SENATE—*Thursday, June 20, 1985*

(Legislative day of Monday, June 3, 1985)

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

PRAYER

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

Let us pray.

Eternal God, our Gracious Father in Heaven, last night, some of us enjoyed a very special evening together as we honored the Senate pages who leave us this week. With hearts ambivalent, both happy and sorry, we gladly expressed our appreciation for their faithful, capable service to the Senate, and sadly bade them farewell. Thank Thee, Father, for these beautiful young people who graced this Chamber. Bless them as they leave us; may they know our love and gratitude follow them. Thank Thee for their parents, who loaned them to us for a season. Thank Thee for our leaders, who arranged the Senate schedule so that Members could participate. Thank Thee for the Senators who came to dinner and honored the pages by their presence and their eloquence. Thank Thee for the officers and cloakroom staffs who brought special meaning by their attendance. Praise Thee Lord for our pages. In His Name Who loved with everlasting love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, the leaders have, under the standing order, 10 minutes each. Routine morning business will follow that unless the time is reserved by either leader, not to extend beyond the hour of 10 a.m., with statements therein limited to 5 minutes each.

We will resume consideration of H.R. 2577, the supplemental appropriations bill. Votes can be expected throughout the day, probably starting this morning and into the evening, in the hope that we can complete action on the supplemental sometime today.

Mr. President, it seems to me that that should be quite possible unless there is some amendment out there that I am not aware of. Obviously, if the line item veto is offered, that would take more time than this evening. But if the Rules Committee would report out the line item veto today—they do meet today—that would avoid that amendment being offered or possibly being offered to this legislation.

It is my hope we can complete action on the bill today. Pending is the amendment of the distinguished minority leader No. 368 to amendment No. 367. There could be rollcall votes before noon.

When we complete action, if we complete action, on the supplemental today, I hope to announce by noon what we may do on tomorrow. If we can clear the coin bill, we could do that tomorrow. If we cannot get an agreement on the so-called gun bill, S. 49, by the time we complete action on this, the gun bill will be laid down, S. 49.

RECOGNITION OF THE MINORITY LEADER

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

Mr. BYRD. Mr. President, I thank the Chair.

I join with the distinguished majority leader in expressing the hope that the Senate will complete action on the supplemental today or if not today, certainly early tomorrow.

Mr. President, let me ask the Chair to call it to my attention when I have only 5 minutes remaining.

WEST VIRGINIA'S 122D BIRTHDAY

Mr. BYRD. Mr. President, on this day—June 20th—in 1863, West Virginia became the 35th State in the Union. As part of the Old Dominion—the Mother State of Virginia—the people of West Virginia had for generations played central roles in building our country. Trans-Allegheny Virginia has been the original frontier—a land in which men and women of strong fiber and tenacity endured the hardships of an unfriendly nature and the attacks of hostile aborigines to anchor their claims in the wilderness.

As America matured and the frontier moved on, the eastern and western sections of Virginia took on increasingly distinctive characteristics. Out of Pennsylvania, New York, and New England came new settlers with values and outlooks on life that were often at odds with those of the State government across the mountains in Richmond. In time, a unique culture developed in Virginia's western counties—a populist, patriotic, practical, and independent way of life deeply attached to the Union and little sympathetic toward or patient with the South's "peculiar institution," slavery.

Understandably, the call to secession from the Confederacy, and the call to arms from the Federal Government in Washington, triggered an internal crisis in Virginia unlike that in other States. While Gov. John Letcher was taking eastern Virginia out of the Union and into the Confederacy, Waitman T. Willey and other western Virginians set about splitting West Virginia from the Old Dominion, and keeping her in the Union.

The U.S. Senate heatedly debated West Virginia's admission into the Union as a new State. The constitutional issues involved were murky and conflicting, and some Senators were reluctant to set a precedent on such shaky grounds as those cited by pro-statehood advocates.

But in the end, President Abraham Lincoln recognized that the loyalty of the people of West Virginia to their flag and country was the important issue, and he threw his support to the cause of West Virginia statehood. Perhaps more than anyone else, President Lincoln can be called West Virginia's patron, a distinction acknowledged gratefully by the statue of that great man standing today on the grounds of the West Virginia State Capitol in Charleston.

Today, in pride, the people of West Virginia celebrate 122 years of statehood. As President John F. Kennedy said on another West Virginia Day 22 years ago, "The Sun does not always shine in West Virginia, but the people always do." Among their hills and valleys on this day, West Virginians follow a way of life and preserve a culture rooted in the values on which our country was founded. Friendly, hospitable, and hardworking, most West Virginians possess a fierce sense of responsibility toward their families, home, and country—a quality that has seen West Virginians, far out of proportion to the numbers, fighting and sacrificing their lives in our country's defense. The State's motto—"Mountaineers Are Always Free," is an apt assessment of West Virginians' attitudes toward tyranny and unjustified encroachments on their rights and prerogatives.

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

Today, therefore, I salute West Virginia on this, her birthday, and I wish for her and for all of her people continued strength and progress in the centuries ahead.

AFGHAN TALKS: A CHANCE FOR CHANGE?

Mr. BYRD. Mr. President, the time has come for serious discussions about ending the brutal occupation of Afghanistan. After 5 years of this obscenity the Soviet Army is caught in a hopeless stalemate. World opinion—and tangible support from many countries—supports the courage and determination of the Afghan people.

Some measure of the continuing loss of Soviet influence can be found in the words of Prime Minister Gandhi. In his address to a joint session of Congress on June 13, he said, "We stand for a political settlement in Afghanistan that ensures sovereignty, integrity, independence, and nonaligned status, and enables the refugees to return to their homes in safety and honor." His remarks were encouraging, especially given India's past lack of involvement on this vital matter of subcontinent security.

At present, working-level talks between the U.S. Government and the Soviet Union are taking place. These talks are being held for the first time since 1982, when hopes for a political settlement were dashed by Soviet intransigence and a shortsighted policy that now counts its failure in Soviet—and Afghan—dead.

I have written to the Secretary of State, Mr. Shultz, encouraging him to make plain to the Soviet participants that any progress on commercial issues or other matters of interest to the Soviet Union will depend upon some genuine progress on a Soviet withdrawal from the wartorn nation of Afghanistan.

I have met with leaders of the Afghan resistance. There is no doubt that these heroic people are prepared to fight to the bitter end to regain their homeland. But such sacrifice should not become necessary. The new Soviet regime has an opportunity to take a bold new direction in Afghanistan. I hope that it has the wisdom to seize upon this opportunity, rather than digging the Soviet military deeper into this poor country.

Reports this week that Afghan freedom fighters destroyed 20 Soviet fighter planes in a daring raid on an airbase demonstrate that the Afghan resistance is prepared to carry the fight to the Soviets and their proxy. Is this what the Soviets want to see, and for how many more years?

Mr. President, I ask unanimous consent that my letter to Secretary Shultz of June 4, 1985, be included in the RECORD at the close of my remarks. In addition, I ask that an excellent editorial from the Economist of June 15, 1985, appear in the RECORD.

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

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 4, 1985.

Hon. GEORGE P. SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I understand that the United States and the Soviet Union will discuss Afghanistan in talks scheduled for later this month. In that connection, I urge you to convey to the Soviet participants that any progress in improving our bilateral economic relationship is contingent upon a clear showing of Soviet interest in a negotiated settlement to the Afghan problem.

After more than five years, the Soviet Union continues to occupy Afghanistan and engage in a ruthless campaign of unparalleled brutality. The Soviet military has vented its frustration over five years of stalemate by intensifying efforts to depopulate the countryside which it cannot control. Most recently, Soviet forces have carried out assaults on civilian targets along the border with Pakistan, and Soviet aircraft have bombed villages inside that country.

The Soviet leadership must be convinced that the problems in Afghanistan are not susceptible to a military solution and that there is a necessary connection between progress on a negotiated solution and progress on improved U.S./Soviet trade. I encourage you to make this point in discussions with Soviet officials. I am sure you appreciate that you have strong bipartisan support for this position.

Sincerely,

ROBERT C. BYRD.

[From the Economist, June 15, 1985]

PEACE IN AFGHANISTAN: NEEDS RUSSIAN FLEXIBILITY

Imagine if the United States were to invade Nicaragua with 125,000 soldiers and stay for more than five years, trying to impose one-party rule upon an overwhelmingly hostile people. Imagine if the reports of brutality-as-usual last spring included machine-gunning about 70 civilians who showed up at a village meeting, and pouring paraffin on others and setting them alight.

If the Americans did such things, the world would very soon know about them; and if atrocity followed atrocity public opinion in America, and elsewhere, would explode. The Russians are getting away with them in Afghanistan because Soviet public opinion counts for little and the international conscience, furnished with few accounts of the Afghan atrocities, has rolled over and gone back to sleep. Instead, there are earnest hopes of finding a "diplomatic solution" to the continuing violation of Afghanistan. American and Russian diplomats are to meet to discuss the matter, nearly three years after the last chat fizzled out. Mr. Diego Cordovez, a United Nations would-be peacemaker, who shuttled between Kabul and Islamabad recently, has claimed that hopes of a deal are "alive and well". Arm's-length conversations between Pakistan and Afghanistan may be resumed on June 20th.

What have the placement of an invading power to say to the country that has had to act as reluctant host to the world's biggest refugee population, displaced by that invasion? It can be argued that Pakistan's President Zia might be tempted to wash his hands of Afghanistan by expelling Afghan refugees and policing the border to keep arms from reaching the guerrillas. In practice, he can probably do neither: expelling some 3m people against their wishes is likely to be no easier than fighting a tribal war to stop the gun-running in Pakistan's North West Frontier province. General Zia, with the ring of confidence that some $3 billion in American aid gives him, shows no sign of wavering.

