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 gentlemen, 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 GOTTSCALK. 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. Sus-

- This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.
January 21, 1985

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 from us 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 dispos­essed, 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 God.

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

In one of those letters exchanged in 1826, the anniversary of the Declaration of Independence, they wrote:

Two of our Founding Fathers, a Boston lawyer named Adams and a Virginia planter named Jefferson, members of that remarkable group that we know as the First Continental Congress, 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, two who had helped create this Gov­ernment were united in prayer. And they said:

'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 and Adams wrote:

'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 and Adams wrote:

'They died on the same day, within a few hours of each other, and that day was the Fourth of July.'
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 bill comes 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 disabled, and here a growing economy that 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. Let me turn to a task which is the primary responsibility of National Government—the safety and security of our people.

Today, let 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. 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 unfolding; 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—now we hear again the American sound. And the song echoes out forever and fills the unknowing air.

It is the American sound. It is hopeful, big-hearted, idealistic, daring, and fair. That's our heritage; that is our song. We sing it still. For America.

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.

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 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.

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 today, 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.

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 BYRN, details—not full
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 this body 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 has the Senate in session later than the Vice President is 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 and the expressions of 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. He has 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 knows 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, the Senate Committee on Government Organization—I can understand 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 the leadership role is, 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. To thank the able Senator 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 everything that one can conjure: emotion, fear, guilt, and racism—this man has been so supportive, so kind, so expressively 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 session, the oath of office was administered to John D. Rockefeller, IV, as the junior Senator from West Virginia.

UNANIMOUS-CONSENT ORDER

RESOLVED, 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 installation or operation of recording equipment, or 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.

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 Photographers' Office, to operate and maintain all broadcast audio and 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, for the deposit of the United States copies of such recordings:

Provided, That the Architect of the Capitol, in maintaining the duties specified in clauses (1) through (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, for the deposit of the United States copies of such recordings:

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ment of a fee equal to the cost involved through distribution of taped copies, record-ings of such committee 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. usal procedures for camera direction control shall be established;
2. coverage of Senate proceedings shall not be transmitted, except that, at the di-rec-tion 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. 8. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial pur-poses is prohibited, and any tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial pur-poses.

Sec. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Commit-tee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems neces-sary 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)(x), is amended to read as follows:
"The Senate, or any committee or subcom-mittee 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 business as may be con-sidered expedient, exclusive of persons so authorized to preside over, or to vote on, such 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 execu-tive 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 com-mittee with or without amendment, it shall, unless the Senate unanimously other-wise directs, lie over one day for consid-eration; after which it may be read a second time, after which amendments may be pro-posed. In such proceedings the Senate may remove the injunction of sec-crency from the treaty."

Sec. 11. Rule XII, paragraph 4, is amended by inserting in lieu thereof the following:
"Except as provided in subparagraph 5 of this rule, when the yeas and nays are or-dered, they shall be recorded to them by the Sergeant at Arms and Door-keeper of the Senate.

Sec. 12. Rule XII is amended by adding at the end thereof the following new para-graphs:
"(a) Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting on any proposal shall be recorded by elec-tronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to be recorded.
(b) The Majority Leader, with concurrence of the Minority Leader, may an-nounce that any recorded vote that is sched-uled to or does occur immediately after an-other 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 "(b);" and
2. by adding at the end of such para-graph 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 au-thorized by law and not to be effective upon the happening of a conting-ency, it shall not be in order to raise the question 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 a matter other than an amendment to the Standing Rules of the Senate, made at any time other than the beginning of a day or matter to be equally divided between and contro-led by the Majority Leader and Minority Leader or their designees, at the conclusion of which the Presiding Officer, or clerk at the direction of the Majority Leader, shall at once decide whether there is germaneness to the bill or resolution."

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 consid-ered in the Senate unless the report of that committee upon that measure or matter has been available for at least five minutes in the calendaring days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on such measure or matter so re-ported, the committee reporting the meas-ure or matter shall make every reasonable effort to have printed and made 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;
2. shall not apply to—
(A) any measure for the declaration of war, or the declaration of a national emer-gency, by the Congress, and
(B) any executive decision, determination, or action of the President that he believe to be, effective unless disapproved or other-wise 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: "GERMANNES"; and
2. by adding at the end thereof the fol-low-ing new paragraph:
"(a) If a motion made during the consider-ation of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported amendment, be consid-ered, germane or relevant to the subject matter of the bill or resolution, or to the subject matter of any amendment proposed by the committee which reported the bill or resolu­tion, shall thereafter be in order. The motion shall be privileged and shall be de-cided 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 subpara-graph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not al-ready agreed to (except amendments pro-posed 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.

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 six Senators, to the effect that certain measures be disposed of upon any motion, matter, other pending before the Senate, or to the unfin-ished business, is presented to the Senate, the Presiding Officer, or clerk at the direc-tion of the Presiding Officer, shall at once take the motion to the Senate, and one Senator after the Senate has met on the follow­ing calendar day but one, he shall lay the motion before the Senate and direct that the question: 'Is it the sense of the Senate that a quorum is present, the Pre-siding Officer shall, without debate, submit to the Senate by a yeas-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?"'
"(a) At any time a motion is agreed to in the affirmative by two-thirds of the Sen-ators present and voting—except on a measure or motion to amend the Senate rules, in which case the 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, 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.

"A Senator shall call up more than two amendments and may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a quorum thereof be present and one quorum call be made on the report of the secretary of the committee chairman that it was not reported by polling."

SENIOR RESOLUTION 22—TO IMPROVE THE RULE ON TREATY

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 directs, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the Injunction of secrecy from the treaty."

SENIOR 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 yea's and nay's are ordered."

SEC. 2. Rule XII is amended by adding at the end thereof the following new paragraph:

"5. Whenever the Majority Leader, with the concurrence of the Minority Leader, may announce that any recorded vote is required that is scheduled for the following

SENIOR 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 by:

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

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

"(b) Any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation that 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."
CONGRESSIONAL RECORD—SENATE

January 21, 1985

S. RES. 28
Resolved. That the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with audio and video tape recordings) of proceedings in the Senate Chamber.

That such broadcast coverage shall be—
(1) pursuant to Joint Agreement with respect to provisions of this resolution;
(2) provided continuously at such times as the Majority Leader and Minority Leader jointly agree 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 thereto and to recording only the proceedings, the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXX, paragraph 2 and 3; rule XXXIII, paragraphs 1, and rule XXXIV, paragraphs 1, 2, and 3;
(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays with committee meetings scheduled on the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXX, paragraph 2 and 3.

S. RES. 26
Resolved. That the Standing Rules of the Senate be—
(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting control equipment) for the Senate Chamber and for the use of the Sergeant at Arms and Doorkeeper of the Senate;
(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 archival-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.

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 paragraphs:
"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 or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

S. RES. 24
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 committee or 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, the measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to make 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;
(2) shall not apply to—
(A) any measure for the declaration of war, or the declaration of a national emergency, and
(B) any executive decision, determination, or action which would become, or continue to be, the subject of a committee disapproved or otherwise invalidated by one or both Houses of Congress.

S. RES. 23
Resolved. That Rule XXV of the Standing Rules of the Senate be—
(1) the Senate hereby authorizes and directs that the television and radio broadcast coverage provided for in subsection (a) of this resolution, and (2) 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 Architect of the Capitol and 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.

S. RES. 22
Resolved. That the radio and television broadcast of Senate proceedings shall be—
(a) supervised and operated by the Senate.
(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 systems 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.

S. RES. 21
Resolved. That Rule XXVI of the Standing Rules of the Senate be—
(1) the Senate hereby authorizes and directs that the television and radio broadcast coverage provided for in subsection (a) of this 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 affirmative, unless the floor amendment declared not already agreed to (except amendments proposed by the committee reporting 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 President Pro Tempore may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the President Pro Tempore on such points of order shall be decided without debate.
(d) whenever an appeal is taken from a decision of the President Pro Tempore on the question of germaneness or relevancy of an amendment, or whenever the President Pro Tempore submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the President Pro Tempore 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.

S. RES. 20
Resolved. That the Senate hereby authorizes and directs that the television and radio broadcast coverage provided for in subsection (a) of this resolution, and (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 Architect of the Capitol, in carrying out the duties specified in subsection (b)(1) and (3) of section 2 of this resolution, shall comply with appropriate Senate procurement and other regulations.

