel as a voice for the Americans who are overlooked and, in fact, often completely forgotten by those who determine our Nation's economic policies.

In fact, he and I had many discussions about using the Joint Economic Committee to assist the people of rural America, those who have not shared in our Nation's economic recovery. GILLIS and I represented different types of agricultural areas. His people grow cotton, rice, and sugar. We shared the belief, however, that all citizens should share in our country's prosperity, and we had dedicated ourselves to a partnership aimed at developing the innovative ideas and programs necessary to put rural America back on its feet.

GILLIS and I were both elected to the House in 1972, although he served for one term in 1963. I know that the people of central Louisiana will dearly miss his leadership abilities and the helping hand he offered them.

I offer my sincerest condolences to his wife, Mary Catherine, and their two children. I will miss him, both as a colleague and a friend.●

KEN WATSON

● Mr. DIXON. Mr. President, Ken Watson, a distinguished Illinois political reporter, and my good friend, died on December 30, 1984, in Springfield, IL.

Kenny was a truly fine human being who endeared himself to thousands with his integrity, loyalty, and good humor. We shall miss him very much.

Edward H. Armstrong, editor of the State Journal-Register and Ken Watson's colleague for 30 years, wrote the following tribute to our friend and I ask that it be printed in the RECORD.

The article follows:

A TRUE GENTLEMAN OF THE PRESS

(By Ed Armstrong)

Ken Watson was a gentleman in the truest sense of the word. So it was with a feeling of shock and sadness that friends and co-workers learned of his death in the midst of the holiday season.

I was not one of Ken's close friends who shared the daily lunch table with him at Norb Andy's, but as one who worked with him for more than 30 years, I appreciated his skill as a journalist and admired him even more as a person.

Ken appeared to be rather shy, yet he genuinely liked people. And he lived the Golden Rule, treating others the way he wanted to be treated. If he wrote critically or pessimistically, it was out of a sense of duty to be objective, not out of any vindictiveness or any desire to see bad things happen.

Ken had more tragedy in his life than most of us experience, but he seldom complained.

He was nearing 40 when he and Anne Lavin were married. They seemed to be a truly happily married couple, sharing love and respect. But within a few years Anne was stricken with cancer and she died just 10 years after they were wed.

It was perhaps three years later that on a bitter winter morning Ken came to work in obvious ill health. The late Dan Cronin insisted that Ken go to the hospital, and, over his protestations, took him there. Within hours Ken underwent surgery for replacement of a heart valve.

Eventually, he had to have that surgery repeated. Then on New Year's day of 1984 he slipped on ice in the parking lot near his apartment and suffered a broken leg.

Amidst all these personal difficulties he retained his sense of humor and was generally an optimist. He was looking forward to probable early retirement for travel and fun when fate took him all too soon.

In addition to family and friends, two things seemed most important to Ken: politics and sports. Writing about politics was his vocation; talking about it was an avocation.

His other principal avocation was rooting on Riverton High School basketball teams, University of Illinois football and basketball teams and the St. Louis baseball Cardinals.

He was such a U of I partisan that friends jokingly spread the story that he suffered his New Year's Day broken leg last year kicking his TV set because the Illini fared so poorly in the Rose Bowl.

Ken's love of sports surfaced in the similes that often appeared in his columns, comparing situations in politics and government with the fortunes or misfortunes of college and professional sports figures or teams.

His vacations frequently coincided with Cardinals vs. Cubs series in St. Louis and Chicago.

Ken was not cut out for the mechanical age into which he was born. His close friends tell stories about his problems behind the wheel of his car. I saw first hand his encounters with present day electronics.

Using the manual typewriters he grew up with, his fingers flew over the keys in fits and spurts, as he cranked out copy in a hurry on a breaking story. When we switched to electric typewriters, he typed

with the same fits and spurts as the words came to mind. He was the only person I ever knew who could type an uneven line or put one letter on top of another with an electric typewriter.

We knew that using computer terminals instead of typewriters would be a challenge for Ken, and it was—so much so that he never wrote his column on the terminal but wrote it on a typewriter then retyped it into the terminal.

But it was also Ken's assignment from time to time to edit copy for the editorial page, and that had to be done on the terminal. He met the challenge, just as he met so many other challenges in life.

All of us have our foibles. Ken had his share, but he also had a knack of laughing at himself, and the rest of us laughed with him, not at him. He had much pride but little vanity.

I'm sure many readers miss his analyses and evaluations from "under the statehouse dome," but even more than his work, we who knew him well will miss Ken Watson the person—a warm, friendly, caring, intensely loyal human being.●

LT. GOV. GEORGE RYAN OF ILLINOIS

● Mr. SIMON. Mr. President, Lt. Gov. George Ryan of Illinois made a talk to the International Business Council of Mid America pointing out the need for foreign language study as a key to business growth.

That is becoming more widely recognized in the House and in the Senate.

Last year, I am pleased to say, with an overwhelming bipartisan vote, the House of Representatives passed a bill of mine to encourage foreign language study in the schools of the Nation. There has been substantial indication of support for efforts in that direction among Senators also. And members of the administration have expressed concern about our language deficiencies, including Secretary of Defense Caspar Weinberger and CIA Director William Casey.

Lieutenant Governor Ryan makes a great deal of sense in his speech and I urge my colleagues in the House and Senate to read his remarks which I ask to be inserted in the RECORD.

The remarks follow:

REMARKS DELIVERED TO INTERNATIONAL BUSINESS COUNCIL MID AMERICA—HUB III, WEDNESDAY, NOVEMBER 14, 1984, CHICAGO, IL.—LT. GOV. GEORGE RYAN

Good afternoon. It is a pleasure to join the International Business Council Mid America in HUB Three—bringing a special focus to high schools, universities, and businesses in a Third Annual Conference. The theme for the Conference, as you know, is "Bringing Together the Worlds of Education and International Business," and I feel privileged to have this opportunity to offer my views on one aspect of that goal. I come before you today to address "the need for mobilizing resources within the State to create jobs in international trade."