THE MOUNTAIN MUST MOVE TO MOHAMMED

It is Russia that must move for there to be any chance of an agreement. A barebones deal drawn up by Mr. Cordovez in 1983 called for the Russians to withdraw from Afghanistan in stages, in parallel with a repatriation of the refugees. The Russians scuppered it by saying they would pull out only if the refugees returned first and if an "acceptable" government were left in Kabul. For Pakistan, it was nothing doing. Some Russian foreign policy experts are now suggesting the Finlandisation of Afghanistan might be an answer.

Provided a government was installed that had some claim to be representative of Afghanistan's patchwork of tribes, and was not host to Russian bases on the rim of the Gulf, the west could live with the Finland option. It would be a setback for Russia, because it would entail a return to the time when Afghanistan showed a healthy, but independent, respect for its massive neighbour. For Mr. Gorbachev, swallowing Russian pride might be preferable to pouring in the five times as many soldiers he would probably need to subdue the country utterly. While arms talks simmer in Geneva, Afghanistan may turn out to be the first test of Mr. Gorbachev's flexibility—or toughness.

Mr. BYRD. Mr. President, I yield the remainder of my time to the Senator from Wisconsin [Mr. PROXMIRE].

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from West Virginia.

MYTH OF THE DAY: THAT STAR WARS CAN PREVENT A SUCCESSFUL NUCLEAR ATTACK ON THE UNITED STATES

Mr. PROXMIRE. Mr. President, this is the third in my series of myths of the day. The purpose of this series of brief speeches is to put a statement on record correcting a widespread misunderstanding by the American public often but not always based on a statement by the President or some other member of the administration that is in error.

Today's myth is in its infancy. It is certainly not accepted as yet by the majority of the American people. But with a strong and persistent series of statements by the President and his Secretary of Defense, an increasing proportion of Americans are beginning to believe it.

The myth is that this country can build a kind of astrodome defense against Russian nuclear weapons that

will make Americans safe from a preemptive nuclear strike. As a "small starter" to achieve this dream, the U.S. Senate has authorized about $3 billion for next year. This is a more than 100-percent increase in funding for the star wars missile defense research which the administration has said can accomplish this miracle. It is a relatively small down payment on a project that may reach a trillion dollars in cost. Most informed observers believe this program may succeed in the event of a Russian preemptive nuclear strike in intercepting some of the incoming Russian missiles. Virtually no informed person thinks it can ever fully protect the American airspace from Soviet nuclear attack. And most experts believe that technological improvements in offensive missiles will at least parallel the improvements in defensive missiles and leave America as vulnerable in the future to a preemptive nuclear attack as it is today, star wars or no star wars. The myth that for a trillion dollars or so we can ever build a perfect astrodome defense against nuclear attack for our country is just that: a myth.

WHY STAR WARS WILL NOT WORK

Mr. PROXMIRE. Mr. President, in its June 17 issue, Newsweek magazine provided two excellent articles in its cover story on the Reagan administration's proposed star wars defense. The first question I find people ask about star wars is: "Will it work?" Could it possibly prevent the Russians from penetrating our air space with nuclear warheads? Could it stop Russian warheads that would otherwise demolish our cities and kill much of our population? Will it work? The overwhelming weight of informed opinion is that it might work partially. It could possibly prevent much, maybe most of the intercontinental ballistic missiles launched from land-based silos in Russia on a 20- to 30-minute journey of several thousand miles over the North Pole. It could not ever stop such nuclear weapons as submarine-based cruise missiles, that hug the ground, and carry a map in their brain so they can avoid obstacles, and have a 1,500 mile range and deliver a punch equivalent to 200,000 tons of TNT.

Of course, American science has accomplished impossible marvels in the past. Maybe—given enough time and enough hundreds of billions or trillions of dollars and enough attention by tens of thousands of our most gifted scientists and engineers—it can banish this terrible nightmare of a U.S. nuclear holocaust from our dreams and fears. How about that? Can it succeed? There is one prime reason why it cannot. What is my authority? Well, there is authority in abundance. We have the authority of Hans Bethe, the Nobel price winning physicist who is known as the father of the hydrogen bomb. Bethe calls the Reagan star wars proposal: "absolute nonsense." But I do not base my conclusion on Dr. Bethe. There is the assertion by former Secretary of Defense Harold Brown. Brown is a physicist by training. He is as competent an expert on nuclear weapons as this country has produced. What does he call star wars? He calls it, and I quote: "an impossible dream."

Then there is the expert who served as Secretary of Defense for 7 years and under two Presidents, Robert McNamara. This country has never had a secretary of defense more deeply respected for his knowledge of weapons or a secretary who brought into the Defense Department a greater array of the best and brightest than Secretary McNamara. What does Secretary McNamara say of star wars? He thinks it is wasteful, extravagant, and useless.

There is Clark Clifford, another Secretary of Defense who has called for a sharp reduction in funding for the star wars research and challenged its impracticality.

That isn't all, Mr. President. There is James Schlesinger, who served as Secretary of Defense in a Republican administration. Schlesinger flatly declares that star wars cannot protect our airspace.

Still another Republican Secretary of Defense, Elliot Richardson, has called for a sharp reduction in star wars funding.

This is very impressive testimony from five former Secretaries of Defense, representing both political parties—tremendously impressive expertise and solid opposition to star wars. But I don't rely on any of these expert opinions for my conclusion that star wars will become the trillion dollar turkey of the century.

I rely on one single sentence from the cover article in Newsweek on June 17 on star wars. This is what the sentence declares: "The most significant recent advance in space-based-missile-defense research is the x-ray laser—and it may turn out to be more effective on offense than defense." Why is that sentence so decisive in destroying the case for star wars? It is decisive because star wars would create a defensive project over the next 20 or 25 years, that is, by the year 2010, that would stop the Russian offensive ICBM arsenal of 1985. But by 2010 both the Russians and the United States would have an offensive arsenal capable of penetrating any new star wars defense. The x-ray laser could be part of the star wars defense. As Newsweek reports, it could be an even more effective part of the new nuclear offense. In the long history of warfare, defense—from the great wall of China, to castle moats, to the Maginot line in World War II—has only briefly and never successfully challenged the dynamism of offenses. The fallacy of star wars is based on the pathetic fallacy that someone can win an arms race permanently. In the nuclear age, both sides lose in any arms race. Certainly the side which would pour its resources into defense in space on the assumption that a nuclear offense could not overcome it will be a sure and certain loser.

Mr. President, I ask unanimous consent that the article to which I have referred in the June 17 Newsweek entitled "Realistic Defense or Leap of Faith?" be printed in the RECORD.

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

REALISTIC DEFENSE OR LEAP OF FAITH?

At 6:18 a.m. a year ago June 11, radar operators at a U.S. military station on the Kwajalein atoll in the South Pacific identified a target rising above the horizon: an American intercontinental ballistic missile fired from Vandenberg Air Force Base in southern California, more than 4,800 miles away. Army officers immediately unleashed a killer rocket of their own, an old Minuteman missile equipped with a sophisticated heat-seeking sensor system. The interceptor streaked up over the Pacific, its sensors scanning the cold background of outer space. Within 10 minutes it found the missile and closed in. At an altitude of more than 100 miles, the retooled Minuteman deployed a 15-foot-diameter metal net designed to snare the target. Moments later the killer rocket smashed into the invader, destroying it and its dummy warhead. "It hit right square on the nose," says Lt. Gen. James Abrahamson, director of the Pentagon's Strategic Defense Initiative Organization (SDIO). Following three failures, the test was one small step for Star Wars—leading to one giant leap of faith that the program may someday lead to the promised results.

When President Reagan announced the SDI push two years ago, he offered a vision of a space-based shield against strategic ballistic missiles that would render nuclear weapons "impotent and obsolete." Instead of the doctrine of mutual assured destruction (MAD) that has kept the superpowers at bay for nearly 40 years, he evoked an image of an America returned to the golden age of innocence before scientists set free the nuclear genie: "What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack, that we could intercept and destroy strategic ballistic missile before they reached our own soil or that of our allies?"

What if, indeed. At this point the Star Wars defense does not even exist on paper. There is no blueprint, no "project"—only a continuous brainstorming. What must ultimately be an interlocking system of weapons, spacelift capability, command-and-control computation and industrial support is now no more than a diverse collection of very costly, highly speculative pieces of research at laboratories all over the country. The technical challenge is immense, reaching into exotic regions of high-energy physics, the most distant frontiers of computer science and the remotest realms of sensing and communications.

THE ASTRODOME DEFENSE

Despite the Kwajalein success, there is a vast chasm between a preplanned test using a single rocket and a surprise attack by thousands of missiles and hundreds of thousands of decoys. Privately, even scientists involved in SDI research say that the 1983 Reagan speech misled the American public by suggesting that a leakproof antimissile umbrella—sometimes known as the "astrodome defense"—can ever be built. And with tens of thousands of warheads raining down on the United States, even a small leak would lead to destruction of the "soft targets"—that is, human beings.

Even if a leakproof defense is impossible, however, many pro-Star Wars researchers believe that a modest defense may work: a system that spooks the Soviets, fostering uncertainty that a nuclear strike would do sufficient damage and therefore deter such an attack. The idea is to build a multilayered defense using a variety of weapons to knock out Soviet missiles in each phase of their flight: after launch, in midcourse in outer space and as the missiles re-entered the atmosphere. According to this theory, a system that knocked out only 25 percent of incoming missiles would still be a deterrent, because an attacker could never predict which 24 percent would be hit—the ones aimed at cities or the ones targeted for American ICBM fields.