S. RES. 19
Resolved. That Rule XXVIII, paragraph 5, of the Standing Rules of the Senate be—
(1) the Senate hereby authorizes and directs that the television and radio broadcast coverage provided for in subsection (a) of this resolution, shall be—
(a) supervised and operated by the Senate.
(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 systems 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.

S. RES. 18
Resolved. That Rule XXIX of the Standing Rules of the Senate be—
(1) the Senate hereby authorizes and directs that the television and radio broadcast coverage provided for in subsection (a) of this resolution, shall be—
(a) supervised and operated by the Senate.
(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 systems 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.

S. RES. 17
Resolved. That Rule XXX of the Standing Rules of the Senate be—
(1) the Senate hereby authorizes and directs that the television and radio broadcast coverage provided for in subsection (a) of this resolution, shall be—
(a) supervised and operated by the Senate.
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 the equipment and other tests of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and 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, or 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 by the Sergeant at Arms.

Sec. 6. The use of tape duplications of broadcast coverage of proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be at his own risk and may 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 changes in 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) 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 members composing a quorum. The total number of members shall not be less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of business shall be a quorum for the transaction of business unless it is specifically considered by said committee, except that no motion or matter or recommendation shall be reported from any committee unless a majority of the committee are 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 be immediately referred to the Senate or, if the Senate is not in session or whenever the Presiding Officer or the Majority Leader or their designees, at the conclusion of the session, shall choose and swear in all the senators present, the Senate may choose and swear in all the senators present; and the Senate, or the Senate, may choose and swear in all the senators present except on a measure or motion pending before the Senate, or the Senate may remove the injunction of secrecy from the treaty."

Sec. 11. Rule XV, 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 paragraph:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine that a roll call is necessary, such roll call shall be recorded by electronic device. Senators shall have more than five minutes in which to make a request of the recording of the roll call to have their vote recorded."

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

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

(b) 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 the bill, the Presiding Officer may act or cease to be effective upon the happening of a contingency, it shall not be in order to raise the point of order; except that there is never a point of order with respect to the question of germaneness or relevancy of amendments."

Sec. 14. Rule VIII of the Standing Rules of the Senate is amended—

(a) by deleting the words "which reported the bill or resolution, shall be made only by the majority leader, or the ranking minority member of such committee with or without amendment,";

(b) by deleting the words "which proposed a limitation or restriction not authorized by the bill or resolution, shall be made only by the Majority Leader and the Minority Leader of such committee with or without amendment,"; and

(c) by deleting the words "which reported the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall be made only by the Majority Leader and the Minority Leader of such committee with or without amendment, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall be made only by the Majority Leader and the Minority Leader of such committee with or without amendment,";

(d) by inserting in lieu of the above the following new paragraph:

"5. Motion for a point of order made under subparagraph (a) is agreed to by an affirmative vote of five-thirds 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 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 be in order."

"(c) When a motion made under subparagraph (a) is agreed to as provided in paragraph (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. Approval of 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 a 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 Senate is amended to read as follows:

"7. Notwithstanding the provisions of rule XIV, paragraph 4, of the Standing Rules of the Senate, at any time a motion signed by sixteen Senators, to be in close the debate upon any measure, motion, or other matter pending before the Senate, or a motion for the adjournment of the Senate, or for the adjournment of 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, lay the motion before the Senate, or a motion for the adjournment of the Senate, or a motion for the adjournment of business, is presented to the Senate by a yes-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, the Presiding Officer or clerk shall, at once state the motion to the Senate, or a motion for the adjournment of the Senate, or a motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn, 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.

The unfinished business, or amendment to the unfinished business, shall be proposed after the vote to the unfinished business to the exclusion of all amendments thereon. The unfinished business 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, or the Majority Leader and Minority Leader, or 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 committees.

(b) During such test period—

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

(2) the Senate proceeds shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration and the Architect of the Capitol, the television broadcast of Senate proceedings 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 $5,000,000) 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. PROXMIRE. Mr. President, there is still time remaining to the majority leader?

The PRESIDING OFFICER. There is.

THANKS TO SENATORS MATTHIAS 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 MATTHIAS, 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 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 without acknowledging that the Joint Committee on the Inaugural, the staff of the Rules Committee, my own personal staff, the staff of the Senate, and 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 an 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. MATTHIAS. Mr. President, will the majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. MATTHIAS. He was kind enough to make some reference to the efforts that my wife and I put 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 was 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 without further so 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, and 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.

CONGRESSIONAL RECORD—SENATE 641

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 he is determined to end and to move us toward a balanced budget in the next 4 years. It is a very difficult task. 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 fragile balance 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 go that way? 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 paying for more military spending by 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 the economy 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 his philosophy that the American people have now obviously strongly endorsed.

Roosevelt was elected and then reelected by landslides. But unlike President Eisenhower, 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 have 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 man 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. After all, 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 1965 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 a 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 seem 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 likely at all? Is 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 wasn't any 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 people 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 United States, 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 weapon states. Second, most of the nuclear materials included in nuclear inspections included 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. The inspected States were all United. 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 supplier countries like 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, 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 Khomeini 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 parties 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. These devices could 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 on the part of the United States and Western Europe may be making with China.

They have been in the past, says Senator Glenn, Democratic senator from Ohio, warns that the world's nuclear war arms race has the pressure is not getting meaningful although the number of nations that openly maintain stockpiles of nuclear warheads, but our capacity for proliferation warrants the highest national attention.

Maximum the world's nonproliferation regime. Foremost in this regime is the 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, Great Britain, the Soviet Union, and France, and China, have not signed. The world’s nuclear power capacity has increased, and the world’s enriched uranium, and almost all of the reproduction capability.

In essence, the Non-Proliferation Treaty is an assurance to all non-nuclear weapon states that they will not be made military targets by the nuclear superpowers. In return, signers are subjected to international inspection, monitoring of their nuclear facilities in which fissile material—material suitable for use in nuclear weapons—is used; that is, these facilities must be subject to a system of accounting and inspection carried out by the International Atomic Energy Agency (IAEA). The safety, security, and nonproliferation of nuclear programs is the responsibility of the IAEA.

In return for these restrictions, the treaty extends this right to acquire and use 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 Atomic Energy Agency safeguards process is essentially a non-nuclear use, not a policing, activity; the IAEA has no authority to impose sanctions against a nation that diversifies fissile material to military purposes.

The acquisition of nuclear weapons by one nation tends to encourage proliferation by others to seek a matching nuclear deterrent. This is especially dangerous when the acquiring countries lack the sophisticated command, control, and communications systems necessary to use these weapons in times of crisis. The world has been lulled into a false sense of security by the proliferation of portable nuclear explosive devices.
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 safeguards agreements among nuclear suppliers to exercise restraint in their exports and to not sell certain kinds of nuclear 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.

During the past decade, concern has grown worldwide over the issue of horizontal nuclear proliferation: the acquisition of nuclear weapons by nations that do not yet have them. This has helped to produce some cooperation among states that voluntarily limit 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 foreign policy can also 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 military force in military situations suggests that their usefulness is limited. The latter point is also made by agreements to reduce nuclear arms. Other elements of horizontal proliferation depend on the technical capability of states to build nuclear weapons. That, in turn, depends on the availability of critical materials, such as enrichment and highly enriched uranium. States that have access to an ongoing supply of enrichment and highly enriched uranium in their 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, they will no longer be controlled from the standpoint of technical capability. The problem, therefore, becomes more difficult as the supply of critical materials among nuclear suppliers to exercise restraints in transferring these sensitive nuclear technologies (The Pakistan and South Korea agreements were subsequently canceled.)

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 plutonium 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 or an advanced uranium 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 problem" for the black market, purchase, or theft, black market sale, 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 some 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 safeguards 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 possible weapons material for conventional nuclear reactors? The United States can currently control the reprocessing of U.S.-origin plutonium in 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 sales of nuclear reactors by the United States.

Considerable time would be required, even under favorable domestic circumstances, for the superpowers to negotiate a verifiable treaty involving significant nuclear arms reductions. This has motivated some proliferators to seek near-term arms control objectives that would have a beneficial impact on nonproliferation policies. As an example of such 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 under-ground 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 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 freeze 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 effective.