I consider this an important subject, because like many business observers, I'm convinced that our future economic prosperity in Illinois will depend on our ability to export our products and services abroad. During these 1st two years of my term as Lieutenant Governor, I've spent a great deal of time talking about the need for us to expand our export capabilities in Illinois—especially among our small and medium sized businesses. I want to share my views on that with you today, and then expand my topic a bit to reflect the theme of this Conference. That is, examine how we must use our *educational* resources to enhance our international perspective and help create an export-oriented economy.

Illinois, perhaps more than many other states, has long recognized the importance of exports to our economy. Whether it's marketing Illinois coal, selling our agricultural products, or promoting foreign investment and tourism, our economic prosperity in Illinois is inexorably linked to international trade. There is already a significant "international presence" in Chicago as more than 50 international banks have branches or representative offices and more than 60 nations maintain consulates here. In agricultural products, Illinois ranks number one in exports. In manufactured goods, we rank third among the states in exports. Overall, our state rings up more than 19 billion dollars annually in export sales.

What this means, of course, is *jobs*—more than 500,000 jobs for Illinoisans. The U.S. Department of Commerce estimates that every $1 billion in exports translates into about 25,000 jobs in the economy. The Department also estimates that almost 80% of *all new* jobs created in the United States are export related.

In Illinois, we believe the greatest potential for creating these new jobs through exports and promoting economic development is with small and medium sized businesses. Currently, this sector is believed to account for no more than 10% of total exports. And it's an under-tapped resource nationwide as well. At least 20,000 small and medium size businesses in this country *have the potential* to competitively and profitably market their products overseas, *but do not.*

We're working to change that in Illinois. Recognizing that the lack of financing is the single greatest impediment to exporting by small firms, the State Legislature last year passed significant new legislation. This new law created the Illinois Export Development Authority to help provide financing. The General Assembly asked me as Lieutenant Governor to chair the Authority, and Governor Thompson has now appointed the other members. At its first meeting, held last month, the Authority agreed to aim to be fully operational by mid-1985, providing a new source of capital to be used exclusively for the financing of pre-shipment and post-shipment of exports by small and medium sized firms. This new capital source will be made available to Illinois financial institutions to be used in their local communities. We're moving quickly to develop operational guidelines so that we can fully tap the export potential of Illinois' small businesses.

A companion bill to this legislation created an Illinois Export Council, which I also chair. We have already begun to examine ways that existing state resources can be redirected to promote an exporting awareness among Illinois' 250,000 small businesses. One of the Councils overall goals is to ensure that small business development and export promotion are mutually supportive strategies for our economic development in Illinois.

One way to do that is to go to the experts: the small business owners and operators themselves. In May of this year, we did just that when I had the privilege of convening the Illinois Conference on Small Business. This 2-day meeting drew over 400 delegates from throughout the State to discuss a variety of issues affecting small business. Through its discussions, the Conference stressed the importance of small business expansion in the international marketplace. Delegates pointed out that the efficiency of small business is really our best weapon against foreign competition and our best bet for maintaining continued economic growth and expansion. Consider that global competition today places at least three demands on companies; that they be highly innovative; readily adaptable to changing markets; and have workers who are flexible enough to learn new tasks quickly. Small businesses meet those criteria easily. Because of that, the Conference attendees agreed that in many ways small and medium sized companies offer America's best hope of regaining competitiveness in the world market.

The 1984 Conference on Small Business also recognized that government must play the leading role in providing a well-educated work force—a crucial ingredient for businesses to compete in international markets. Specifically, the Conference formally recommended that government improve the availability of information on international trade requirements, techniques, and opportunities by encouraging foreign language and cross-culture training at all levels of education. Delegates pointed out that many small business people lack the market and cultural sophistication in dealing with foreign buyers. The customs and marketing strategies used successfully in domestic sales may simply not work when dealing with buyers from Asia or Europe. This lack of expertise and the mysticism that sometimes surrounds international transactions is often an effective barrier for small business people seeking to enter the international marketplace. The small business conference delegates recognize that without foreign language training, Americans engaged in business abroad are at a distinct disadvantage. After all, "the language of business is the language of your client." Experience and statistics clearly demonstrate that the single effective method of developing overseas sales is through personal contact. In short, these delegates reflected a growing awareness within the business community that increasingly competitive world markets demand sensitivity to, and communicative competence in, the language and cultural background of foreign customers.

This touches on the theme of this Conference and is what I'd like to discuss now in greater detail. That is, how can we use our educational resources to enhance international trade, and what should we do to act?

In doing some of the research on this subject of education and language proficiency and the relationship to international trade, I've discovered a wealth of information available. There have been a multitude of reports and studies already completed. Among them:

1. The 1979 Report of a Statewide Task Force on Foreign Language and International Studies—a group appointed by the Illinois Superintendent of Education. Their report, known as the "Illinois Plan" recommended a 5-year phased-in program for local districts to improve foreign language instruction in Illinois schools but contained no mandates for implementation.

2. The Report of the President's Commission on Foreign Language and International

Studies (1979). The Commission, in examining the problem, said "Americans' incompetence in foreign languages is nothing short of scandalous and it is becoming worse."

3. The Report of the National Commission on Excellence in Education, submitted to the U.S. Secretary of Education (1983). This document recommended that language learning for all children begin in elementary school.

4. The July, 1984 Preliminary Report of the Illinois Commission on the Improvement of Elementary and Secondary Education—a bipartisan legislative body, and

5. The May, 1984 Report of the Citizens Panel on Foreign Language and International Studies—another group appointed by the Illinois Superintendent of Education. This excellent report, submitted to the State Board, was entitled "Education for the Times . . . In Time—A Report on the Need to Develop the Language Proficiencies and International Perspectives of Illinois Citizens."

Each of these documents reviewed many different problems of our educational system but all cited in some way our deficiencies in foreign languages and international studies.

I must admit that as a parent and public official, I was previously unaware of the real importance of foreign language learning for students. During the course of my research, in reviewing all of these studies, I discovered facts that I consider nothing short of learning—facts such as these:

A 1980 State-by-State survey of high school diploma requirements found that only 8 states require high schools to offer foreign language instruction, but none required students to take the courses.

Only approximately 25% of Illinois high school students have studied a 2nd language. And, even though it is generally accepted that four to six years of study are needed for minimal proficiency, only approximately 3% continue language learning beyond the 2nd year of study.