With their targeting strategy a shambles, the Soviets would be unwilling to gamble on a first strike, Abrahamson argues: "These are confidence levels, probabilities. . . . How many rolls does it take to assure myself that I get a seven? That's the way the guy on the other side has to look at his problem. He has to say, 'Can I assure my military boss that I can destroy enough of my targets?' " However, says physicist and arms-control expert Sidney Drell of Stanford University, that means that Reagan's strategic-defense system would remain anchored in a MAD world: "The president had a vision that would get rid of these weapons and scrap deterrence; the Defense Department is giving us a program that would *enhance* deterrence."

Either way, the Star Wars program is pushing the United States into a treacherous new era in the arms race. For example: the most significant recent advance in space-based-missile-defense research is the X-ray laser—and it may turn out to be more effective on offense than defense. Powered by a nuclear explosion, the X-ray laser would emit a lethal blast of X-ray beams in the milliseconds before the device destroyed itself. In the Star Wars defense scenario envisioned by physicist Edward Teller, the father of the hydrogen bomb, a phalanx of X-ray lasers born aloft by rockets would "pop up" at the first warning of a nuclear attack to shoot down enemy missiles while they are still in the few short minutes of their initial burn, or "boost" phase. But in fact, the X-ray laser might be even more effective *against* the Star Wars satellites and spacebased battle stations, with their known and well-plotted positions, than against incoming missiles. "The X-ray laser happens to be one of the most credible threats," says Louis Marquet, SDIO's director for beam weapons. But it is a threat that works both ways: "[We] assume the Soviets can do everything we can do," says Marquet bluntly. "A Soviet pop-up X-ray laser would be very lethal if it were used against our satellites."

Moreover, any Star Wars system would involve another dangerous new element: computers in place of people. To destroy missiles in the boost phase, the defense would have to detect the launch, find the missiles, aim the weapons at every missile and fire—within five minutes. And if the Soviets try to defeat the system by developing fast-burn rocket boosters, the margin will be 50 seconds—no time to convene a national-security meeting. Thus one of the biggest dilemmas facing the Star Warriors is whether a system could be built that would allow humans "in the loop"—or whether the war against missiles would necessarily have to be fought by computers alone. "It is hard to conceive of a boost-phase intercept without a heavy reliance on computers," says James Fletcher, the former NASA chief who headed a presidential commission on feasibility of a strategic defense, "so it would have to be primarily automatic."

ELECTROMAGNETIC STORM

Whether or not humans play any role at all, the demands on the vast interconnected computer system needed to control a Star Wars defense far exceed the capabilities of today's most advanced machines. "The computer would require 10 million lines of error-free code," says defense expert Richard Garwin, a top IBM scientist. "I dont know anyone who knows that that is possible." The common practice in rigging up today's computers is to "debug" the software to correct the inevitable errors and to test the system under field conditions. Highly intricate computer programs *never* work right the first time. Because no software designer can anticpate every contingency, the only way to debug the Star Wars computers would be to test the entire system under the actual conditions it would encounter—that is, a war. Since that is not possible, the computers would simply be trusted to function during the electromagnetic storm of nuclear explosions.

The Star Wars computers could even prove destabilizing by themselves. The hardware might seem to work flawlessly while crippling software errors lurked undetected in the system, perhaps to mistake a Soviet gas-pipeline fire for an ICBM attack (as nearly happened in 1975). "No one who knows about missile-defense systems would put the survivability of such systems in the hands of computers," says Garwin. "It's like a whole bunch of sparking switches in a gasoline-filed room. The least error in that computer system would launch a nuclear war." Star Wars proponents disagree, saying that at worst a mistake would cause snaps, crackles and pops in outer space.

Beyond the danger of a computer-generated holocaust, the Star Warriors face what may be another insurmountable sofeware problem. In a space-based defense system, the complex of communications gear, sensors and weapons must somehow be made to work together. but there is a profound difference between offensive and defensive weapons. It is the difference between building a machine gun and building a computer-controlled defensive-weapons system that would protect soldiers by locating, tracking and destroying enemy machine-gun bullets in the chaos of an all-out battle. Offense is easier: when the scientists succeeded in building the atomic bomb, they had their victory, because the technology for delivery already existed in the form of the B-29 bomber. Similarly, when rocket scientists build intercontinental ballistic missiles that worked on the test range, military planners could be confident that enough ICBM's would work in time of war. But for the Star Warriors, successful testing of individual weapons will not be sufficient. What will make the defense succeed or fail in battle is how well the various components work together. This cannot be known in advance.

BATTLE STATIONS IN SPACE

To Star Warriors like Edward Teller, it almost doesn't matter whether the technology performs exactly as advertised. Because the Soviets would have to respond, he argues, Star Wars would have a devastating impact on the Soviet economy and defense establishment. "Forcing them to reduce the burn phase will obsolete all their weapons and force them into very costly expenditures," he says. But in the hall of mirrors that is the arms race, the United States might find itself in the same predicament. Moreover, just as an aircraft carrier today is protected by a huge and costly task force of destroyers, cruisers and reconnaissance and figher aircraft, so the Star Wars satellites and space battle stations would be prime targets to be defended at great cost.

There is little doubt that a full-fledged Star Wars shield would by itself dwarf the current federal budget of $1.8 trillion, but the crucial question is: will the countermeasures be cheaper for the other side? If it turns out that countermeasures cost less, the sytem will be doomed. "Unfortunately it is far easier to break a fine watch than to make one," says Garwin. "A high-performance system will be countered. And it is a lot easier and cheaper to destroy it than it is to build it."

Beyond the issue of cost, the Star Wars defense may foster a dangerous illusion, in effect creating a space-age Maginot line. Just as Hitler's Panzers swept around the French flanks in 1940, a Star Wars shield could be outflanked by swarms of air-breathing, low-flying cruise missiles or by conventional bombers. But some of the devices now being worked on, the Star Warriors say, might also prove useful in defending against those threats.

No matter what advances in defensive technology the Star Wars research brings, it will not bring back the age of innocence. It has been nearly 40 years now since a lone American B-29 dropped an atomic bomb on Nagasaki, Japan. So far, the spider web of arms-control agreements and the ever-shifting balance of terror have kept nuclear war at bay. "We will have varying degrees of defense, and one side or the other may be slightly ahead," says weapons expert Herbert York, former director of Lawrence Livermore Laboratory. "But we will never have a world in which one side is safe and the other isn't."

RATIFICATION OF THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, what would a former leader in the Hitler youth movement and a survivor of the dreaded concentration camp Auschwitz have in common?

Not much, most people would say.

But indeed today, 40 years after the Holocaust, these two people—one a Hitler youth leader, the other a death camp survivor—do have something in common.

They have a common story to tell—a story of horror and brutality and fanaticisms.

And they are telling this story together on the lecture circuit.

The former Hitler youth leader is Alfons Heck, a 59-year-old American citizen now living in San Diego who rose through the ranks of the Hitler youth movement in the 1930's and 1940's, but who now scorns Hitler and his band of Nazi thugs.

The Auschwitz survivor is Helen Waterford, who also lives in San Diego.

During the 1970's Alfons Heck had written extensively about his experiences in Nazi Germany. He had described candidly the shame and the guilt he later felt over being a zealous member of the Hitler youth.

Several years ago, Helen Waterford approached Alfons Heck and proposed that they team up to tell of their experiences in Nazi Germany from opposite ends of the spectrum.

Today, Mr. President, the two have appeared in joint lectures on television, radio and college campuses all over the country.

The Boston Globe in a March 29 article dubbed them the "odd couple" after they appeared at Dean Junior College in Franklin, MA.

Alfons Heck's story is one of a child's willing submission to the leadership of the Nazi regime.

Heck, who claims to be the highest ranking Hitler youth leader living in the United States today, stands before his audiences maintaining that even when he nonchalantly ordered a school teacher to be shot if he did not permit Hitler youths to sleep in his schoolhouse, he still felt like a "decent, honorable, young German, blessed with a glorious future."

Helen Waterford's story is one of her unwilling childhood submission to the same terror.

She tells her listeners that the daily abuses she was subjected to precluded any chance of her having or even dreaming of a future.

Their motivations for speaking out are as different as their pasts. But their stories serve a crucial purpose.

Alfons Heck says he wants all Americans to know that what happened to him and to the Jews could happen in the United States.

Helen Waterford wants Americans to never forget the horrors that Jews suffered in the past.

Alfons Heck's memories of abusive power should serve as a cautious warning to us all that we should remain forever vigilant of this type of terror—this genocide.

Mr. President, just as these two people have realized that the past cannot be forgotten, so must we.

We must resolve ourselves to send a message to the entire world that the United States has not forgotten and will never forget the senseless destruction of the Holocaust.

We must resolve ourselves to make sure that the courage of Helen Waterford lives on.

We must resolve ourselves to make sure that the fanaticism that Alfons Heck warns of never results in another Holocaust.

In other words, Mr. President, we must ratify the Genocide Treaty.

Ninety-six other nations have demonstrated this wisdom and courage.

The time has long passed for the United States to do the same.

Mr. President, once again I thank my good friend, the Democratic leader, for so graciously and generously yielding me time during his reserved time.

Mr. President, I yield the floor.

Mr. BYRD. The distinguished Senator is welcome.

ROUTINE MORNING BUSINESS

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

ROBERT GRAHAM AND JANE HENNEY—NEW HORIZONS IN AMERICAN MEDICINE

Mr. KENNEDY. Mr. President, I want to take this opportunity to commend one of the most impressive husband-and-wife teams in American medicine—Dr. Robert Graham and Dr. Jane Henney—and wish them success as they begin a new phase of their careers.