Although 121 countries have signed the Non-Proliferation Treaty, a significant number of nations still have not, including some that are, or are being considered or actively pursuing a nuclear weapons program and others that are developing unSafe-guarded 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 fissile device, is believed to be maintaining a stockpile of un safeguarded
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plutonium and can add to this stockpile at will.

For several years, Pakistan has been engaged in a worldwide effort to purchase or otherwise obtain nuclear weapons technology, development, and technology for the construction of a gas centrifuge nuclear enrichment plant to produce highly enriched uranium. (A Q Khan, head of a nuclear enrichment project, was accused of stealing plans for a centrifuge facility from a Dutch company. Khan was later indicted in the 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 (un safeguards). Brazil is developing unsafeguarded facilities as well. Neither Argentina nor Brazil is presently committed to adhering to the NPT, which enters into force in 1968 and is designed to create a nuclear-weapon-free zone in Latin America. In the non-nuclear weapon nations, some parties to the Non-Proliferation Treaty have engaged in nuclear activities that also suggest concerns about their future intent. These nations include Iraq, Libya, Iran, South Korea, and Taiwan. Alarmed by Israeli activities, the Israelis launched an air strike that destroyed a research reactor near Baghdad on June 7, 1981.

The common motives that link these countries are rivalry and insecurity. For several years, India produces its "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 may develop nuclear weapons for the same reason. The Israeli air raid that destroyed a research reactor near Baghdad on June 7, 1981, is a difficult transition from an agency whose function is no longer a subordinate activity. The organization for several months to protest a decision of nuclear energy and technical cooperation, including coordinated inspection results, to raise suspicions about their future intent. The agency's 150 inspectors are responsible for monitoring the whereabouts of some 45,000 tons of nuclear material worldwide (including 6.5 tons of separated plutonium and 11 tons of highly enriched uranium) at roughly 350 sites in more than 50 countries. Because of a shortage of qualified inspectors, the IAEA must have its resources to ensure that the most sensitive facilities are properly safeguarded. (Of the IAEA's 1984 budget of $269 million was allocated for safeguards.) In particular, bulk-handling facilities, through which highly enriched uranium, if lost, could the nonproliferation regime, the agreement must be completely unambiguous in terms of 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 has requested (1) increased 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.

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of the responsibilities of the Chinese to satisfy the letter and the spirit of applicable U.S. legislation, especially the Nuclear Non-Proliferation Act. One must also be exercised that the agreement not be seen as unduly emphasizing the discriminatory nature of the accord, regardless of the nuclear agreement with another weapon state that contains overwatch safeguards against using exported nuclear material or equipment for potential nuclear proliferation. The agreement 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 the nuclear race are themselves in a cold war, the nature of which is not yet seen. None of those who have had the misfortune of experiencing mankind's "dark under side." 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 for their basic rights of others. We should make the piece a memorial to all of those who have had the misfortune of experiencing mankind's "dark under side."
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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 by 290 percent since 1975; and

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

Whereas, the economic 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 an 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 370,990 pounds on 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 manufacture 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 labor; 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 untrained 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...
niks, Vladimir and Maria Slepak, and urged his immediate attention and appeal to their behalf.

Mr. Speaker, 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 holocaustianism," 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 support and encourage 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 Simpson. 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 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 Bosh­ witz, 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 VOLUN­ TARY PRAYER IN PUBLIC SCHOOLS AND TO PRO­ mote PRAYER

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:

A bill (S. 49) 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 of this bill at this time, the bill will be placed on the calendar.

JOINT REFERRAL OF NOMINA­ TION 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 POW for the remarkable effort they made in presenting this country with an extraordinarily moving and powerful inaug­ uration ceremony under extraordinary conditions. I think many 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 way. And certainly Senators MATHIAS and POW 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 east 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 legislative sessions 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 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 people, and of their singular capacities. Let us let the rest of the American people see them doing that in their joint and several
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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. Rockefeler and Mr. Johnson) 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.


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:


RONALD REAGAN.


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. 6961(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.


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.


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 eleventh report to the Congress. The report, prepared by the Department of Education, covers activities supported under the Act in fiscal year 1985.

RONALD REAGAN.


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.


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 program 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 1978, 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, lower fuel consumption motor vehicles.

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 1986 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 both public 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.


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. 48. 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 State 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 the National Domestic Preparedness and Emergency Response Program; 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 computer match of Veterans Compensation, Aid and Attendance, and the Red Cross for the year ended June 30, 1984; to the Committee on Labor and Human Resources.

EC-40. 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-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 semiannual report of the Inspector General 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, a report on 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 a new Privacy Act system of records; 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, Aid and Attendance, and the Red Cross for the year ended June 30, 1984; to the Committee on Labor and Human Resources.

EC-51. 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-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 law agencies should not execute certain bid protests; to the Committee on Labor and Human Resources.

EC-53. A communication from the Chairman of the National Advisory Council on Continuing Education transmitting, pursuant to law, the semiannual 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, a report entitled "Education Block Grant Alters State Role and Provides Greater Local Discretion"; 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 Administrator of the General Services Administration transmitting, pursuant to law, a secret report on supplemental contract award dates for Nov.-Dec. 1983-Aug. 1984; to the Committee on Labor and Human Resources.

EC-57. A communication from the Chairman of the Export-Import Bank transmitting, pursuant to law, a report on a contract entered into in September 1984 with Communist countries; to the Committee on Labor and Human Resources.

EC-58. A communication from the Executive Director of the Neighborhood Reinvestment Corporation transmitting, pursuant to law, a report on the operation 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 "SSTO and the U.S. Space Program"; to the Committee on Commerce, Science, and Transportation.

EC-60. A communication from the Secretary of Energy transmitting, pursuant to law, a corrected copy of the Report to Congress on Matters Contained in the Department of Energy Appropriations 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 for the Implementation of the International Energy Program; to the Committee on Energy and Natural Resources.

EC-63. A communication from the Committee on 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 guaranty 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, a report on the determination of Federal and public interest under the Privacy Act of 1974; to the Committee on Governmental Affairs.

EC-66. A communication from the Secretary of State transmitting, pursuant to law, a report on the Vanguard Acme Group; to the Committee on Governmental Affairs.

EC-67. A communication from the Acting Administrator of GSA transmitting, pursuant to law, a report on the determination of Federal and public interest under the Privacy Act of 1974; to the Committee on Governmental Affairs.

EC-68. A communication from the Assistant Attorney General transmitting, pursuant to law, an overpayment of surplus real property for historic monument purposes; to the Committee on Governmental Affairs.

EC-69. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the transfer of surplus real property for fiscal years 1984 and 1985; to the Committee on Governmental Affairs.

EC-70. A communication from the Librarian of Congress transmitting, pursuant to law, a report on procurement of books for the Library of Congress; to the Committee on Rules and Administration.

EC-71. A communication from the Acting 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 Director of the Neighborhood Reinvestment Corporation transmitting, pursuant to law, a report on the National Reinvestment Corporation; to the Select Committee on Small Business.

EC-73. A communication from the Assistant Administrator of the Veterans Administration transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; 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 96-473; 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
January 21, 1985

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. GOLDFATER:

S. 185. 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 provisions providing for withholding of, and reporting on, such tax, and for other purposes; to the Committee on Finance.

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 Boulliant-Linet; to the Committee on the Judiciary.

By Mr. BYRD (for Mr. BENSON):

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 to amend title 8, United States Code, to establish a cash or deferred arrangement permitting Federal employees to save for their retirement with funds from their own earnings and from other contributions; to the Committee on Governmental Affairs.

S. 202. A bill to amend title 8, United States Code, to establish a cash or deferred arrangement permitting Federal employees to save for their retirement with funds from their own earnings and from other contributions; 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 80 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 1984 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. JOHNSON, 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 establish a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for payment to the National Organization for 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. MATSUegA:

S. 208. A bill for the relief of Ronilo Anchereta; 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 with foreign private companies to furnish family services in the case of indebted-
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 provisions of the bill were 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, as all inclusive as possible, 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 actually 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 expressed fear over the possible foreign domination of American farmland based on a myth. Foreign ownership of American crop, grazing and other production land is and has been miniscule, representing 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 capital is the other 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 NONRESIDENT ALIENS.

(a) In General.—Section 897 of the Internal Revenue Code of 1954 (relating to disposition of investments in United States real property) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (b) of section 662(a) of such Code (relating to gross income from sources within the United States) is amended to read as follows: "(b) Gain," profits, and income from the sale or exchange of real property located in the United States is included in gross income from sources within the United States.