Only approximately 1% of high school students study the less common languages—such as Japanese, Chinese, Russian, and Arabic—yet these are of critical importance in the world today, being spoken by more than 80% of the world's population.

Only 8% of American colleges and universities now require a foreign language for admission, compared with 34% in 1966.

The U.S. appears alone among developed nations in its attitude towards foreign language learning. Consider, for example, that

In Germany, 2 foreign languages are learned by students beginning in the 5th and 6th grades.

In France, foreign language learning begins in the 6th grade in one language and a second begins in the ninth grade.

In Japan, an estimated 80% of all students take foreign languages beginning in sixth grade.

In Russia, nearly all students study at least one foreign language in high school.

The 1970 President's Commission reported that our weakness in foreign language learning "pose a threat to America's security and economic viability."

This last point, economic viability, is the focus of my remarks today. As Lieutenant Governor and Chairman of the Illinois Export Council and Export Development Authority, I'm concerned about our ability to function in the world marketplace. Our exports mean jobs for our people. There's no question that much of our future economic growth in Illinois will come from international trade. Our business must compete in a world economy. But our lack of foreign language competence will undoubtedly diminish our ability to compete effectively.

As in so many areas, we can point to the Japanese as a prime example. I don't believe the Japanese are technologically superior to us, nor are their workers any better. But, there are an estimated 10,000 English-speaking Japanese in this country representing Japan's businesses. In contrast, only a few hundred American business representatives are in Japan and only a handful are proficient in Japanese. The lesson to be learned here is clear—our economic viability does rest on language proficiency. A former U.S. Assistant Secretary of Commerce has stated and I quote: "Our linguistic parochialism has had a negative effect on our trade balance. In fact, it is one of the most subtle nontariff barriers to our export expansion."

But even beyond clear business considerations, we must also recognize that foreign language learning and international studies are important in understanding other cultures. The world is growing smaller and our children must be prepared to interact with other peoples. My friend (and former Lieutenant Governor) Paul Simon very eloquently stated this when he wrote and I quote: "Language is a key to opening minds and attitudes. To speak, read, write, and understand another language is the beginning of understanding other people. If we do not understand others' dreams, hopes, and miseries—if we live in a narrow, closeted world—we will fail to elect and select leaders who can take us down the difficult pathway to peace. Leadership cannot be too far ahead of those who follow or it is no longer leadership. A self-centered uninformed public is unlikely to choose those who will make the hard decisions necessary for building a solid foundation for world peace and justice." End Quote.

Congressman Simon attempted to address the need for foreign language competence by introducing the Foreign Language Assistance for National Security Act of 1983. This bill passed the House but unfortunately died in the Senate. It would have provided grants to promote the growth of, and improve the quality of, foreign language instruction at the elementary, secondary, and post-secondary levels. The bill would have been a good first step, and I hope Paul Simon reintroduces it in the U.S. Senate next year.

We must realize, of course, that language competence cannot be established overnight. But it is necessary that we as a society recognize the importance of developing the foreign language competence and international sensitivities of our students. In my opinion, foreign languages and international studies should be considered an integral part of the curriculum in our schools. They should be viewed as every bit as basic and fundamental as English, Math, Science, and Social Studies (and as important as the newly-recommended training in computer science). In its report entitled "A Nation at Risk" the National Commission on Excellence in Education agreed that curriculum standards must be strengthened and said and I quote:

"Achieving proficiency in a foreign language ordinarily requires from 4 to 6 years of study and should, therefore, be started in the elementary grades. We believe it is desirable that students achieve such proficiency because study of a foreign language introduces students to non-English speaking cultures, heightens awareness and comprehension of one's native tongue, and serves the Nation's needs in commerce, diplomacy, defense, and education." End Quote.

In short, while I agree with the view that our school should "return to the basics," I believe we must include this issue of language competence in the overall discussion of education reform—in Illinois and throughout the nation.

Certainly, basic skills are important. We have young people graduating from our schools without having obtained the necessary knowledge to successfully compete in a rapidly changing society. The people of this State have long demanded an excellent educational system. But the quality of our educational system is determined, finally, by what our children learn—and then what they can do with that knowledge.

Historically, the State has promoted local control of schools and has confined its role to suggesting means of improvement. State mandates and regulations may conflict with local priorities and in many cases are not adequately funded.

Traditionally, I have opposed many State mandates on local schools. But this is the time when educational reform is being thoroughly discussed. All of us—local officials, legislators, educators, business people, and parents—must examine the organization and funding of our schools. We must evaluate the curriculum and review standards. We must fundamentally redefine our commitment to education—what we want to achieve and how we want to achieve it. It is within the context of this debate that I believe we must examine the importance of foreign language competence.

In my view, a persuasive case has been made for the compelling need to develop, through our educational system in this State, the language competence and international sensitivities of our citizens. Foreign language proficiency clearly plays a fundamental role in technology transfer for economic development. Language learning has a clear, positive effect on the acquisition of verbal and other cognitive skills. And in Illinois, one of the nation's leading exporting states, our future economic strength—in trade, industry, finance, agriculture, and tourism—rests on our foreign language competence and our understanding of other cultures. World markets are increasingly competitive, and as I mentioned, business leaders are increasingly recognizing the fact that the language of international business is the language spoken by present and potential customers.

What, then, should be done?

On the national level, President Reagan declared: "I urge parents and community and business leaders alike to join educators in encouraging our youth to begin the study of foreign language at an early age and to continue the study of this language until a significant level of proficiency has been achieved." Both Houses of Congress have adopted a resolution recommending "the strengthening of the study of foreign languages and cultures," and I previously mentioned Congressman Simon's legislation.

The National Commission on Excellence in Education recommended sweeping educational reforms, but stated that states and localities have "the primary responsibility for financing and governing the schools. . . ." Yet at the same time the Commission said that the Federal Government should identify *and help fund* "the national interest in education." With *all* the reforms, the question is, who pays? I believe we should expect

that no concrete corrective measures will be undertaken immediately at the Federal level to address the need for language competence.