Dr. Graham, who will become the executive vice president of the American Academy of Family Physicians, is currently Assistant Surgeon General and Administrator of the Health Resources and Services Administration in the Department of Health and Human Services, and he is widely regarded as one of the ablest officials in the U.S. Public Health Service.

Jane Henney, who is the Deputy Director of the National Cancer Institute, has been appointed associate vice chancellor at the University of Kansas Medical Center.

Both of these talented physicians have had remarkable careers in public health. Many of us came to know Bob Graham personally in 1979 and 1980, when he took a leave of absence from the executive branch to serve on the staff of the Senate Health Subcommittee in the 96th Congress. Bob's work for the subcommittee and for the Senate was marked by a consistently high degree of excellence, and reflected his tireless commitment to improving all aspects of health services for the American people. The United States leads the world in Nobel Prizes for medicine, but we are not winning any Nobel Prizes for translating the miracles of the laboratory into advances at the bedside of the patient. In his new role at the American Academy of Family Physicians, Dr. Graham will be on the front line of the essential struggle to close the gap and to improve the delivery of health care to our citizens.

Jane Henney has had a highly successful career at the National Cancer Institute over the past decade, rising from the position of senior investigator in the Cancer Therapy Evaluation Program to become Deputy Director of the Institute in 1982. Her unusual abilities in both research and administration have been a key factor in some of the Institute's most impressive victories in the war against cancer in recent years, especially in areas such as advances in cancer treatment, development of computerized programs to link practitioners to the best possible therapy in their communities, and new initiatives on cancer prevention among minorities. To many of us, Dr. Henney is best known for her oversight of the Institute's landmark study on the ineffectiveness of laetrile in cancer treatment, and her national leadership in protecting patients and their families against those who prey on them with quacky remedies.

I congratulate these two talented physicians for their achievements in public health, and I wish them success in their new responsibilities. I am confident that for Bob Graham, Jane Henney, and American medicine, the best is yet to come.

RUSSELL SENATE BUILDING COURTYARD ICE CREAM PARTY

Mr. THURMOND. Mr. President, today, we are celebrating what has become an annual observance here on Capitol Hill: The ice cream party in the Russell Senate Office Building courtyard. I am pleased to join my colleagues, Majority Leader ROBERT DOLE; Speaker of the House TIP O'NEILL; chairman of the Senate Committee on Agriculture, Nutrition, and Forestry JESSE HELMS; and chairman of the House Committee on Agriculture "KIKA" DE LA GARZA, who are the honorary chairmen of the event this year, in recognizing the ice cream industry.

The ice cream industry has brought more good will and fun times to the public than any other of which I am aware. Everyone grew up with ice cream, and most memories of ice cream are associated with pleasant, positive associations, such as going with parents or grandparents to the store for an ice cream cone; birthdays and other parties; the ice cream wagon pulling up, bells ringing, and everyone rushing out for a treat. Ice cream has become a tradition in America.

Ice cream is enjoyed by persons of all ages and incomes in our country. The great American love affair with ice cream has produced an $8 billion retail industry. Keeping pace with consumption of this all-American dessert

required the manufacturing of 1.29 billion gallons of ice cream, according to the most recent figures available from the International Association of Ice Cream Manufacturers.

In addition to being delicious—having a good taste, having a creamy, smooth texture, and being a cold refreshment—ice cream is full of nutrition. It provides essential vitamins, minerals, and protein. Just to name a few of them, ice cream contains vitamin A, vitamin B12, niacin, riboflavin, thiamin, potassium, magnesium, and all-important calcium for strong bones.

I take great pride in joining my children—Nancy Moore, Strom II, Julie, and Paul—as persons who like ice cream, and I try to do my share of ice cream eating. I invite my colleagues to join me this afternoon in the Russell courtyard for the kickoff event celebrating July as "National Ice Cream Month" and July 14 as "National Ice Cream Day" and to join me in paying tribute to the most enjoyable food and the industry which produces it.

COMPREHENSIVE PUBLIC EDUCATION PLAN REGARDING AIDS

Mr. CRANSTON. Mr. President, I am very pleased that the Appropriations Committee agreed to my request to include in its report on the pending measure, on page 161, language directing the centers for disease control to provide detailed information on a comprehensive public education program regarding AIDS and the HTLV-III infection—HTLV-III being a virus that is the probable causative agent of AIDS. The report language directs the CDC to submit to the committee information on such a program prior to final committee action on the regular fiscal year 1986 Labor-HHS-Education Appropriation Act.

I want to express my deep appreciation to the distinguished ranking minority member of the Appropriations Subcommittee on Labor-HHS-Education, the Senator from Wisconsin [Mr. PROXMIRE], for his courtesy and cooperation in moving in committee on my behalf that this language be included.

Mr. President, I believe that it is essential that the Federal Government formulate a national strategy for public health activities to restrain the spread of the AIDS epidemic. Although research on the disease is progressing rapidly, a cure and vaccine are still years away. Education about AIDS—for both high-risk groups and the general population—is our only means of prevention at this time.

In fiscal year 1985, a total of $4.1 million is being allocated for AIDS public education efforts. Of that amount, only half—$2.05 million—is being used directly for the dissemination to the general public of information about AIDS. The remainder of the funding is being used for education efforts regarding the HTLV-III antibody test—the blood-screening test used to detect antibodies to the HTLV-III virus in order to keep blood which might be carrying the virus out of the Nation's blood supply—and for the education and training of health care personnel about AIDS. While these steps represent a reasonable beginning, the development of an overall assessment of public education needs on AIDS—including consideration of appropriate assistance to and coordination with community based risk reduction programs—and a national strategy for a comprehensive program to meet these needs are essential to combat AIDS and HTLV-III infection.

Mr. President, last November, Dr. James Curran, head of the AIDS task force at the CDC in Atlanta, said preliminary studies suggested that 300,000 people may have already been infected by the AIDS virus. Estimates today range from 500,000 to 1 million. In San Francisco, the prevalence of HTLV-III antibodies—indicators that an individual has been exposed to the virus—among gay men attending a clinic for treatment of sexually transmitted diseases rose from 1 percent in 1978 to 25 percent in 1980 to a staggering 65 percent in 1984. Other cities are experiencing similar increases. Intravenous drug users have comparable rates of positive HTLV-III antibody test results, while nearly all hemophiliacs who have been tested carry the antibody. Although it still remains to be determined how many nonhigh-risk individuals are carrying the antibody, all population groups are potentially at risk since the infection is transmitted through both heterosexual and male homosexual contact, through blood, and from mothers to infants.

It is not known how many or who of those infected will actually develop AIDS. There are numerous studies ongoing to find answers to these questions. Preliminary results from six different studies of gay men indicate that the proportion of persons with the HTLV-III antibody who subsequently developed AIDS ranged from 4 to 19 percent. An additional 25 percent of those exposed showed only early signs of AIDS, a condition called AIDS related complex, but not the fully developed symptomatology of AIDS.

Doctors do not know what potential cofactors may exist that would put a person at increased risk or why one individual develops AIDS and another doesn't. Thus, information about one risk group may not necessarily translate to other risk groups or to individuals not belonging to any risk group. Moreover, it is becoming increasingly clear from transfusion studies that even if an individual shows no symptoms of AIDS or AIDS related complex, he or she can still remain a carrier of the virus for a very long period of time.

Thus, unless we take strong decisive action as soon as possible to launch major, nationwide, risk reduction and education programs, the spread of the virus to the uninfected population—resulting in thousands of new AIDS cases—will continue at its current, everincreasing rate.

That is why I am so strongly interested in the CDC developing such a national program. I look forward to CDC's response and to working with my colleagues on the Appropriations Committee to ensure that adequate funding for these education activities—as well as adequate funding for AIDS research and other related public health activities—is provided for in the fiscal year 1986 appropriations measure. I certainly intend to strongly pursue such funding.

Mr. President, I want again to express my deep gratitude to the Senator from Wisconsin [Mr. PROXMIRE] for making the motion, as I requested, to include this important language and to the distinguished chairman of the subcommittee, Mr. WEICKER, the very able chairman, Mr. HATFIELD, and the ranking minority member, Mr. STENNIS, of the full committee for agreeing to that motion, as well as for their ongoing support for the fight against the AIDS epidemic.

A TRIBUTE TO BILLY LASTER FISH

Mr. WEICKER. Mr. President, I rise today to pay tribute to a truly remarkable woman: Billy Laster Fish. A rare individual who combined charm with courage, dignity with a delightful sense of humor, Billy Fish was an inspiration to those of us who were privileged to know her.

I knew Billy Fish not only as a good friend, but also as an articulate champion of civil and individual rights. She always took time to speak out for the underprivileged and worked diligently to uphold the principals of equality and justice. A tribute to Billy's compassion is evidenced in one of her last wishes: that in her memory, friends support the United Negro College Fund.

Mr. President, Billy Fish was also a strong advocate for world peace. Active in the movement to end the nuclear arms race, Billie devoted herself to educating Americans about the horrors of nuclear war.

My heart and my deepest sympathy go out to my dear friend and colleague, HAMILTON FISH, to his family and to the people of New York's 21st Congressional District. We will all miss Billy Laster Fish. She was a great and gracious lady.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Mrs. HAWKINS. Mr. President, I am proud to become a cosponsor to a Senate joint resolution to designate a week before the Christmas and New Year's Eve holidays as "National Drunk and Drugged Driving Awareness Week."