(2) Subsection (a) of section 882 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 "and" at the end of paragraph (7) and inserting in lieu thereof a period;

(C) by striking out paragraph (8).

(3) Subsection (i) of section 871 of such Code is amended by striking the item relating to nonresident alien individuals and inserting in lieu thereof a period.

(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 (8).

(5) Subsections (c) and (d) of section 1125 of the Foreign Investment in Real Property Tax Act of 1960 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 887.

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. REPEAT OF SPECIAL REPORTING REQUIREMENTS.—

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

(b) CONFORMING AMENDMENT.—Section 6052 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 AMENDMENT.—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 December 31, 1985.

(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 Public Health Service 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 they 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, now can 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 unwisely 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 anti-language provisions of 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 the following text of section 212(a)(4) 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 exhaustion of his 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-
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Mr. BYRD (for Mr. BENGTSEN): 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. BENGTSEN. Mr. President, homemakers, like the self-employed and those whose jobs do not offer a retirement plan, deserve the opportunity to provide for their own retirement, I would say, the privilege of obtaining citizenship to the United States.

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 is that, however, is that they have paid dearly parents, if deported, would be separat- ed from their children, the very indi- viduals whose lives they struggled to enrich by coming to the United States. The Narvaez company has had 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 out- standing moral character of Pedro and Rosario Narvaez. Nevertheless, the Im- migration 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 is not only just but morally cor-

By Mr. BYRD (for Mr. BENTSEN)

Mr. President, I have long argued that our present tax system is biased against savings. We need to continually be looking for ways to encourage sav- ings which, in turn, provide a greater pool of capital for the investment needed to promote economic growth. This simple and equitable IRA exten-

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 legisla- tive history, coupled with the admin- istration's support of the concept make me believe that we can adopt this bill quickly.

Mr. President, colleagues, I respect- fully request your consideration of the Homemakers' Equity Act, legislation which will encourage individuals to take independent action to establish a retirement fund, and thus pro- viding them with the means to live their later years with the dignity and self-respect which is rightfully theirs.
January 21, 1985

CONGRESSIONAL RECORD—SENATE

By Mr. FORD:
S. 301. 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.

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. We were advised by several groups that Congress continues to implement provisions of the Staggers 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. 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. 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-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 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.
investment base the depreciated original cost, as determined by standard depreciation accounting practices, of only those assets which are used and useful in providing 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 of or absence of effective competition for purposes of this subsection, the Commission shall consider only single transportation competition for the same commodity and 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 pension 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 uncertainty with future retirement benefits. 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 age 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 repaid 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 funds for the 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 1984 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-
 storyt in the Wall something fundamentally wrong with admit to cheating on their taxes, and that January 21, 1985 Revenue number who do. It would have been because taxpayers are increasingly not paying the taxes they owe. A recent example, in 1973 more than 90 percent of our national tax collection system. 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 85 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 decrease, 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 if taxpayers 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. A number of compli-
There being no objection, the material was ordered to be printed in the RECORD, as follows:

**BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.**

**SECTION 1. SHORT TITLE.** This Act may be cited as the "Federal Tax Delinquency Amnesty Act of 1985".

**SECTION 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—

(B) the taxpayer agrees to a waiver of any restriction on the assessment or collection of such underpayment, and

(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 due and delinquent 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 satisfied if—

(1) the taxpayer in the statement filed under subsection (a)(1) requests the privilege of making installment payments under this subsection in an amount not less than—

(i) 50 percent of the underpayment shown on such statement, and

(ii) 10 percent of the amount of tax due and delinquent with respect to the taxpayer,

(2) the taxpayer enters into an agreement with the Secretary for the payment (in installments, if required) of the amount of such underpayment and—

(3) within 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 due and delinquent with respect to the taxpayer), the taxpayer pays the full amount of such interest and such tax delinquent amount.

(c) AMOUNT OF UNDERPAYMENT DISPUTED.—If the amount under paragraph (3) of subsection (a) is disputed by the taxpayer, such amount may be determined—

(1) by the Secretary, or

(2) in the case of a determination described in section 6213(a) of the Internal Revenue Code of 1954, by any court of competent jurisdiction.

(d) AMENDMENT 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(a) 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 7622(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 SOURCES OF 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 January 1, 1985, and ends on July 1, 1985.

(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,

(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 for 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.

(C) ADDITION TO TAX INCLUDES ADDITIONAL AMOUNT.—The term "addition to tax" includes any additional amount.

(D) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(E) FORM OF STATEMENT.—Any statement under subsection (a)(1) shall be in such manner and form as the Secretary shall prescribe.

(F) NOTICE TO RELATED PERSONS TREATED AS NOTICE TO THE TAXPAYER.—(A) IN GENERAL.—For purposes of subsection (d)(1), any notice to a related person with respect to a matter which materially affects the tax liability of the taxpayer or 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 is a relative of the taxpayer described in section 264(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-
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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 created such additional Internal Revenue Service agents 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 “1.5 percent”.

(2) 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) Section 6657 (relating to bad checks).

(B) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purposes of the estate or gift taxes).

(C) Subsection (a) of section 6708 of such Code (relating to the promoting abusive tax shelters, etc.) is amended by striking out “20 percent” and inserting in lieu thereof “30 percent”.

(D) 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 6598 (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 overstatements for purposes of the estate or gift taxes).

(E) 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 6598 (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 overstatements for purposes of the estate or gift taxes).

(F) Paragraph (b) of section 6564 (relating to failure to file tax return or to pay tax).

(G) Paragraph (2) and (3) of section 6656 (relating to failure to register tax shelter).

(H) Subsection (a) of section 6657 (relating to bad checks).

(I) Paragraph (1) and (2) of section 6658 (relating to failure to pay tax).

(J) Section 6659 (relating to failure to make deposit of taxes or overstatement of deposits).

(K) Subsection (a) of section 6677 (relating to failure to file information returns with respect to certain foreign trusts).

(L) 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 (3) of section 6012 (relating to joint return after filing separate return).

(B) Paragraph (1) of section 6019 (relating to the penalty of reducing foreign tax credit).

(C) Paragraph (d) of section 6641 (relating to the penalty of reducing foreign tax credit).

(D) Paragraph (3)(A)(i) of section 6552 (relating to returns relating to information on sources, payments of dividends, etc., and certain transfer of stock).

(E) Subsection (a) of section 6661 (relating to the failure to report tax shelters, etc.).

(F) Section 6663 (relating to failure to file return of personal holding company tax).

(G) 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 6598 (relating to addition to tax in the case of valuation overstatements for purposes of the estate or gift taxes).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation overstatements for purposes of the estate or gift taxes).

(C) Subsection (a) of section 6709 of such Code (relating to abuse of tax shelters, etc.) is amended by striking out “20 percent” and inserting in lieu thereof “30 percent”.

(D) 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 6598 (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 overstatements for purposes of the estate or gift taxes).

(E) Paragraph (b) of section 6564 (relating to failure to file tax return or to pay tax).

(F) Paragraph (2) and (3) of section 6656 (relating to failure to register tax shelter).

(G) Subsection (a) of section 6657 (relating to bad checks).

(H) Paragraph (1) and (2) of section 6658 (relating to failure to pay tax).

(I) Section 6659 (relating to failure to make deposit of taxes or overstatement of deposits).

(J) Subsection (a) of section 6677 (relating to failure to file information returns with respect to certain foreign trusts).

(K) 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 (3) of section 6012 (relating to joint return after filing separate return).

(B) Paragraph (2) and (3) of section 6332 (relating to enforcement of levy).

(C) Paragraph (1) of section 6632 (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).

(E) Section 6663 (relating to failure to file tax return or to pay tax).

(F) Paragraph (b) of section 6564 (relating to failure to file tax return or to pay tax).

(G) Paragraph (2) and (3) of section 6656 (relating to failure to register tax shelter).

(H) Subsection (a) of section 6661 (relating to the failure to report tax shelters, etc.).

(I) 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) Paragraph (3)(A)(i) of section 6552 (relating to returns relating to information on sources, payments of dividends, etc., and certain transfer of stock).

(B) Paragraph (2) and (3) of section 6656 (relating to failure to register tax shelter).

(E) Paragraph (b) of section 6564 (relating to failure to file tax return or to pay tax) is amended by striking out “100 percent” and inserting lieu thereof “150 percent”.