So what should we do at the State level? I believe we should act immediately to implement the recommendations of the report submitted by the State Board Citizens Panel in May of this year. Specifically, we should recognize Foreign Languages and International Studies as a "fundamental area of learning." We should begin now to phase in a comprehensive program to improve and expand the teaching of languages and international studies—beginning in the elementary grades and continuing at least through our secondary schools.

We in Illinois have already identified the problem and taken *some* steps to address it. The "Illinois Plan" approved in 1979 has already provided 5 years of experience, data collection, and technical assistance. In early 1984, the Chicago Board of Education adopted a 2-year language requirement for high school graduation—a mandate applying to over 116,000 high school students in the city. These are good first steps, but we must make the firm commitment to provide foreign language instruction to *all* our students in Illinois.

We must act now. As recommended by the Citizens Panel, we should develop the necessary staff improvements, curriculum changes, public support, and implementation strategies to help assure the language competence and international sensitivities of our children. Local school districts are simply not presently responding adequately to this need. Therefore, the State should now launch a bold initiative to commit the resources necessary to support implementation of a comprehensive program. We need decisive leadership from the State Board, the Governor, and the General Assembly—and we need to generate the support of the public by assuring they understand the importance of langage and international studies. I believe the public *will* understand—a University of Michigan survey reported that 75% of Americans believe that language learning *should begin* in elementary schools.

The National Commission on Excellence in Education and the Illinois State Board of Education have both *urged* that language learning for *all* children begin in elementary school—and should continue for 4-6 years. To assure our future economic viability, we should make this recommendation a requirement. The time has come to move beyond recommendations and *act* to implement them.

The 1985 Session of the Legislature will surely deal with the subject of educational reform. Problems must be dealt with and solutions must be found. Some solutions may be costly. But there can be no quick fix. The National Commission on Excellence in Education warned of a "rising tide of mediocrity" in our schools. The President has called for implementing the proposed reforms at a cost of $14 billion to states and local communities. Clearly, a solution of this magnitude will require a joint, concerted effort by state and local governments *and* the federal government.

But we have no alternative. Our nation's strength will be based on the knowledge acquired by our children. If we allow our schools to graduate "mediocre" students, our economic competitiveness will surely suffer.

The current climate for educational reform provides us the opportunity to make the necessary changes so that our children are prepared for the future. Languages and international studies *are* linked to excellence in education—we must understand they are as fundamental to a sound education as reading, writing, and arithmetic.

The Citizens Panel dedicated its report to the class of 2001—pointing out that children born this year (including my grandson) will likely graduate from high school in that year. Our education system must prepare them for living and working in an ever-shrinking world. As evidenced by events of the past decade—with oil and grain embargoes, increasing 3rd world debt, and advancing technology—the world's economy is totally interdependent. Americans must have a clear understanding of world issues—and to gain that understanding we *must* increase our language competence and our sensitivities to other cultures. We *must* begin now to improve our educational system, so that our children (and our grandchildren) will be prepared for the world of the 21st century.●

THE 67TH ANNIVERSARY OF THE PROCLAMATION OF INDEPENDENCE IN UKRAINE

● Mr. D'AMATO. Mr. President, today marks the 67th anniversary of the January 1918 proclamation of independence in Ukraine. This proclamation in Kiev was the culmination of the Ukrainian national movement, which followed the fall of the Russian czar, and the triumph over 200 years of imperialistic Russian rule. The Ukrainian Republic, however, was forced to wage a defensive war against the Red and White Russians in the east, and against the Poles in the west. By 1920, the Communists shattered the Ukrainian defense, and succeeded in occupying Ukraine.

Each July Fourth, citizens of the United States celebrate the birth of their independence. January 22 should be a similarly great day for all Ukrainians. Unfortunately, it is not. The 50 million people in Ukraine are forbidden to celebrate this date by the oppressive Russian Government. Moreover, any nationalistic movement from Ukraine, on this, or any other day, is instantly squelched, and "perpetrators" are imprisoned for "anti-Soviet behavior" pursuant to the Soviet criminal code.

For over 3 million Ukrainians and their descendents living outside Ukraine, the freedom and independence of Ukraine are of paramount importance. Observances held to commemorate Ukrainian independence are a constant reminder to the world that Ukraine was independent, at one time, and that the international community must recognize this historic fact and accept it in accordance with the right of self-determination for all peoples.

My empathy for the Ukrainians in their struggle against the dictatorial Soviet regime led me to introduce a resolution in the last Congress that proclaimed a day for mournful commemoration of the great famine in Ukraine during the year 1933, deliberately inflicted upon them by the imperialistic policy of Moscow. Moscow's purpose was to destroy the intellectual elite and large segments of the population of Ukraine and thus enhance its totalitarian Communist rule over the conquered Ukrainian Nation. This resolution, which passed the House and Senate, also issued a warning to the Soviet Union that continued subjugation of the Ukrainian Nation, as well as other non-Russian nations within the Union of Soviet Socialist Republics, constitutes a threat to world peace and normal relations among the peoples of Europe and the world at large.

Let us not forget these times in Ukrainian history, for they show the courage of a people determined not to acquiesce to the ruthlessness of a tyrannical regime. Let us recognize January 22 as a date of historical significance, not only to Ukrainians, but to all people, throughout the world, who espouse the principles of democracy and freedom.

Thank you, Mr. President.●

THE WRITING OF JEFFREY SCHEUER

● Mr. MOYNIHAN. Mr. President, the recent Presidential election gave good cause for many to comment on the choice before the electorate and what the choice would mean. It was not to be—or so we were told—a choice just between two men. Rather between two visions. It was also to be something of a referendum on liberalism, although few gave the word any more definition than some references to Franklin Delano Roosevelt and the New Deal.

Jeffrey Scheuer's writing proved an exception. He brought true definition to liberalism and the ramifications of subscribing to a liberal or conservative view. We would all do well to read what he wrote.

Mr. President, I ask that two of Jeffrey Scheuer's op-eds be inserted in the RECORD at this point.

The articles follow:

[From the Chicago Tribune, Oct. 14, 1984]

ALTERNATIVE VISIONS OF FREEDOM

(By Jeffrey Scheuer)

This year's presidential campaign offers a dramatic choice. The President got it right when he said, in accepting his party's nomination, that it's a choice "between two different visions of the future, two fundamentally different ways of governing."