This week will be the one beginning December 18, 1985, and will certainly help in raising public awareness to the risks of driving while impaired from drugs or alcohol.

Mr. President, when traffic accidents result in more violent deaths each year than from any other cause, almost 44,000 deaths in 1984, steps like this legislation must be taken to educate the public that they cannot drink and drive. According to the National Highway Traffic Safety Administration, 45 percent of all drivers killed in 1984 were legally drunk and this figure increases to 60 percent for single vehicle crashes. The cost to society of drunk driving has been estimated to be over $24 billion annually, which does not even include the needless pain and suffering resulting from the deadly combinations of drinking and driving.

Mr. President, many strides have been made in the national campaign against drunk driving. Much momentum has been gained in the past few years against drunk driving, and we must not let it slip away. I applaud my esteemed colleague from New Hampshire, Senator GORDON HUMPHREY, in his efforts to ensure that this vital issue continues to receive the national attention it deserves. With this Senate Joint Resolution, the National Drunk and Drugged Driving Awareness Week will be marked by radio and TV programs, articles in the print media, and local initiatives such as dial-a-ride, candlelight vigils, and roadblocks, all aimed at increasing the public awareness of the risks of drunk and drugged driving. Enactment of this week of public awareness will provide an annual opportunity to focus attention on the problem, assess the progress we have made, and address the question of further measures needed. It will, indeed, make sure that we do not forget the enormous costs in human suffering and dollars caused by the combination of alcohol, drugs and driving.

I will work toward speedy enactment of this joint resolution, and hope that my colleagues will join me and the sponsor of this proposal, Senator HUMPHREY, in this effort. The problems caused by drunk and drugged driving affect every citizen of every State in our Nation, and we must all join the effort to eradicate this most serious of national problems.

PAUL ADAMS NOMINATION

Mr. ROTH. Mr. President, the nomination of Paul A. Adams to be inspector general of the Department of Housing and Urban Development was referred to the Committee on Banking, Housing, and Urban Affairs on April 2, 1985 and was favorably reported by that committee on May 8, 1985. On May 8, it was referred to the Committee on Governmental Affairs, of which I am chairman, for a period not to exceed 20 calendar days.

The Committee on Governmental Affairs reviewed biographical and financial information supplied to the committee by Mr. Adams and conducted a preliminary inquiry as to his experience, qualifications, suitability, and integrity to serve in the position for which he has been nominated.

Mr. Adams has been involved in investigatory work for the Government for more than 20 years. He has been with the office of the inspector general of HUD since 1969, where he began serving as deputy inspector general in 1980.

The preliminary review conducted by the committee revealed nothing which would appear to preclude confirmation of Mr. Adams. That fact, coupled with Mr. Adams long time experience at HUD and the favorable recommendation of the Banking Committee, led committee members, both Republicans and Democrats, to determine that, in this particular instance, it was not necessary for the committee to complete a full review of the nomination, to conduct a hearing or take formal action on the matter.

This determination, however, does not in any way indicate the committee's intention not to fully consider or vote on other nominations of inspector general in various Government departments and agencies which are sequentially referred to the Committee on Governmental Affairs.

SECRETARY BROCK AT THE ILO CONFERENCE

Mr. HATCH. Mr. President, I would like to commend to my colleagues the remarks of Secretary of Labor William E. Brock at the 71st Session of the International Labor Organization conference in Geneva, Switzerland. Secretary Brock discussed several of the pressing issues which confront most, if not all, of the ILO's member nations.

I ask unanimous consent that the text of Secretary Brock's speech, delivered on June 19, 1985, be printed in the RECORD.

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

SPEECH OF SECRETARY OF LABOR WILLIAM E. BROCK

Thank you, Mr. President.

Before commenting on the Report of the Director General, I would like to congratulate you on your election as President of this year's Conference. I hope and trust that under your leadership this Conference will produce more than just fine words—that we will see something of tangible benefit to workers around the world result from our mutual efforts.

I believe we have that opportunity this year because of the vital importance of the topic the Director General has chosen for his report—industrial relations and tripartism.

This report is an outstanding example of the high quality and objective work we have come to expert from the Director General and the fine ILO staff.

Mr. President, I would like to concentrate this morning on three critical issues raised in the Director General's Report: first, the role of government in industrial relations; second, the legitimate political interests of trade unions; and finally, the unique opportunities presented by effective labor/management cooperation.

In many ways the question of the role of government is the central issue. The members of this Organization represent a broad range of experiences in this area. In some countries, such as my own, government plays virtually no role in private sector industrial relations. In other countries the government plays a very important role.

Sometimes the government's role may be such that neither trade unions nor collective bargaining exist in any real sense. That is true, I think, when governments or political parties play a "leading role" over trade unions.

In my view, an excessively strong government role in industrial relations poses a number of problems.

First, it raises questions with respect to fundamental principles laid down in the ILO's Constitution and in its standards on freedom of association and collective bargaining.

And secondly, to the extent that government intervention acts to restrict worker freedoms and restrain wages and working conditions, it could affect international trade.

Those who gathered in Versailles sixty-six years ago to establish this Organization were clearly worried about that. In the preamble to the ILO Constitution they warned that "the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

In a world so dependent on international trade, that is as true today as it was then.

What it comes down to is this: When workers who are not free to pursue—independently—their economic, social and political interests they are being denied the opportunity to improve their working conditions—to make them "humane."

For that reason, perhaps one of the most important conclusions in the Director-General's Report is that a trend may be developing in many parts of the world—even among some centrally planned economies—toward a less dominant and interventionist role for governments.

In the United States we have chosen a path that allows for even greater freedoms for our workers and firms than ever before. And the results, I think, speak for themselves.

In the last four and one-half years we have sparked an entrepreneurial spirit that is creating some 50,000 new businesses every month. We have added 300,000 new jobs a

month for 29 straight months—345,000 last month, to be precise—half of which are in firms less than four years old.

And while many of these new jobs are in the services sector, they are by no means limited to unskilled, low wage jobs as some suggest. In the last ten years we have added almost a million new hospital jobs and nearly 400,000 new computer and data processing jobs—industries with high hourly earnings.

Why has this happened? A lot of it is because, by reducing taxes and unnecessary government regulation, we have demonstrated our faith that individuals, in pursuing their own best interests, serve the collective good as well. That's not just economic theory, it's common sense as well.

What about the political role of trade unions?

I know of no truly democratic country in which trade unions do not play a significant political role. Certainly they do in the United States. And the AFL-CIO this past February indicated that it intends to continue and even expand its political efforts.

The ILO has clearly recognized that trade unions have the right to pursue their economic and social goals through political action. And as members, we are obligated to respect that right.

I am troubled, therefore, that some governments deny the right of political action to independent trade unions, and sometimes enforce that denial through the most extreme measures—measures which violate fundamental ILO principles of freedom of association.

These are universal principles. They don't apply to just one group of countries, and not another.

Last year this Organization reaffirmed the universal nature of these principles as well as the machinery for supervising their implementation. Today the ILO's system of standards and supervision remains intact. That in itself is heartening.

But it will wither away if it is not used, or is used in a discriminatory fashion, just as surely as if it had been formally altered. We do no believe the majority of ILO members want this to happen. And we join those who are committed to resisting either the formal or de facto dismantling of this vital system.

Without strong and independent trade unions we would not be seeing the growing trend toward cooperative labor/management relations. Even before I became Secretary of Labor I was struck by the tremendous potential of such cooperative relationships.

The Director General's Report correctly notes that in the United States the impetus for labor/management cooperation often is economic adversity. Certainly recessions as well as intense competition brought on by deregulation or increasing imports has been a significant incentive for more cooperative efforts.

But those factors do not provide a complete explanation. If they did, the spirit of cooperation would fade as economic growth and prosperity relieved the competitive pressures.

And I don't think that's going to happen.

Why? Because something more fundamental is taking place. In the United States and many other countries the labor force itself is changing—more women, more young workers, better education. These workers often see themselves as more than simply interchangeable parts on an assembly line. They see themselves as individuals—and they demand to be treated as such.

The nature of the work is also changing. New technologies often demand a more flexible approach to the organization of work—one guided by greater interaction, understanding, and cooperation between labor and management.

In the United States we are witnessing dramatic results from such cooperative efforts. In the automobile industry labor and management are working together to ease hardships which may result from the introduction of new technology and other dislocations. One of these agreements includes a $1 billion fund for retraining and reassigning such dislocated workers.

In the Department of Labor in Washington we have established a new labor/management cooperation staff to follow developments of this type. It will, I hope, soon become a resource that unions and management can use to search for successful solutions to specific problems.

That same sort of service could be provided by the ILO on an international basis by collecting and disseminating information on successful cooperative labor/management approaches to solving difficult problems.

Because we attach so much importance to promoting such cooperation, the United States Department of Labor is prepared to provide a special financial grant to the ILO to develop a small pilot project in this area.

Specifically, I would like to suggest that the Director General consider, in conjunction with the Turin Center, holding a tripartite meeting to consider successful experiences of labor/management cooperation in developing effective training and retraining programs in advance of the introduction of new technology.

We all know that the pace of new technology is accelerating. It affects industrialized, newly industrialized, and developing countries alike. Just look at airline reservation offices in virtually any major city in the world to see how far and how fast video display equipment has spread, for example.

All too often, however, the training and retraining needs associated with new technology are only considered late in the game—sometimes too late.

The answer in many cases may be early and close labor/management cooperation to define the training needs and establish an effective joint approach to filling those needs.

What we envision under the proposed pilot project is to have the ILO develop a number of case histories documenting examples of labor/management cooperation in training for new technology. Those case histories, in turn, might serve as the basis for a small tripartite meeting using the Turin Center's vast experience in this field.