(F) 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 on employee stock ownership plans).

(E) Paragraph (1) of section 6621(d) of such Code (relating to interest on substan­ tial underpayments attributable to tax mot­ ivated transactions) is amended by striking out “120 percent” and inserting in lieu thereof “150 percent”.

(F) Subsection (a) of section 6701 of such Code (relating to the penalty of promoting abusive tax shelters, etc.) is amended by striking out “$1.50” and inserting in lieu thereof “$300”.

(G) The following provisions of such Code are each amended by striking out “45 percent” each place it appears and inserting in lieu thereof “75 percent”:

(A) Section 6655 (relating to penalty for filing false claim for credit).

(B) Section 6656 (relating to penalty for filing false claim for credit).

(C) Subsections (a) and (b) of section 6668 (relating to penalty for filing false tax returns).

(D) Subsection (a) of section 6677 (relating to penalty for filing false tax returns).

(E) Subsections (d), (l), and (j) of section 6682 (relating to penalty for filing false information returns, registration statements, etc.).

(F) Subsection (a) of section 6675 (relating to penalty for failure to supply information with respect to place of residence).

(G) Paragraph (3) of section 6695 (relating to failure to fail to correct information returns).

(H) The following provisions of such Code are each amended by striking out “$10” each place it appears and inserting in lieu thereof “$15”:

(A) Paragraph (1) and (2) of section 6655 (relating to penalty for filing false credit returns).

(B) Paragraph (2) and (3) of section 6656 (relating to penalty for filing false information returns, registration statements, etc.).

(C) Subsection (a) of section 6675 (relating to penalty for failure to supply information with respect to the use of certain fuels).

(D) The following provisions of such Code are each amended by striking out “$25” each place it appears and inserting in lieu thereof “$57.50”:

(A) Paragraph (1) and (2) of section 6655 (relating to penalty for filing false credit returns).

(B) Paragraph (3) of section 6656 (relating to penalty for filing false information returns, registration statements, etc.).

(C) Subsections (a), (b), and (c) of section 6685 (relating to other assessable penalties with respect to the preparation of income tax returns for other personal).

(D) The following provisions of such Code are each amended by striking out “$50”
each place it appears and inserting in lieu thereof "$475".

(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 statements or failure to furnish statement to employee).

(C) Subsections (a), (b), and (c) of section 6676 (relating to failure to supply identifying information to payor).

(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) Paragraph (2)(A) of section 6670(a) (relating to failure to register tax shelter).

(G) Paragraphs (1) and (2) of section 6038(a) (relating to penalty for failure to furnish information).

(H) Paragraphs (1) and (2) of section 6032(a) relating to penalty for failure to furnish information.

(I) Subsections (b) and (e)(2) of section 6652 relating to failure to pay tax. 

(J) Subsection (a) of section 6679 (relating to failure to file information returns, registration statements, etc.).

(K) Subsection (a) of section 6679 relating to frivolous income tax return.

(L) Paragraph (3)(A) of section 6652 relating to failure to report on individual retirement accounts or annuities.

(M) Subsection (a) of section 6693 (relating to failure to provide reports on individual retirement accounts or annuities).

(N) Section 6698 relating to fraudulent statements or failure to furnish statement to plan participant.

(O) Subsection (b)(1) of section 6698 relating to failure to file partnership return.

(P) Subsection (b)(1) of section 6704 (relating to failure to keep records necessary to meet reporting requirements under section 6047).

(Q) Subsection (a) of section 6706 (relating to failure to file original issue discount information requirements).

(R) Paragraph (2) of section 6707(b) (relating to failure to furnish tax shelter identification number).

(S) Subsection (a) of section 6708 (relating to tax shelter identification number).

(T) The following provisions of such Code are each amended by striking out "$100" each place it appears and inserting in lieu thereof "$1,500".

(U) Subsection (a) of section 6851 (relating to failure to file true tax return or to pay tax).

(V) Paragraph (3)(A)(iii) of section 6862 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(W) Section 6868 (relating to failuer to pay tax).

(X) Section 6869 (relating to returns relating to required information with respect to mortgage credit certificates).

(Y) Section 6971 (relating to failure to file certain information returns).

(Z) Paragraph (1) of section 6996(c) relating to failure to file correct information return.

(A) Paragraph (1) of section 6707(b) relating to failure to furnish tax shelter identification number.

(B) Subsection (c) of section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984, relating to tax shelter identification number.

(C) Subsection (a) of section 6694 relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock.

(D) Paragraph 3(A) of section 6707(b) relating to failure to file totalizer statements.

(E) Subsection (c) of section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984, relating to tax shelter identification number.

(F) Section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984, relating to tax shelter identification number.

(G) Paragraph (2)(A) of section 6702 relating to frivolous income tax return.

(H) Section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984, relating to tax shelter identification number.

(I) Paragraph (3)(A) of section 6803(c) relating to penalty of reducing foreign tax credits.

(J) Subsection (b) of section 6852 relating to failure to furnish certain information returns, registration statements, etc.

(K) Paragraph (1) of section 6807 relating to penalty for aiding and abetting understatement of tax liability.

(L) Paragraph (2)(B) of section 6807 relating to penalty for aiding and abetting understatement of tax liability.

(M) Paragraph (2)(A) of section 6808 relating to failure to register tax shelter.

(N) Subsection (b) of section 6708, as added by section 612(d)(1) of Deficit Reduction Act of 1984, relating to tax shelter identification number.

(O) Paragraph (2)(A) of section 6802 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".

(P) Subsection (c) of section 6695 of such Code (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(Q) Paragraph (2)(A) of section 6708 relating to frivolous income tax return.

(R) Subsection (a) of section 6708 relating to failure to furnish tax shelter identification number.

(S) Paragraph (2)(A) of section 6708 relating to failure to register tax shelter.

(T) 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".

(U) Paragraph (3) of section 6652(g) relating to failure to file tax returns or supply information by DISC or FSC.

(V) Subsection (d) of section 6698 relating to other assessable penalties with respect to the preparation of income tax returns for other persons.

(W) Each of 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".

(X) 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.

(Y) Subsection (a) of section 6695 relating to tax shelter identification number.

(Z) Subsection (d) of section 6696 relating to tax shelter identification number.

(A) Paragraph (3) of section 6912(e) of such Code (relating to returnals relating to information at source, payments of dividends, etc., and certain transfers of stock).

(B) Subsection (b) of section 7213 of such Code (relating to tax shelter identification number).

(C) Paragraph (2)(A) of section 7204 relating to fraudulent statements or failure to make statement to employee).

(D) Subsections (a) and (b) of section 7205 relating to fraudulent withholding exemption certificate or failure to supply information.

(E) Section 7209 relating to unauthorized use or sale of stamps.

(F) Section 7210 relating to tax shelter identification number.

(G) Section 7211 relating to failure to furnish tax shelter identification number.

(H) Subsection (b) of section 7213 relating to undisclosed disclosure of information.

(I) Subsection (a) of section 7216 relating to disclosure or use of information by preparers of returns.
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(4) Subsection (a) of section 7212 of such Code (relating to attempts to interfere with administration of internal revenue laws) is amended by inserting in lieu thereof "$4,500" 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 7221 (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)(c) 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)(2), (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 7201 (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 "$80,000" each place it appears and inserting in lieu thereof "$100,000".

(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 "$80,000" each place it appears and inserting in lieu thereof "$150,000".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7206 (relating to fraud and false statements).
(D) Subsection (b)(1) of section 4951 (relating to taxes on self-dealing).

(E) Subsection (c) of section 4952 (relating to taxes on taxable expenditures).

(F) Subsection (b) of section 4971 (relating to tax on prohibited transactions).

(G) Subsection (b) of section 4975 (relating to tax on prohibited transactions).

(H) Subsection (c) of section 4978 (relating to taxes with respect to funded welfare benefit plans).

(11) 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 (a) of section 4941 (relating to excise tax on business holdings).

(B) Subsection (b)(1) of section 4945 (relating to tax on excess contributions to black lung benefit trusts).

(C) Subsection (b)(1) of section 4945 (relating to tax on excess contributions to individual retirement accounts, certain thrift savings plans, 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 excise tax 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 taxpayers of pension and profit-sharing plans).

(E) Subsection (a)(1) of section 4979 (relating to excise tax on certain dispositions by taxpayers of pension and profit-sharing plans).