On the surface, it is a difference of perspective on all of the particular issues that inform our political dialogue—from tax policy to gun control. But in fact such issues are merely kindling in the hardwood fires of ideological debate. They are fueled by underlying differences of philosophy: different views of equality and justice on one level; but, ultimately, different conceptions of human freedom.

The reason for this is not obscure. We all value freedom, not by accident, but because it is a special value, unlike any other: the

very gateway to our other values. We can pursue no end without the freedom to do so. More than what we choose, we value choice itself. Nevertheless, in moral and political terms, we understand freedom in different and competing ways.

In the view of President Reagan and his supporters, freedom is an essentially simple value, and the primary impediment to freedom is government. On that principal, conservatives advocate economic *laissez-faire* and Social Darwinism; any governmental interference in the marketplace abridges freedom. Clearly, the conservative argument has simplicity on its side.

In the liberal view, however—the view implicit in Walter Mondale's appeal for our vote—freedom is a very complex value. From this perspective, the state is just one potential impediment to individual liberty, and its moral function is to neutralize another, more basic kind of impediment. This latter impediment is the freedom of other individuals and institutions—from pickpockets to industrial polluters.

The liberal thus follows Lincoln's dictum, that freedom for the wolf is not the same as freedom for the sheep. The best government is not that which governs least or most but that which governs judiciously, as a liberating force; or as Mondale put it, a government that is "off our backs, but on our side."

These different conceptions of freedom have vastly different implications, especially in terns of economic equality: the hard material terms of who gets what in our society, the distribution of goods and opportunities. For the conservative, formal equality of opportunity is sufficient, and anything more abridges freedom. But for the liberal, equality of opportunity is not enough because, in reality, opportunities and rewards are interdependent. Such equality does not abridge freedom per se, but merely protects ovine rights against lupine license.

Consequently, conservatives equate economic freedom with capitalism, *tout court;* but for liberals, the "free" market is freedom for the wolf: an engine of efficiency perhaps, but not of justice. Thus liberal freedom means neither unvarnished capitalism nor socialism, but a combination of public and private enterprise and ownership. [This is not such a radical idea; taking a public bus to work is a socialist act.]

These alternative visions are essential to the statement that American voters will make this fall. It is a choice between a more or a less complex view of human freedom, and the correlative rights to which we are entitled. In fact, different thresholds of complexity go far to explain differences of political ideology—not just this year but whenever we are called upon to make political judgments.

Perhaps, as some philosophers suggest, freedom is an "essentially contested concept," and these different viewpoints cannot in the end be reconciled. But, more important, neither can they be dismissed as simply wrong or out of step with the times. Although we are hardly a nation of philosophers, all of our politics, however disguised or corrupted by imagery and rhetoric, consists of such ideological discourse about moral and philosophical questions.

When we acknowledge this, instead of foolishly dismissing "ideology" as something obscure or irrelevant—when we realize that basic moral values are always at issues, and freedom most of all—our political dialogue will be that of a great and mature democracy.

[From the Chicago Tribune, June 22, 1984]

WHY LIBERAL IDEAS WON'T DIE

(By Jeffrey Scheuer)

It's been four years since Sen. Edward Kennedy delivered a ringing oratorical call to liberal ideals at the Democratic convention in New York, declaring that "the dream shall never die." He brought down the house at Madison Square Garden, but as the chief spokesman that year for liberal Democrats, he was a minority voice.

Now, four years later, as the Democrats prepare to fight another internecine struggle, this time in San Francisco, it seems it's still more fashionable to talk about "new ideas" and "rainbow coalitions" and say that liberalism is dead—even though it appears the nominee will be Walter Mondale, an archetypal liberal shaped in the mold of Hubert Humphrey.

But if we set aside the petty political squabbles of the primary season, and take a longer, more philosophical view of this apparent contradiction, it might well be concluded that eulogies for liberalism are premature. Its ailments, though perhaps chronic, are never terminal.

The term "liberal" is of course somewhat ambiguous, as are "conservative" and "radical." But liberalism can be defined, first of all, as that part of the political spectrum that holds individual freedom to be paramount among moral and political values. Second, it is animated by the notion that people have certain basic rights, or inviolate freedoms—not by virtue of birth or status, or because having them contributes to some greater good, but simply because we are individuals. Ultimately, there is no higher good than our freedom itself.

Freedom is the primary value precisely because it is the gateway to all other values; it is the currency, so to speak, of our moral economy. My private ends, whatever they may be, are contingent upon my freedom to pursue them. Thus, to assert the primacy of freedom is not to choose among values but rather to acknowledge the supreme value of choice itself.

Liberals, furthermore, see a natural link between freedom and equality. The state is not the only impediment to freedom; indeed, its very *raison d'etre* is to equalize freedom, thus neutralizing other impediments—from pickpockets to industrial polluters.

The liberal's question, then, is not whether the state ought to regulate society, but how; not whether government should be big or small, but where and how far it can be a liberating force. To do this, the state must be variously absent, present and dominant in different sectors of human society; much more than a "nightwatchman" and much less than a "Big Brother."

Although liberalism undoubtedly will revive in America, it faces one basic and inherent obstacle, which I would call the "complexity factor." This factor at once suggests a final defining characteristic of liberalism, a cause of its present malaise and the reason it is not about to expire or become obsolete. In fact, the "complexity factor" will be at the very heart of the political debate this November.

Conservatives, with their narrow assumption that big government is bad government, tend to paint a tidy, uncomplicated picture of the power relations in society, thereby minimizing the extent and intricacy of our moral obligations. In their view, capitalism is the essence of freedom, and socialism its antithesis; talent always triumphs over brute circumstance; business enterprise is uniformly a force for the public good; the rights of criminals compete with the rights of victims; military might equates with military security; and foreign states are always unimpeachable friends or blood enemies.

Such a view appeals to order and tradition, privilege and self-interest. But most of all, it appeals to our thirst for simplicity. Conservatism, as such, is an intellectual and emotional bargain.