The end result might be a report which could be made available to governments, workers, and employers in ILO member countries.

I and my staff are prepared to discuss such a grant with the Director General. This offer reflects, again, the high regard we have for the ILO Secretariat, and for the priority we place on the Organization's technical objectives and activities.

Mr. President, let me conclude by emphasizing something the Director General says in his own concluding remarks: "Where industrial relations are not yet well developed and dialogue is very limited or non-existent, the aim should be to build this unique institution of dialogue."

I can think of no more important role for the ILO than to help promote such institutions of dialogue—whether it be through traditional collective bargaining or through new forms of labor-management relations. It's a difficult task, but one worthy of this Organization.

Thank you.

THE 49TH ANNIVERSARY OF RANDOLPH-SHEPPARD ACT

Mr. WEICKER. Mr. President, today, June 20, 1985, marks the 49th anniversary of the enactment of the Randolph-Sheppard Act, a landmark law for the tens of thousands of blind and visually impaired persons who have benefited from the act.

As this nationwide system providing blind persons the opportunity to operate service stands in Federal and State office buildings enters its 50th year of success, it behooves us to reflect on the tremendous benefits this program has gained for its participants. Lives that could have been lost to the misconception that disability means no ability have instead been fulfilled. Self-worth and realization have replaced dependency. Our Nation as a whole has benefited as much as the Randolph-Sheppard vendors themselves.

No celebration of the Randolph-Sheppard Act would be complete if it did not recognize the tremendous contributions to disabled persons that remain the legacy of the act's sponsor, our former colleague Jennings Randolph of West Virginia. And as we reflect on the act bearing his name, we indeed honor the man who has done so much to improve the lives of so many of our fellow citizens with disabilities.

INTERMENT SERVICES FOR PO2C. ROBERT DEAN STETHEM

Mr. WARNER. Mr. President, it was my privilege, together with the Senator from Maryland [Mr. SARBANES], the honorable Harry Hughes, Governor of Maryland, Congresspersons BENTLEY, BYRON, DYSON, and MIKULSKI to have joined the family and friends of PO2c. Robert D. Stethem, who this afternoon was buried in Arlington National Cemetery, Arlington, VA.

To share with our other colleagues and Americans across our land the very moving services for this courageous young sailor, participated in by an equally courageous naval family, I ask unanimous consent that the words delivered by the Reverend D. Wendel Cover and the statement made by Robert Stethem's father, Mr. Richard Stethem, be printed in the RECORD.

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

INTERMENT SERVICES FOR ROBERT D. STETHEM

(By Rev. D. Wendel Cover, Pastor, Word of Life Assembly of God Church, Springfield, VA)

Today we stand on this hallowed ground that has been set aside for the burial of those who have served our country in defense of the liberties and justice that we believe God has ordained. We are here to pay our final respect and honor to Robert Dean Stethem. The memory of his life will live on with us, and continue to inspire us to uphold and pursue the cause for which he lived and paid the supreme sacrifice, the giving of his life at the age of 23.

Our faith is in God who sustained and received the spirit of our beloved brother. God has given us the promise to be with us to the end. We live with beautiful memories and strong faith and courage to be true to our call in service to our God, our fellow man, God. Our country, the United States of America, the greatest country in the world.

Not far, perhaps less then 50 miles from where Robert Stetham gave his life for our country, more than 1900 years ago, there lived a man, He was more than a man, prophet and teacher. He is the eternal Son of God sent into our world to point us to the way of Eternal Life, Peace and happiness. His message has been rejected by many and scorned by others. However, we believe He is the answer to the problems of our world of greed, hatred and terrorism He is the christ that Robbie believe in and served,

One writer described this incomparable Christ in the following words * * *

More than 1900 years ago there was a man born contrary to the laws of life. This man lived in poverty and was raised in obscurity * * *

Only once did He cross the boundry of the country in which He lived: That was during his exile in childhood. In infancy he startled a king: In childhood He puzzled the doctors: In manhood he ruled the course of nature, walked upon the billows as if on pavement, and hushed the sea to sleep.

He never wrote a book, and yet all the libraries of the country could not hold the books that have been written about him.

He never wrote a song, and yet He has furnished the theme for more songs than all the song writer's combined. He never founded a college, but all the schools put together cannot boast of having as many students.

The names of the past proved statesman of Greece and Rome have come and gone. The names of the past scientists, philosophers and theologians have come and gone: But the name of this man abounds more and more.

Though time has spread 1985 years between the people of this generation and the scene of His crucifixion, yet He still lives. Herod could not destroy Him, and the grave could not hold Him.

He stands forth upon the highest pinnacle of heavenly glory, proclaimed by God, acknowledged by angels, adored by saints, and feared by devils, as the living personal Christ, our Lord, or Savior, and our God.

Jesus left no book, no tract or written page behind Him. He bequeathed no system, no philosophy, no theology, no legislation. He raised no armies, organized no institutions, held no office, sought no influence. He was no scholar, and yet He is more quoted than any other writer in all of history. His sayings at times are on almost every tongue, and His words have literally gone out into all the world. No man ever laid down his life in Asia or in Africa to translate Plato or Aristotle, Kant or Hegel, Shakespeare or Milton, but hundreds have died to carry Jesus' priceless words to the ends of the Earth. Several hundred languages have been reduced to writing in order to transmit His life giving message. Savage tribes have been uplifted, cannibals civilized, head hunters converted, schools and colleges founded, and the character and culture of individuals and of peoples have been changed as the result of the influence of His words which are creative spirit and life.

Christ gave us the key to happiness and world peace in the Sermon on the Mount in Matthew, Chapter 5.

Blessed are the poor in the spirit: For theirs is the Kingdom of Heaven.

Blessed are they that mourn: For they shall be comforted.

Blessed are the meek: For they shall inherit the Earth.

Blessed are they which do hunger and thirst after righteousness: For they shall be filled.

Blessed are the merciful: For they shall obtain mercy.

Blessed are the pure in heart: For they shall see God.

Blessed are the peacemakers: For they shall be called the children of God.

Blessed are they which are persecuted for righteousness' sake: For theirs is the Kingdom of Heaven.

Blessed are ye, when men persecute you, and shall say all manner of evil against you falsely, for My sake.

Rejoice, and be exceeding glad: For great is your reward in Heaven: For so persecuted they the prophets which were before you.

Our prayer is that soon the Prince of Peace shall return. Then the scripture of Isaiah 2:2-4 shall be a reality.

And it shall come to pass in the last days that the mountains of the Lord's house shall be established in the top of the mountains and shall be exalted above the hills and all nations shall flow into it. And many people shall go and say, Come ye, let us go up to the mountain of the Lord to the house of the God of Jacob and he will teach us his ways and we will walk in His paths for out of Zion shall go forth the law. And the word of the Lord from Jerusalem. And He shall judge among the nations and shall rebuke many people:

And they shall beat their swords into plowshares and their spears into pruning hooks, nation shall not lift up sword against nation, neither shall they learn war anymore * * *.

And as the Apostle John in Revelations puts it:

The Kingdoms of this world shall become the kingdoms of our God and He shall reign forever.

For as much as it hath pleased our Heavenly Father to take unto Himself our beloved Robert Dean Stethem, we here commit His body to the ground. We will always cherish the memory of this outstanding young American who in bravery gave his life while in the service of his country. May the seed that is planted reap great results both now and for eternity. May it be the means of stopping the violence, terrorism, and suffering of innocent victims of terrorism throughout the world. In faith we look forward to the time we shall be reunited with him.

For the Lord Himself shall descend from Heaven with a shout, with the Voice of the archangel, and with the trump of God: And the dead in Christ shall rise first: Then we which are alive and remain shall be caught up together with them in the clouds, to meet the Lord in the air: And so shall we ever be with the Lord. (I Thessalonians 1:16-17).

STATEMENT BY MR. RICHARD L. STETHEM, FATHER OF ROBERT D. STETHEM, INTERMENT SERVICES FOR HIS SON

We wish to express our gratitude to all who have been praying with us.

We thank all who have come to us, giving us strength and support.

Let us continue to pray for the families of the hostages and pray for their safe return home.

Robert's spirit and love for life will live with all of us forever.

ALOIS MERTES

Mr. MATHIAS. Mr. President, several weeks ago, in the wake of the Bitburg controversy, Alois Mertes, my neighbor at a conference (we were seated alphabetically) passed me a note, which said, in effect:

The Senate resolution on Bitburg should not have ignored German soldiers who were not Nazis—Germans such as Richard von Weizsaecker, Helmut Schmidt, Franz Josef Strauss, Walter Scheel, Alois Mertes.

It was typical of Alois Mertes that he was committed to a better understanding between Germany and the United States even when he felt personally hurt and aggrieved. His constituency, including Bitburg, had steadfastly opposed Hitler and Nazism at the polls, so he felt it was less than justice to have it branded as a den of Nazis. But instead of cursing, his method was to inform, convince, and persuade. He did so at more than one forum, including a notable address to the 79th Annual Meeting to the American Jewish Congress in New York City on May 2, 1985.

I cite this incident, not because it was the last that I know about Alois Mertes, but because it was typical of him. He felt deeply about principles such as justice and freedom and they were threatened he spoke out. Another notable instance was his response, as a Catholic layman, to the pastoral letter of the Roman Catholic bishops in the United States on the subject of nuclear armament. Only a deeply committed individual would have attempted it and only a broadly educated and thoughtful one could have achieved it.

And now Alois Mertes is dead, struck down by a heart attack at the age of 63 while he was serving as Minister of State in the Foreign Office of the Federal Republic of Germany. The German people have lost more than a public official, they have a wise and compassionate citizen who was a faithful servant in the finest tradition.