(F) Subsection (b) of section 4979 (relating to tax on taxable expenditures).

(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 (x)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purposes).

(B) Subsection (x)(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 (x)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (x)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purposes).

(C) Subsection (x)(2) of section 4945 (relating to taxes on taxable expenditures).

(e) EXPIRY OF AMNESTY:

(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 unpaid amount of Federal tax, the amendments made by this section shall apply to any taxable year (or any taxable event occurring in any 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

(A) 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.

(B) Tax Years Covered: All open tax years ending by December 31, 1983, or taxable events occurring before January 1, 1984.

(C) The Amnesty: Amnesty from criminal and civil penalties and 90% of the interest penalty.

NOTE: Except amnesty for illegal source income (income resulting from a criminal offense under federal, state, or local law).

Section 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

By Mr. BUMPERS (for himself, Mr. INOUYE, Mr. JOHNSTON, and Mr. MOYNIHAN):
Moyhian, and myself. This bill will improve the quality of humanities in our schools by providing summer training institutes for elementary and secondary school humanities instructors.

In the past 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 in 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 about American education was made by the Carnegie Foundation, which asserted only that "revitalizing the American high school is an urgent matter."

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 enrollment 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 "beset" 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 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 Commission 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 even 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 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 Welsner, 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 and 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 come to grips 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 our citizens, yet we have lost the values and principles which we should be asking our students to think seriously about.

The humanities force us to answer important questions about the moral responsibilities of our lives and the 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 expressed 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. If they be 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 curriculum that was carried out in 1983 by the National Endowment for the Humanities and expanded in 1984 with the help of a Mellon Foundation grant. This program provides 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 the process, 675 teachers were involved. 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 would submit applications including the proposed program of instruction, teaching faculty, and the procedures for selecting participants. Funds would be provided to cover the costs of the training institutes and small stipends for participants to attend the institute. This award is designed to be a measure which would provide teacher training programs in the humanities for elementary and secondary 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 INSTITUTIONS 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 first year of operation shall submit to the Secretary at such time, in such form, and containing such information and assurances as the Secretary shall require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of instruction, teaching faculty, and the procedures for selecting participants; and

(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;

This program is designed to improve humanities instruction in our schools.

The measure I am introducing would provide grants to institutions of higher education or consortia of institutions to establish teacher institutes for the enhancement of humanities training in our schools.


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and social studies when taught in elementary schools.

(5) In general, 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 1988, $60,000,000 for fiscal year 1987, and $70,000,000 for fiscal year 1986.

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 training institutes to train elementary and secondary humanities teachers. Grants would be in the amount of $1000 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 must select 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 for salaries of staff, living expenses of participants, and related expenses.

(e) In making grants, the Secretary must assure that 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 $500,000 in any fiscal year.

SECTION 3

Grants are limited by the amount of funds appropriated to carry out this Act.

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 and secondary schools. The definitions also make clear that colleges, universities, community colleges, and junior colleges are eligible to apply for approval to conduct training institutes under this Act.
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 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 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 do this 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 refunds to be deposited in a special trust fund to be created in the Treasury Department. Let me say, Mr. President, that 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 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 desperate and are suffering. 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 declare myself 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 benefit anyone from the government who does not want to give. I invite Members to join me in cosponsoring this bill.

By Mr. TRIBBLE (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. TRIBBLE. 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 WORZEL 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. ATM'S AND SHARED ATM NETWORKS

Automated teller machines (ATM's) and 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 after-hours 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 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 or thrift 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 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 60 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 v. 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 the 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 in one State chartered banks could not allow their customers to use ATM's in another State. In the 29 States which do not permit statewide branching, national banks 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 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 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 precludes or limits 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 unions are 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. Credit union membership is widespread and growing very rapidly, with credit unions already participating in half of the 50 largest networks.

4. WHY NOT WAIT FOR THE COURTS TO DECIDE?

4. WHY NOT WAIT FOR THE COURTS TO DECIDE?

Opponents of this bill last year contended that Congress should wait for the courts 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 Senate 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-
of shared ATM networks. Specifically, if upheld, the decision would effectively prohibit national bank participation in interstate shared networks.

Several witnesses, including the EFT Association and the Comptroller, have testified that this uncertainty has already had 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 opponents blandly to 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, each national bank would have to decide what branch would it may establish such a branch "at any point within the State in which (the branch) is located, if such an establishment is authorized by the State law under which it was established". This statement would certainly encourage protectionists to files 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 currently retard development of beneficial ATM systems.

Keep in mind that some 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 one 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 mall, over the telephone, or by home computer, might all be considered illegal branch banking. This legislation would avoid these absurd results.

a. 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. Mr. President, 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. Mr. President, if there is no objection, the material is 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 if the Comptroller "has established an ATM... it 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 national networks, regional and interstate 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 Act and the McFadden Act. But if the Comptroller's use of a third party ATM by their customers did not constitute illegal branch banking.

The legal basis for far-flung ATM networks was established by a New York District Court. In the case of Independent Bankers Association of New York v. Smith ("Marine Midland Bank v. Smith") (1974), 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 then be limited to those ATM's under the control of the banks themselves could not branch, and this would be illegal branch banking. National banks that now use an ATM in another State. Nor could they use certain In-State ATMs, if they were in a State with a restrictive intrastate branching. Existing shared ATM networks might disappear, as national bank participation diminish.

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 and others 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 the bank either owns or rents it. If the ATM device is neither owned nor rented by a national bank, it is not a branch established by the 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 in a place where "deposits are received, or checks, paid, or money lent"). As a branch, its location would be restricted by pertinent State branches law. If the ATM is not a branch because of McFadden, even if the bank's customers use the ATM to conduct banking transactions 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 1978, the Comptroller has consistently followed the Smith ruling. In rulings, interpretative letters, and a final regulation (12 C.F.R. 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 an ATM conduct banking transactions. The Comptroller has held that an ATM is a branch if the bank's customers use the ATM to conduct banking transactions with their home bank.

Since 1976, national banks have relied on the Comptroller's actions with respect to shared ATM's in order to participate in national networks. Regional and interstate 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
In exempting shared ATM's used by national bank customers from the definition of branch under McPadden, 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 that uses 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 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:

"(IX) 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 transaction 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.

View on 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 were 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 impose 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:

"297. 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 any cemetery, any building or other real property used for religious purposes, or any religious article contained therein or any religious article considered as a part thereof, 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, 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 TO 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. 1688 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. 1688.

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 redesigning 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 thereof "or (b)";

(5) by inserting after subsection (a) the following new subsection:

"(a) 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 any 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 indebtedness owed the United States."

S. 209
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.

"(C) A provision permitting the Attorney General to have any claim referred under the contract returned to the Attorney General and the Attorney General finds such action to be in the public interest;

"(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 such contracts 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.

The fourth sentence of section 803(4) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(4)), 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.

The Comptroller General shall transmit to the Congress an annual report on the activities of the Department of Justice to recover indebtedness owed the United States, including any matter 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)(B) 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.

"(1) 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 the 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.

"(2) 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. 2. 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 375(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, and we were instrumental in fighting for S. 1113 last Congress.

S. 1113 became necessary as a result of an unconstitutional provision included in the Social Security Amendment 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 way toward Social Security benefits. This bill is not tax-exempt interest plus half of the Social Security benefits received by this same individual has increased $5,000—$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, adjusted gross income would be $35,000. 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, rate-payers 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?

The provision included in the Social Security Amendment of 1983, which is codified at section 1113 of the Social Security Act, has caused many states to raise taxes and utility bills in order to offset the increased cost of Social Security benefits. In the United States, the amount of uncollected 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, rate-payers 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?

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$5,000 pushed adjusted gross income over the threshold level. This amount to a tax on tax-exempt income. As it stands now, there exists a tremendous $5,000 pushed adjusted gross income to a tax on tax-exempt income. As it buy higher yielding taxable securities.

Where will cities obtain funds if their couple with $27,000 of pension income, their own residents will not invest?

ings in the cities in which they reside. Of

ginal tax rate on previously tax-free municipal bonds already are absorbing pay tax on a supposed tax-free degree than other citizens for reducing a corporate bonds is running today at the Federal budget deficit.

collective economic muscle and sell is going to be the impact of this ugly municipal bonds. And who could blame them. Cities and municipalities are stricken. The Members of Congress denied the necessary financing for essential services. Police, fire, and water services, lower property taxes, and government.

impor tantly would have

Social Security benefits is $145. Quite frankly, Mr. President, I question the ability of the IRS to keep track of most individuals' tax-exempt interest income. Most currently out-pay tax on tax-free securities. 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.