Liberals, however, reject the notion that the world is so simple and clean. They recognize the enormous complexity of power relations in society and attempt to devise a subtler, more intricate network of reciprocal rights and duties, freedoms and restraints.

If the "complexity factor" in this era of simplicity limits the appeal of liberal ideas, it will never wholly defeat them. Eventually, the electorate will recognize that freedom for the wolf is not the same as freedom for the sheep; that self-interest must adapt to public interest if our social contract is to survive change.

For the Democrats this year, philosophical discourse may not be the road to the White House; but a more complex and sophisticated perspective on public policy issues will be needed by whoever expects to assume the presidency. The complexities of human freedom will not go away. It is tempting to ignore them; understanding them is a far more difficult, more interesting and more humane task—a task that only a truly free and liberal mind dares to undertake.

(Jeffrey Scheuer, a New York writer, has just completed a philosophical study of freedom and equality entitled "The Freedom Nexus.")●

MILESTONE FOR MICHIGAN'S MARONITES

● Mr. LEVIN. Mr. President. I wish to take this opportunity to recognize February 3, 1985, as the day of dedication of a new Maronite Church, St. Jude Mission, to be located in Harrison Township, MI.

St. Maron's Church and its community have a history in the State of Michigan which dates back to the early 1900's. Maronites immigrating from Lebanon have found friendship and hospitality from its clergy and members. St. Maron's has been a haven for the celebration of faith. The parish has baptized its newborn and buried its dead. It has been a source of joy and consolation.

I know that the new mission will be an extension and continuation of the wonderful customs already established. It will be another gathering point to share a rich culture and heritage and continue a tradition which has enriched the entire community.

I am happy and proud to have the opportunity to recognize this milestone of the Maronite community and to wish its people every success.●

COSPONSORING THE LINE-ITEM VETO, SENATE JOINT RESOLUTION 11

● Mr. D'AMATO. Mr. President, I rise today to cosponsor and to lend my firm support to Senate Joint Resolution 11, legislation introduced by my distinguished colleague from Georgia, Senator MATTINGLY, to give the President line-item veto authority through a constitutional amendment.

Today, the U.S. economy is healthy and growing without significant inflation. However, continued economic progress is threatened by overly large Federal budget deficits. More to the point, increased Government consumption robs industry of the capital needed to put ideas and people back to work. There is little difference between financing increased Government spending through the issuance of new debt or by the imposition of higher taxes. Both methods are equally damaging to the continued vibrance of the economy. Deficit financing and increased taxes both redirect private funds to the Federal Government. The result of either action is that the pool of investment capital is deleted and industrial expansion is stifled.

The root cause of mammoth Federal budget deficits is runaway Government spending. Since fiscal year 1965, Federal spending has increased at an annual average rate of 11.2 percent. Since that time, the deficit has grown from $1.2 to $172 billion. Continued efforts to reduce the deficit through higher taxes have failed.

The Federal budget is a disaster in need of drastic action. Giving the President line-item veto authority would be an important first step toward getting control of Government spending. This would allow the President to reject specific appropriations without vetoing an entire piece of legislation as he must now do. The line-item veto is a budgetary reform that is the simplest way to cut the pork out of the budget.

Currently, Congress adds pork barrel programs to important legislation with virtual impunity. The President often hesitates to veto an entire bill which includes wasteful programs for fear of destroying vital underlying legislation. The line-item veto, therefore, would allow the Chief Executive to eliminate waste without destroying critical policy initiatives.

At this time, 43 Governors have line-item veto authority over State budgets. Many of these States are required by statute to annually balance their books. I can think of no greater tool we can give the President to control wasteful Government spending than the line-item veto. It has been proven effective at the State and local level and now should be implemented by the Federal Government.

Mr. President, I urge my colleagues on both sides of the aisle to lend their support to Senate Joint Resolution 11.

Thank you, Mr. President.●

RECESS UNTIL 2 P.M. TOMORROW

Mr. SIMPSON. Mr. President, I move, in accordance with the provisions of Senate Resolution 39, as a further mark of respect to the memory of the deceased Hon. GILLIS LONG, late a Representative from the State of Louisiana, that the Senate now stand in recess until 2 p.m. tomorrow.

The motion was agreed to; and, at 5:10 p.m., the Senate recessed until tomorrow, Tuesday, January 22, 1985, at 2 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate January 7, 1985, under authority of the order of the Senate of January 3, 1985:

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force under provisions of section 624, title 10 of the United States Code.

To be major general

Brig. Gen. Melvin G. Alkire, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Thomas A. Baker, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Anthony J. Burshnick, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Henry D. Canterbury, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Michael P. C. Carns, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Alexander K. Davidson, xxx-xx-x... FR, Regular Air Force.
Brig. Gen. James B. Davis, xxx-... FR, Regular Air Force.
Brig. Gen. Larry D. Dillingham, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Chris O. Divich, xxx-x... FR, Regular Air Force.
Brig. Gen. Jack K. Farris, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. David W. Forgan, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Gordon E. Fornell, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Lee V. Greer, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Ralph E. Havens, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Edward J. Heinz, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Donald W. Henderson, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Charles A. Horner, xxx-xx-... FR, Regular Air Force.
Brig. Gen. John M. Loh, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Charles E. McDonald, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Monte B. Miller, xxx-... FR, Regular Air Force.
Brig. Gen. Stanton R. Musser, xxx-xx-x... FR, Regular Air Force.
Brig. Gen. Richard M. Pascoe, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Jack W. Sheppard, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Leo W. Smith II, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Ralph E. Spraker, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Richard E. Steere, xxx-xx-... FR, Regular Air Force.
Brig. Gen. John T. Stihl, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Samuel H. Swart, Jr., xxx-xx-... FR, Regular Air Force.
Brig. Gen. Bernard L. Weiss, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Ronald W. Yates, xxx-xx-... FR, Regular Air Force.