America has lost a friend who cared enough about friendship to set the record straight when he thought it

needed correction, and one who would fight for us when he was convinced that we were right. He was a historian and made his judgments in the long sweep of history. But Alois Mertes was a man of feeling and a man of compassion whose deep humanity will be missed at the highest levels of world affairs.

WEST VIRGINIA'S BIRTHDAY!

Mr. ROCKEFELLER. Mr. President, today is West Virginia's official birthday. It was on this day in 1863 that West Virginia took her place as the 35th State in the Union.

Many historians claim that West Virginia's birth came as a response to slavery, but West Virginia's history began long before the Civil War. Impelled by a sense of curiosity and adventure, Virginians began to probe the unknown West. In 1670, John Lederer climbed the Blue Ridge Mountains to gaze down upon the Shenandoah Valley. In 1731, Morgan Morgan settled in today's Berkely County. And prior to and after the American Revolution, George Washington took a great interest in the Kanawha Valley.

Washington developed great respect for the character and resourcefulness of those early pioneers who chose to settle in northwestern Virginia. In the midst of the Revolutionary War, he once declared that if all else fails he was prepared to "repair with a single standard to West Augusta (as northwestern Virginia was denominated), and there to rally a band of patriots who would meet the enemy at the Blue Ridge, and there establish the boundary of a free empire in the West."

Washington filed claims to nearly 34,000 acres of present-day West Virginia. Along with other claims was a Kanawha Valley plantation site of about 11,000 acres just downstream from today's Charleston, the present capital. It was there on the banks of the Kanawha River that Washington launched a small but thriving settlement. Washington saw that northwestern Virginia's mountain wilderness encompassed a vast and promising potential.

Northwestern Virginia began to grow in many ways often at odds with its eastern neighbors. Since the Alleghenies were so forbidding, east-west travel was difficult. As a result, northwestern Virginia was settled mainly by New Englanders, New Yorkers, and Pennsylvanians who emigrated into Virginia via the Ohio River. Budding coal, iron, and chemical industries likewise set northwestern Virginia apart from its predominately agrarian compatriot.

In spite of such differences, however, northwestern Virginians played an active role in Virginia's antebellum political life. Allied with like-minded reformers from Virginia, they brought together the "Reform Convention" to equalize representation in the Virginia General Assembly for the counties beyond the Blue Ridge Mountains.

Even though some concessions were made to the west, there still remained many sources of friction between the eastern and western parts of the State. The breaking point came in April 1861, when Virginia, responding to the firing upon Fort Sumter, passed an ordinance of secession and cast her lot with the Confederacy. This caused the West Virginia delegates to leave Richmond and return home to promote Unionist sentiment.

Conventions were held, and constitutions were formed, and a bill providing for the statehood of West Virginia was sent to Washington. After careful reflection and consultation with his Cabinet, President Abraham Lincoln signed the bill whereby West Virginia was to be added to the Union as a new State.

On April 20, 1863, President Lincoln issued a proclamation stating that 60 days from that date West Virginia should enter the Union.

Thus on June 20, 1863, West Virginia became the 35th State of the Union.

Mr. President, I am proud of West Virginia and her heritage, and even prouder to represent her people. West Virginians are a sturdy people, living and working in one of our country's most beautiful regions. A State famous for its high mountains, rushing streams, and vast forests, West Virginia is truly "Wild and Wonderful."

I wish a very happy birthday to West Virginia and for all West Virginians a future that will fulfill and surpass George Washington's dream for that wilderness empire in the West.

NATIONAL SAFETY IN THE WORKPLACE WEEK

Mr. DOLE. Mr. President, the week of June 16 to June 22 marks "National Safety in the Workplace Week." The designation of this week and the activities that have been planned give us an important opportunity to reflect on this country's progress in upholding necessary health and safety guidelines in the workplace.

Necessity being the mother of invention, we should remember that our most basic protections against on-the-job accidents come from experience. For instances, it has been many years since the tragedy at the Triangle Shirtwaist Co., but in recalling the horrors of that day, we can, perhaps, gain a fresh perspective on the need to maintain a careful awareness of health and safety practices in the workplace. On March 25, 1911, at the Triangle Shirtwaist Co., a fire started in a rag bin. One hundred forty-six workers died in that tragic fire because fire hazards were consistently ignored, exit doors were locked from the outside, and fire ladders could not reach to the upper floors of the building.

Mr. President, we are rightly shocked at the thought of such an event taking place in these times, and we are fortunate to be confident that it would not. The Triangle fire, and a frighteningly high rate of other similar occurrences, prompted significant reforms in safety standards and an awareness of the dangers of inadequate prevention practices. We have made tremendous strides in improving health and safety protections, but an awareness week serves to highlight the need for ongoing efforts to improve prevention programs, as well as to showcase our achievements.

The American Society of Safety Engineers, in particular, deserves special mention for their work in protecting against on-the-job accidents and injuries. Their motto is "Safety Through Education," and they have joined with Government agencies, business, and industry, to promote in-house education and training and an increased awareness of employee and employer responsibilities for a safe working environment.

We can hope that these and other efforts to make good use of this week will be successful in leading to ever lower incidents of injuries on the job.

A SPECIFIC PLAN TO COMBAT WORLDWIDE TERRORISM

Mr. PRESSLER. Mr. President, as chairman of the Subcommittee on European Affairs of the Senate Foreign Relations Committee I feel compelled to address the hostage situation. Mr. President, the hostage crisis in Lebanon has aroused justified anger throughout this country. Innocent people are being threatened by a fanatical group of terrorists who put their own political and social views above any regard for human life. This contradicts every principle our country is based on. We cannot understand it.

There have been many speeches anguishing the fact our citizens are being held hostage. America represents a hope that peace and reason can overcome passion and fanaticism. An attack like this one is an attack against the ideals our Nation stands for. It is an attack against the soul of our Nation.

Although many have eloquently expressed our anger over the situation, there have been few concrete proposals recommending specific solutions to the problem of terrorism. On Monday I was the first to publicly call for a review of airport security at Athens International Airport. But this is a minor matter in terms of the terrorist

problem. Today I would like to express my ideas of what actions could be taken to solve the overall terrorism problem. These suggestions are included in a letter to President Reagan that I am sending today. We can talk about the problem all we want. We can express anger all we want. But the problem can only be solved by taking effective actions to combat the growing terrorist threat.

Secretary of State Shultz recently suggested that we develop a special Intelligence and Paramilitary Organization with broad authority. Although this idea was criticized by the media and many Members of Congress, this crisis demonstrates that there is a definite need for such a force. This force should be given the authority to track down and kill organizers of terrorist activity. The force could make pre-emptive strikes under some limited circumstance. This may sound severe. I certainly do not believe that this authority should be used unless it is very clear who the organizers are. Nonetheless, terrorists who threaten, take hostage and kill innocent people, deserve no special treatment. Some may argue that such action would violate their rights. But their actions are designed to destroy the system of government that acknowledges these rights. They have no regard for the rights of others. Their attacks are in essence an act of war against our Nation and our ideals. This is not a matter of enforcing civil laws. This is a matter of repealing an attack against our Nation and our ideals.

Second, I would urge the news media to reach an informal agreement with the President not to report the movements of our military forces during a terrorist crisis. These reports give the terrorists knowledge of every move we make. It makes it easy for them to plan ways to avoid or resist rescue attempts. I understand that the media has shown restraint during this crisis upon request by the Department of Defense. Such restraint—and perhaps a bit more—is needed to give the President more leeway to work toward a solution to a crisis. An agreement along these lines before a crisis begins would be clearer and more effective than the restraint on request methods now utilized.

Third, it is necessary that the Western countries apply strict and severe sanctions against any country that cooperates with or harbors terrorists. Again, an agreement beforehand with our allies would better ensure the workability of such sanctions. It must be clear that we will not tolerate any country aiding or assisting international thugs. We must design sanctions that hurt. These sanctions should include, but not be limited to, sanctions on trade, a moratorium on bank loans, and a freezing of overseas assets.

Fourth, we must rally all the civilized nations of the world together to condemn and pledge to combat terrorism. This is important. Terrorism is an act of war against the civilized world and all its institutions. Together, with the other civilized nations of the world, we can work together to eliminate this terrorist threat. This could take place in the form of an International Organization on Terrorism. The specific actions of this international effort should include:

First, an inventory of the substantial strengths and resources of the civilized world to combat terrorism;

Second, a coordination of intelligence activities between countries to combat international terrorism;

Third, an agreement to deal with captured and convicted terrorists in such a way as to ensure that they will never engage in terrorist activities again;

Fourth, a coordinated effort to apply diplomatic and economic pressure on any governments aiding or fostering terrorism; and

Fifth, publicizing in all appropriate ways to the willingness of the civilized world to do whatever is necessary to combat terrorism.

Many will argue that such a multilateral effort is impossible given the divergent economic and political interests of the nations that would need to be involved for the effort to be successful. I disagree. The tide of terrorism is sweeping the world. Terrorism is engaged in by a ruthless, tyrannical, and fanatical few. The civilized nations of the world are not helpless. We can respond to the threat. We have the resources. If we combine these resources with courage, will, and conviction to act, terrorism can be defeated. The civilized nations of the world, confronted with this growing threat, will recognize the need to act together. The United States, through strong unilateral actions against terrorism, can provide the impetus to get such a multilateral program started. I would urge the President to begin consultations with our allies about such a program as soon as possible. Together, the civilized world can pool its resources to combat the forces of terror and anarchy.