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. 2. 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 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 legislation. 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 January 21, 1984.

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 were going up.

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 a 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 the 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 and marketing efforts. That provision was then changed after public policy.
January 21, 1985

CONGRESSIONAL RECORD—SENATE

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. 1448(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) and inserting in lieu thereof "1986"; and

(3) in the first sentence of paragraph (3)(A)—

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

(B) by striking out the period and inserting in lieu thereof "(1)".

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to place 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 credit customers subsidize those using credit cards. Nowhere did that study consider the cost 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 assessed each 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 is 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 co-sponsoring 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 94-223 (15 U.S.C. 1636 note) is repealed.

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.

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to place 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 consider the cost 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.

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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
CONGRESSIONAL RECORD—SENATE

January 21, 1985

Mr. MATSUANAGA. 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 outstanding 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 view the fly by night 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 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 the future.

This nation, 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 view the fly by night future when she has nothing to offer because the encroaching present has already violated her potential.

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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 NASA to begin the exploration of NASA's opportunities for coordinating the two Mars missions while there is still time, in the context of the budgetary priorities. This is meant 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 sensitivity 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 wide cooperative activity 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 on other planets.

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 being considered as a joint effort. 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 along with all other untapped and thus 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 the many seemingly promissory 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 co-sponsor 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 on science. 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.

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 uncommitted 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 explore the possibility of 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 nongovernmental space scientists, examining the opportunities for joint East-West Mars-related activities, including an unmanned Mars sample return and all activities that might contribute to an international manned mission to Mars;

Whereas the original objective of United States space planners in the 1960'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 budgetary 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 1990; 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 assure 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 uncommitted 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 explore the possibility of 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;
CONGRESSIONAL RECORD—SENATE
January 21, 1985

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 co-sponsors of S. 89, a bill to recognize the organization known as the National Academy 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 co-sponsor of S. 91, a bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the grave site of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such grave site 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 co-sponsors 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 clearing house 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 names of the Senator from Indiana (Mr. Lugar) was added as a co-sponsor of S. 154, a bill to amend the Internal Revenue Code of 1984 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 Arizona (Mr. DeConcini), and the Senator from Ohio (Mr. Metzenbaum) were added as co-sponsors 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. Helms), the Senator from Wisconsin (Mr. Kasten), and the Senator from Wyoming (Mr. Wallop) were added as co-sponsors 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.

S. 29
At the request of Mr. Byrd, the name of the Senator from Tennessee (Mr. Gore) was added as a co-sponsor of Senate Resolution 29, a resolution to improve Senate procedures.

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 President pro tempore to join the committee appointed on the part of the House of Representatives to attend the funeral of the late Senator.

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

S. Res. 40
Resolved, That it is the sense of the Senate that, consistent with the role of the Senate in the making of laws, and in order to improve the effectiveness of treaties with which the United States is a party and to uphold the reputation of the United States Constitution, and in order to determine for the United States that such treaty is terminated, Senate 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 (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 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 a transmittal 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 the resolution that 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 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 organization of his 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 continue 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 a treaty pro tempore 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 best principles of 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 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 Court granted certiorari and vacated the decision of 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 the interests and situation of the treaty.

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 will 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.

Therefore, with 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.


Inter-American treaty of reciprocal assistance, concluded September 2, 1947.


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.

For the benefit of the parties to the North Atlantic Treaty regarding the status of their forces, concluded June 19, 1951.
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. These 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 appropriates 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 pay the money in the freeze in order to use the money to pay off the SBA guaranteed business loans that went into 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 Reagan proposal has jumped the gun and also cut off the funding appropriated for fiscal 1985. On January 8, action was taken to im- pound $179 million of the $200 million appropriated for the "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 $28 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 spent, that funds like NOAA, IFC, AID, 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 until Congress affirmatively passes a bill to withdraw the appropriation. In the case of the EDA I really don't expect that to happen, given the strong 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 SARBANKS, Senator STENNIS, Mr. PORG, 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, the Nation on that date, and unemployment was 18.6 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 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. DURENBERGER. Mr. President, out of duty to my home State, I wish to quash a rather distressing rumor that has been circulating around our Nation's Capital on this inauguration day. It is, indeed, disappointing that unusually 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 spent its own money on the 1984 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.

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 shirt is shatter. But this is more than the Eighth Congressional District of Louisiana, the people he represented in Congress for seven terms. He would have made, I believe, 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. That is part of what makes us such an endearing lot, or so I am told.

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 Congress. An Long's uniquely passive. As chairman and vice chairman-designate, respectively, of the Joint Economic Committee, he and I had established a close and productive working relationship. Indeed, we worked together to organize the committee for the 98th Congress. I developed the greatest respect and admiration for Gillis' abilities and dedication.

Gillis Long was missed by more than the Eighth Congressional District of Louisiana, the people he represented in Congress for seven terms. He would have made, I believe, 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. That is part of what makes us such an endearing lot, or so I am told.

In fact, and I had many discussions about using the Joint Economic Committee to assist the people of central America. His people grow cotton, rice, and sugar. We share 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.

The nation's economic policies. 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 Cather, 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 asked if he might in the Record.

The article follows:

**A TRUE GENTLEMAN OF THE PRESS**

(Edward H. Armstrong)

Ken Watson was a gentleman in the truest sense of the word. So it was with a feeling of shock and sorrow that his friends and co-workers learned of his death in the midst of the holiday season.

Ken was not of Ken's close friends who shared the daily lunch table with him at Nord 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 pejoratively, 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 months later, 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 other principal avocations were rooting for the Illinois baseball Cardinals. University of Illinois football and basketball teams.

He was such a U of I partisan that friends tell stories about his problems with his TV set because the Illini fared so poorly in the Rose Bowl.

Ken's love of sports surfaced in the similars that often appeared in his columns. He was an avid reader and writer of paring 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, his encounters with present day electronics.

Using the manual typewriters he grew up with, his fingers flew over the keys in fits and starts. His original copy was out 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.

I knew that using computer terminals instead of typewriters would be a challenge for Ken, and it was—so much so that he needed someone to type the document so he could type it on that with you today, and then expand my topic a bit to reflect the theme of this Conference. So when 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 Illinois. 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, for the people of Illinois, is jobs—more than 500,000 jobs for Illinoisans. The U.S. Department of Commerce estimates that every $1 million in exports creates opportunities for 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 expanding our export capabilities is in 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 be competitive 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 Development Authority to help provide financing. The General Assembly asked me as Lieutenant Governor to chair this Authority, and I have appointed Governor Thompson to chair it. At its first meeting, held last month, the Authority agreed to aim to be fully operational by June 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 working 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 agreed to examine ways that existing state resources can be redirected to promote an exporting awareness among Illinois 250,000 small businesses. One of the tasks 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 exporters: 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 Export Promotion. This 2-day meeting drew over 400 delegates from throughout the State to discuss a variety of issues affecting our small business exporters. Through its discussions, the Conference stressed the importance of small business leadership, stressing that the single greatest impediment to exporting is the lack of financing.

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 a unique set of training 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. By early 1985, the Illinois Conference on Small Business Export Promotion is already recommending that government improve the availability of information on international trade, stressing the many opportunities by encouraging foreign language and cross-culture training at all levels of education. Delegates pointed out that many American businesses often run into a wall of language and cultural sophistication in dealing with foreign buyers. The customs and marketing skills used by foreign firms on the domestic market may simply not work when dealing with buyers from Asia or Europe. This lack of expertise and the international component that 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 more you know about your customers, the more successful your business will be. This is especially true for small and medium size businesses.

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 provide our educational resources to enhance international trade, and what should we do to act?

In doing so, the research on this subject—education and language proficiency and the relationship to international trade—has discovered a wealth of information that is helpful. There is a wide variety of reports and studies already completed. Among them:


2. The Report of the President's Commission on Foreign Language and International
January 21, 1985

CONGRESSIONAL RECORD—SENATE

Studies (1979). The Commission, in examin­
ing the cause of America’s incompetence in foreign languages, found that this in­
telligence in foreign languages is nothing short of scandalous and it is becoming worse.”


ment 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. Two months ago, while the college bound might have been in the news in reviewing all of these studies, I discovered the facts that I consider nothing short of learning-facts such as these:

A 1980 Statewide 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 5% 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 300 million people.