The following officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of section 624, title 10 of the United States Code:

Col. Edward P. Barry, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Billy J. Boles, xxx-xx-xxxx FR, Regular Air Force.
Col. Chalmers R. Carr, Jr., xxx-xx-... FR, Regular Air Force.
Col. James E. Chambers, xxx-xx-xxxx FR, Regular Air Force.
Col. George E. Chapman, xxx-xx-xxxx FR, Regular Air Force.
Col. Edward D. Cherry, xxx-xx-xxxx FR, Regular Air Force.
Col. James R. Clapper, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Maralin K. Coffinger, xxx-xx-xxxx FR, Regular Air Force.
Col. Keith B. Connolly, xxx-xx-xxxx FR, Regular Air Force.
Col. John M. Davey, xxx-xx-xxxx FR, Regular Air Force.
Col. Rufus M. DeHart, Jr., xxx-xx-... FR, Regular Air Force.
Col. Robert S. Delligatti, xxx-xx-xxxx FR, Regular Air Force.
Col. John P. Dickey, xxx-xx-xx... FR, Regular Air Force.
Col. John R. Farrington, xxx-xx-x... FR, Regular Air Force.
Col. Thomas R. Ferguson, Jr., xxx-xx-... FR, Regular Air Force.
Col. Ronald R. Fogleman, xxx-xx-xxxx FR, Regular Air Force.
Col. Albert A. Gagliardi, Jr., xxx-xx-x... FR, Regular Air Force.
Col. Roy M. Goodwin, xxx-xx-xxxx FR, Regular Air Force.
Col. James W. Hopp, xxx-xx-xxxx FR, Regular Air Force.
Col. Lawrence E. Huggins, xxx-xx-xxxx FR, Regular Air Force.
Col. Larry R. Keith, xxx-xx-xxxx FR, Regular Air Force.
Col. George W. Larson Jr., xxx-xx-... FR, Regular Air Force.
Col. Clarence H. Lindsay, Jr., xxx-xx-... FR, Regular Air Force.
Col. Paul A. Maye, xxx-xx-xxxx FR, Regular Air Force.
Col. Gary H. Mears, xxx-xx-xxxx FR, Regular Air Force.
Col. Richard C. Milnes II, xxx-xx-xxxx FR, Regular Air Force.
Col. Burton R. Moore, xxx-xx-xxxx FR, Regular Air Force.
Col. Thomas S. Moorman, Jr., xxx-xx-xx... FR, Regular Air Force.
Col. David C. Morehouse, xxx-xx-xxxx FR, Regular Air Force.
Col. Gary W. O'Shaughnessy, xxx-xx-... FR, Regular Air Force.
Col. Basil H. Pflumm, xxx-xx-xxxx FR, Regular Air Force.
Col. William J. Porter, xxx-xx-xxxx FR, Regular Air Force.
Col. James F. Record, xxx-xx-xx... FR, Regular Air Force.
Col. James M. Rhodes, Jr., xxx-xx-... FR, Regular Air Force.

Col. David H. Roe, [redacted]FR, Regular Air Force.
Col. James G. Sanders, [redacted]FR, Regular Air Force.
Col. Wayne E. Schramm, [redacted]FR, Regular Air Force.
Col. Charles J. Searock, Jr., [redacted]FR, Regular Air Force.
Col. William H. Sistrunk, [redacted]FR, Regular Air Force.
Col. John D. Slinkard, [redacted]FR, Regular Air Force.
Col. Roger C. Smith, [redacted]FR, Regular Air Force.
Col. W. J. Soper, [redacted]FR, Regular Air Force.
Col. Joseph K. Spiers, [redacted]FR, Regular Air Force.
Col. Joseph K. Stapleton, [redacted]FR, Regular Air Force.
Col. Charles, F. Stebbins, [redacted]FR, Regular Air Force.
Col. Gorham B. Stephenson, [redacted]FR, Regular Air Force.
Col. Daniel A. Taylor Jr., [redacted]FR, Regular Air Force.
Col. David J. Teal, [redacted]FR, Regular Air Force.
Col. Walter E. Webb III, [redacted]FR, Regular Air Force.
Col. William T. Williams IV, [redacted]FR, Regular Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

To be major general

Brig. Gen. Miles C. Durfey, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Frank L. Hettlinger, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Bobby W. Hodges, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Donald L. Owens, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Robert W. Paret, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Paul M. Thompson, [redacted]FG, Air National Guard of the United States.

To be brigadier general

Col. Nicholas Annicelli, Jr., [redacted]FG, Air National Guard of the United States.
Col. Roland E. Ballow, [redacted]FG, Air National Guard of the United States.
Col. Richard W. Bertrand, [redacted]FG, Air National Guard of the United States.
Col. Emiel T. Bouckaert, [redacted]FG, Air National Guard of the United States.
Col. Gene A. Budig, [redacted]FG, Air National Guard of the United States.
Col. Wayne O. Burkes, [redacted]FG, Air National Guard of the United States.
Col. Drennan A. Clark, [redacted]FG, Air National Guard of the United States.
Col. Thomas R. Elliott, Jr., [redacted]FG, Air National Guard of the United States.
Col. Harold R. Hall, [redacted]FG, Air National Guard of the United States.
Col. Charles W. Harris, [redacted]FG, Air National Guard of the United States.
Col. Richard R. Hefton, [redacted]FG, Air National Guard of the United States.
Col. Thor A. Hertsgaard, [redacted]FG, Air National Guard of the United States.
Col. Harold C. Morgan, [redacted]FG, Air National Guard of the United States.
Col. David W. Noall, [redacted]FG, Air National Guard of the United States.
Col. William R. Ouellette, [redacted]FG, Air National Guard of the United States.
Col. Dudley P. Smidt, [redacted]FG, Air National Guard of the United States.
Col. Kenji Sumida, [redacted]FG, Air National Guard of the United States.
Col. Charles W. Taylor, Jr., [redacted]FG, Air National Guard of the United States.
Col. Carleton B. Waldrop, [redacted]FG, Air National Guard of the United States.

Executive nominations received by the Secretary of the Senate January 9, 1985, under authority of the order of the Senate of January 3, 1985:

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Lilli K. Dollinger Hausenfluck, of Virginia, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1986 (reappointment).

Marcilyn D. Leier, of Minnesota, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1986 (reappointment).

Virginia Gillham Tinsley, of Arizona, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1986 (reappointment).

Mary Jo Arndt, of Illinois, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1987, vice Eleanor Knee Rooks, resigned.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Lloyd George Richards, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1990, vice Maureene Dees, term expired.