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 toward foreign lan­guage learning. Consider, for example, that

In France, foreign language learning begins in the 4th 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.

These conclusions by the Commission reported that our weakness in foreign language learning “pose a threat to America’s se­curity and foreign policy.”

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 exporters are increasingly recognizing the fact that the language of international business is the language spoken by present and po­tential customers.

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 the international market 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 manufacturing—will draw increasingly upon 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 foreign language knowledge is a key to opening minds and achieving our national economic goals.

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 national importance 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 determining the reforms and governing the schools. Yet at the same time the Commission said that the Federal Government should iden­tify the problem and “provide the resources for 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 the Illinois Plan, as implemented, will meet the recommendations of the report submitted by the State Board Citizens Panel in 1984. 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.

In Illinois we have already identified the problem and taken some steps to address it. The "Illinois Plan" approved in 1984 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, teacher support, and implementation strategies to help assure the language competence and international sensitivities of our current and future 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 increasing 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 this needed reform.

The 1985 Session of the Legislature will surely deal with the subject of educational reform problems, but 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 30 billion dollars 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 sensitivity are essential to our system of education—we must understand they are as fundamental to a sound education as reading, writing, and arithmetic.

Mr. D'AMATO. Mr. President, today marks the 67th anniversary of the January 22, 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 Empire and the subsequent 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 the date by the oppressive Russian Government. Moreover, any nationalistic movement from Ukraine, on this, or any other day, is instantly squelched, and "perpetrators" are prosecuted 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 totalitarian Soviet regime led me to introduce a resolution in the last Congress that was passed unanimously, to commemorate 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 and cultural life of over 20 million people. This devastation of Ukraine is another example of the moral bankruptcy and the totalitarianism of the Soviet Union that continues to subjugate Ukraine. This resolution, which passed the House and Senate, also issued a stern warning to the Soviet Union that these people will not lay down their history. We have seen the end of this policy. It is conceded by the majority of the world now that it is a violation of human rights. They have justly been called the "Holocaust in the Ukraine."
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 conflicting ways.

In the view of President Reagan and his supporters, freedom is an essentially simple value. They suggest that an individual has freedom when the government is not there to prevent him from doing what he wants. 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 is not the same as freedom for the wolf. The best government is not that which governs least or most but that which judiciously discriminates between a liberating force; or as Mondale put it, a government that is "off our backs, but on our side."

There are different conceptions of freedom that have vastly different implications, especially in terms 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 our 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, a radical idea: taking a public bus to work is a socialist act.

These alternative visions are essential to the state, the idea that the state 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 simplistic, for the liberal argument is a liberating force: or as Mondale put it, a government that is "off our backs, but on our side."

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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 MARTIN, 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 depleted 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 veto 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.

The 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.

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 generals:


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. Billy J. Boles, FR, Regular Air Force.
Col. Chalmers R. Carr, Jr., FR, Regular Air Force.
Col. James E. Chambers, FR, Regular Air Force.
Col. George E. Chapman, Jr., FR, Regular Air Force.
Col. Edward D. Cherry, FR, Regular Air Force.
Col. Keith B. Connolly, Jr., FR, Regular Air Force.
Col. Rufus M. DeHart, Jr., FR, Regular Air Force.
Col. Robert S. Delligatti, FR, Regular Air Force.
Col. Thomas R. Ferguson, Jr., FR, Regular Air Force.
Col. Ronald R. Fogleman, FR, Regular Air Force.
Col. Albert A. Gagliardi, Jr., FR, Regular Air Force.
Col. Roy M. Goodwin, FR, Regular Air Force.
Col. James W. Hopp, FR, Regular Air Force.
Col. Lawrence E. Huggins, FR, Regular Air Force.
Col. Larry R. Keith, Jr., FR, Regular Air Force.
Col. Clarence H. Lindsay, Jr., FR, Regular Air Force.
Col. Gary H. Mears, FR, Regular Air Force.
Col. Richard C. Milnes II, FR, Regular Air Force.
Col. Burton R. Moore, FR, Regular Air Force.
Col. Thomas S. Moorman, Jr., FR, Regular Air Force.
Col. David C. Morehouse, FR, Regular Air Force.
Col. Gary W. O'Shaughnessy, FR, Regular Air Force.
Col. Basili H. Pfumm, FR, Regular Air Force.
Col. William T. Porter, FR, Regular Air Force.
Col. James F. Record, Jr., FR, Regular Air Force.
Col. James M. Rhodes, Jr., FR, Regular Air Force.
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Col. James G. Sanders, FR, Regular Air Force.
Col. Wayne E. Schramp, FR, Regular Air Force.
Col. Roger C. Smith, FR, Regular Air Force.
Col. Gerhard B. Stephenson, FR, Regular Air Force.
Col. Walter E. Webb III, FR, Regular Air Force.
Col. William T. Williams IV, 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 598, 8373, and 8374, title 10, United States Code:

To be major general

To be brigadier general
Col. Nicholas Anuncielli, Jr., O, Air National Guard of the United States.
Col. Roland E. Ballow, O, Air National Guard of the United States.
Col. Richard W. Bertrand, O, Air National Guard of the United States.
Col. Emiel T. Boukaert, O, Air National Guard of the United States.
Col. Wayne O. Burkes, O, Air National Guard of the United States.
Col. Drennan A. Clark, O, Air National Guard of the United States.
Col. Thomas R. Elliott, Jr., O, Air National Guard of the United States.
Col. Harold R. Hall, O, Air National Guard of the United States.
Col. Charles W. Harris, O, Air National Guard of the United States.
Col. Thomas E. Herta, Jr., O, Air National Guard of the United States.

Col. Harold C. Morgan, FG, Air National Guard of the United States.
Col. David W. Noall, FG, Air National Guard of the United States.
Col. Dudley P. Smith, FG, Air National Guard of the United States.
Col. Charles Taylor, Jr., FG, Air National Guard of the United States.
Col. Carleton R. Waldrop, 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. Dollingerhausen Fluck, 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 Gilham Tinley, 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, 1986, vice Eleanor Rooks, resigned.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Lucy George Richards, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1990, vice Maureen 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 Gaul 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. 739, 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.
Jack L. Powell
Martin V. Lahlum
Marcie R. Dustert
Maurice D. Lafferty
Ronald W. Rogowski
Philip C. Wrangle
Travis H. Willis
George R. Merrifles

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

To be brigadier general
Col. Richard D. Chegar, FR, Air Force Reserve.
Col. Clyde R. Cherberg, FR, Air Force Reserve.
Col. Ronald V. McDougal, FR, Air Force Reserve.
Col. Frederick W. Roeder, FR, Air Force Reserve.
Col. Felix A. Santoni, FR, Air Force Reserve.
Col. Richard E. Starnes, FR, Air Force Reserve.

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, under the provisions of section 2121, 2132, and 2137, title 15, United States Code:

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
Emily Beard
Jennifer A. Hill
Michael K. Jeffers
Scott R. Kuester
Kristie L. Miller
Catherine A.
David A. Cole
Montgomery
Elizabeth A. Crozer
Joanne A. Salerno
Glenn A. Close
Todd C. Sites

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 2121, 2132, and 2137, title 10, United States Code:

To be major general

To be brigadier general
Col. Clyde C. Deckard, Jr., FR, Air Force Reserve.
Col. Robert S. Dotson, FR, Air Force Reserve.
Col. Dominick V. Drano, FR, Air Force Reserve.
Col. Richard A. Freytag, FR, 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


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


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


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


The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3982:

To be lieutenant general


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


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


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


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


To be vice admiral

Rear Adm. Paul F. McCarthy, Jr., xxx-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


THE JUDICIARY

Herbert Blalock 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. McNamara.

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.

DEPARTMENT OF COMMERCE

Michael Huffington, of Texas, to be Assistant Secretary of Commerce, vice Lawrence J. Brady, resigned, which was sent to the Senate on January 3, 1985.

WITNESS

Executive nomination withdrawn from the Senate October 7, 1985:

DEPARTMENT OF COMMERCE

Michael Huffington, of Texas, to be Assistant Secretary of Commerce, vice Lawrence J. Brady, resigned, which was sent to the Senate on January 3, 1985.