James Nowell Wood, of Illinois, to be a member of the National Council on the Arts for a term expiring September 3, 1990, vice Martin Friedman, term expired.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Rosalie Gaull Silberman, of California, to be a member of the Equal Employment Opportunity Commission for a term expiring July 1, 1990 (reappointment).

EXPORT-IMPORT BANK OF THE UNITED STATES

Richard H. Hughes, of Oklahoma, to be a member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 1987 (reappointment).

IN THE COAST GUARD

Pursuant to the provisions of 14 U.S.C. 729, the following named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain.

William H. Maddox, Jr.	Albert D. Melendrez
Jack L. Powell	Edward E. Tyson
Martin V. Lake	John H. McConnell
Maurice D. Lafferty	Donald H. Hagen
Ronald W. Rogowski	Charles F. Marcus
Philip C. Wrangle	Thomas E. Lewis
Travis H. Willis	John A. Grippi
George R. Merrilees	William J. McLay

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Roger R. Blunt, [redacted].
Brig. Gen. Richard O Christiansen, [redacted].
Brig. Gen. Albert E. Gorsky, [redacted].
Brig. Gen. Jack Strukel, Jr., [redacted].
Brig. Gen. William P. Sylvester, Jr., [redacted].

To be brigadier general

Col. Paul L. Babiak, [redacted].
Col. Richard D. Chegar, [redacted].
Col. Clyde R. Cherberg, [redacted].
Col. Ronald V. McDougall, [redacted].
Col. Douglas J. O'Connor, [redacted].
Col. Frederick W. Roeder, [redacted].
Col. Felix A. Santoni, [redacted].
Col. Paul Skok, [redacted].
Col. Richard E. Stearney, [redacted].

Executive nominations received by the Secretary of the Senate January 11, 1985, under authority of the order of the Senate of January 3, 1985:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be rear admiral

Charles K. Townsend

To be lieutenant

Michael R. Johnson

To be lieutenant (junior grade):

John T. Lamkin

To be ensign

Michael S. Abbott	Alan K. Harker
Emily Beard	Jennifer A. Hill
Catherine J. Bradley	Michael K. Jeffers
Michael B. Brown	Scott R. Kuester
Jeffrey S. Cockburn	Kristie L. Miller
Carolyn S. Coho	Catherine A. Montgomery
David A. Cole	JoAnne A. Salerno
Elizabeth A. Crozer	Todd C. Sites
Glenn A. Gioseffi	
Tammi J. Halfast	

IN THE AIR FORCE

The following 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. Donald G. Aten, [redacted]FV, Air Force Reserve.
Brig. Gen. Robert G. Mortensen, [redacted]FV, Air Force Reserve.
Brig. Gen. Charles R. Parrott, [redacted]FV, Air Force Reserve.
Brig. Gen. James C. Wahleithner, 399-30-8303.

To be brigadier general

Col. Courtney W. Anderson, [redacted]FV, Air Force Reserve.
Col. Dale R. Baumler, [redacted]FV, Air Force Reserve.
Col. Clyde C. Deckard, Jr., [redacted]FV, Air Force Reserve.
Col. Robert S. Dotson, [redacted]FV, Air Force Reserve.
Col. Dominick V. Driano, [redacted]FV, Air Force Reserve.
Col. Jack P. Ferguson, [redacted]FV, Air Force Reserve.
Col. Richard A. Freytag, [redacted]FV, Air Force Reserve.

Col. Eugene C. Galley, xxx-xx-xxxx FV, Air Force Reserve.
Col. Clarence B.H. Lee, xxx-xx-xxxx FV, Air Force Reserve.
Col. Beverly S. Lindsey, xxx-xx-xxxx FV, Air Force Reserve.
Col. Jack L. Lively, xxx-xx-xxxx FV, Air Force Reserve.
Col. William C. Rapp, xxx-xx-xxxx FV, Air Force Reserve.
Col. John D. Riddle, xxx-xx-xxxx FV, Air Force Reserve.
Col. Augustine A. Verrengia, xxx-xx-x... xxx-... FV, Air Force Reserve.
Col. Robert L. Wright, xxx-xx-xxxx FV, Air Force Reserve.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Paul F. Gorman, xxx-xx-xxxx (age 57), 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 general

Lt. Gen. John R. Galvin, xxx-xx-xxxx U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Wallace H. Nutting, xxx-xx-xxxx (age 56), 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 general

Lt. Gen. Fred K. Mahaffey, xxx-xx-xxxx, U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Bernhard T. Mittemeyer, xxx-xx-... xxx-... (age 54), Medical Corps, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3036, to be assigned as the Surgeon General, U.S. Army:

To be the surgeon general

Maj. Gen. Quinn H. Becker, xxx-xx-xxxx, U.S. Army.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. James R. Hogg, xxx-xx-xxxx/1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Frank B. Kelso II, xxx-xx-... xxx.../... U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Edward H. Martin, xxx-xx-... xxx-... U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Paul F. McCarthy, Jr., xxx-xx-... xxx-xx-xxxx, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Robert F. Schoultz, xxx-xx-... .../xxx... U.S. Navy.

THE JUDICIARY

Herbert Bialock Dixon, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice James A. Washington, Jr., retired.

Executive nominations received by the Secretary of the Senate January 18, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF THE TREASURY

James A. Baker III, of Texas, to be Secretary of the Treasury.

Richard G. Darman, of Virginia, to be Deputy Secretary of the Treasury, vice R. T. McNamar.

DEPARTMENT OF ENERGY

John S. Herrington, of California, to be Secretary of Energy.

DEPARTMENT OF EDUCATION

William J. Bennett, of North Carolina, to be Secretary of Education.

EXPORT-IMPORT BANK OF THE UNITED STATES

John A. Bohn, Jr., of Virginia, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 1989 (reappointment).

WITHDRAWAL

Executive nomination withdrawn from the Senate October 7, 1985:

DEPARTMENT OF COMMERCE

Michael Huffington, of Texas, to be an Assistant Secretary of Commerce, vice Lawrence, J. Brady, resigned, which was sent to the Senate on January 3, 1985.