Finally, it is imperative that the United States, as a matter of principle, refuse to give in to any terrorist demands. Without exception. We should not negotiate; we must never give in. The terrorists must know that they have no hope of having their demands met. We must take away their incentive to act.

These ideas are, of course, not entirely applicable to the present crisis. The President is handling this crisis well. Actions must be taken, however, to combat future terrorism. This is a long-term proposal. I would hope that the President seriously considers implementing these suggestions even before this crisis is resolved.

I have no illusion that these actions would be a fool-proof system against future terrorist crises. But the very existence of such a system would likely preclude most terrorist actions.

The time to act is now. We must take every action possible to combat the growing terrorist threat. We need a concrete program. We need to make sure that terrorists know that the United States and the civilized world will act. I believe that the proposals outlined here would be a good starting point for such a program. At least we would have a systematic program—at present we have no comprehensive program.

AN UNOFFICIAL AND PROVOCATIVE ASSESSMENT OF THE CURRENT SOVIET LEADERSHIP

Mr. PELL. Mr. President, with the steady deterioration in superpower relations having produced a sharp reduction in United States-Soviet contacts, we are now operating with only the most minimal firsthand knowledge of the new Soviet leadership. Indeed, at this juncture we stand heavily dependent upon Soviet public statements and unofficial contacts for insight into current Kremlin policy. One such unofficial contact occurred recently with a visit to Moscow by Arnold Saltzman, chairman of Vista Resources, for a series of discussions with top Soviet officials. A former Ambassador in the Kennedy and Johnson administrations, and a man well versed in the intricacies of diplomacy and East-West relations, Mr. Saltzman brought an experienced perspective to this exposure to current Soviet thinking.

Upon return, Mr. Saltzman summarized his views in a report which I wish to share with my colleagues and other readers of the RECORD. Mr. Saltzman's analysis points to a serious prospect that the Reagan administration's strategic defense initiative—and the Soviet response to it—may be carrying us inexorably into an ever more dangerous era of strategic competition. Accordingly, I ask unanimous consent that the text of Mr. Saltzman's provocative report be printed in the RECORD.

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

REPORT BY ARNOLD SALTZMAN

Pursuant to an invitation from Soviet government officials, I have just returned from 5 days of discussions about political, military and economic issues that affect bilateral relations between the United States and the U.S.S.R. I met with officials of the Institute of U.S. and Canada, the Foreign Ministry, the Chamber of Commerce and Industry, the United Nations Association, the State Planning Committee (Gosplan), the Institute of World Economy and International Relations and the Central Committee

of the Communist Party—sometimes alone and on occasions accompanied by several members of the Business Council for the United Nations. The conversations were lengthy, open, direct and largely free of polemics—no doubt aided by the fact that I am at present not an official of our government. While all of the conversations differed in content, the armaments race was central in every case.

Because of the recent change of leadership in the Soviet Union there is great current temptation to dwell on Chairman Gorbachev and the top players in the Polit Bureau and/or the Central Committee. While, indeed, these changes should be analyzed as to how this will effect the Soviet Union internally and also relationships between the U.S.S.R. and the U.S.A., it is essential to stress the basic tenets which are at the foundation of the Soviet Union's policies, which circumscribe Gorbachev's actions and preclude the likelihood of dramatic change soon.

First and foremost there is the dedication of both the government and its people to the preservation of the safety and integrity of Mother Russia. That deep feeling has been true under the Czars and is equally true under communist authority. It is intensified by the various wars fought on Russian soil and the memory of their dead.

Second is the desire of the government to spread its ideology. The party in the U.S.S.R. considers itself the "keeper of the flame", looks askance at the "goulash communism" of Hungary or the semi-capitalistic adventures underway in China and is determined to keep their socialism pure.

The third major concern is the preservation of zones of control separating the U.S.S.R. from opponents or potential adversaries. Thus, the Warsaw Pact countries are in part allies and in part buffers. Poland and East Germany serve that dual purpose particularly well as a bulwark against West Germany. There are also spheres of opportunity such as Afghanistan which brings the Soviet Union closer to the Near East and also, under Soviet domination, helps allay the Soviet concern about the large Moslem population in the U.S.S.R.

The fourth time honored desire of the Russians has been to be a major player in the Near East, in its oil and in the Persian Gulf's strategic waters. It is part of the old Russian "drang nach Osten." Their influence has waned somewhat over the last dozen years while the U.S. influence has increased. But the Russians still have clients in that area and will continue to try to extend their influence.

These bedrocks of Soviet political philosophy are fixed, not subject to substantial change no matter who the leadership may be.

There has been considerable confusion and misunderstanding in the U.S., both because of excessive pessimism or over-optimism in regard to relations between the U.S.S.R. and the U.S.A. We have, at times, assumed some change because of the way in which the Soviet Union pursues these four bedrock policies—but actually they are intractible. The Soviet Union's incursion into Afghanistan did not really mark any substantial change in the Soviet Union's policy, although it may have been so perceived by many in the U.S. It does not suggest any change on the part of the Soviet Union's attitudes towards Central America, Latin America, or any other area that did not already exist during "friendlier" periods.

Part of the alternating optimism and pessimism within the U.S. vis-a-vis the U.S.S.R. is not only how we perceive the actions of the Soviet Union, but also is a product of how the U.S. varies its own perception of its role in the world, and the steps we take to counter Soviet ideology. We are in a more active period of the "the containment of communism" than was true under President Ford, President Nixon or even under President Carter. Thus, the breakdown of detente is obviously a two-way street; in part the U.S. reacts to actions by the Soviet Union and in part the Soviet Union reacts to "we will see communism on the ashheap of history" or acts we take. But it is easier for the Soviet Union to maintain a consistent and largely inflexible policy in regard to its bedrock principles referred to above than is true of the U.S.—since our purposes are not as clearly defined.

All of this background needed to be stated before we could try to understand what are the actions we can look to from the Soviet leaders. Gorbachev did not become chairman of the party because of a basic shift in Soviet philosophy.

Listed below is a checklist of what the Soviets are thinking and planning. It is a summary of what they told me.

In regard to U.S./U.S.S.R. relations, all the tensions are the fault of the U.S.

I. In the military area—

(a) The U.S. does not wish an accommodation at Geneva. Star Wars is offensive and destabilizing. Regarding SDI, the Russians are prepared to agree to large mutual nuclear reductions if we abandon Star Wars in space. In fact, they intend to make that proposal in concrete terms at Geneva. If the U.S. persists with SDI, as I assured them we would, they will not wait for a change in policy, but will move with massive steps of their own—offensive in nature—to interdict Star Wars. They say it will be quicker and cheaper. They add such space adventuring is madness because once begun it has a self-generating momentum that cannot be contained (as is now possible with the existing weapons).

(b) The U.S. will not agree to a no first strike pledge which the U.S.S.R. has made—further proof of untrustworthiness and intransigence by the U.S.

(c) They claim parity exists between NATO and the Warsaw Pact in troop strength and weaponry and offer substantial force reductions which the U.S. rejects.

(d) They concentrate over and over on Star Wars as the key repeatedly explaining why it is destabilizing. They add that Weinberger considers it offensive—"that if the U.S.S.R. had it too it would be disastrous to the U.S." They add that even putting the Pershing Missile in Germany—8 minutes from Moscow—was equated by their putting nuclear submarines close to U.S. shores—thus again mutual deterrence. But our Star Wars and their counter-effort would forever change the balance.

(e) They will make their points at Geneva, to the world press and to the Peace Movement—they think the U.S. will be shown as the impediment to peaceful coexistence. (Their own Peace Movement is government sponsored. In addition, there is a small, frowned upon, spontaneous peace effort.)

II. In the area of trade and normal relations—

(a) They propose normal trade relations which the U.S. rejects or impedes. The U.S. does not grant MFN or I.M.F. accommodations.

(b) The U.S. bans technological export—which they understand and accept—but they say the U.S. calls almost anything strategic, most of which is not—just to put sand on the tracks.

(c) The U.S. cuts across existing contracts—validly made and approved—thus making normal trade arrangements a farce.

(d) The U.S. periodically restricts trade for political purposes.

(e) The U.S. limits or prevents exchanges of all kinds.

(f) The U.S. still bans Aeroflot from landing in the U.S.

III. In the area of general attitudes, the U.S. is warlike, war mongering and insulting—

(a) They point to public statements by President Reagan, Weinberger and Bush, all of which have been recorded in the press, including "the U.S.S.R. is an evil empire" and "communism will be found on the ashheap of history" and Weinberger talking of limited nuclear strikes.

(b) At several levels they referred to the Truman/Stimson exchange of 1950 which, the Soviets say, called for an atomic attack against them in 1957. (It is difficult to accept this as their true belief or whether they were scoring points.)

(c) They claim they have a greater desire to understand the U.S. than we them, adding they have more teachers teaching English than we have people learning Russian.

Thus, the bottom line for them is that the U.S. promotes confrontation, wants to perpetuate the arms race, and will not even allow trade and normal exchanges to act as a partial bridge to accommodation. They were not belligerent or threatening in tone with me—just very sad—but firm in their resolve to meet whatever came. They are absolutely "spooked" by Star Wars.

Before turning to the U.S.S.R.'s internal situation, there is a matter to which I attach great importance. At a private meeting with the Central Committee, Zagladyn offered the following. "The armaments situation which threatens to explode makes no sense. Nowhere do our vital interests threaten each other—neither how we relate to Afghanistan or you to Central America. We understand that unlike us you and your allies need the Middle Eastern oil—that you need to be secure about that and also as to the routes that get you there. We are prepared to affirm those legitimate needs on your part." There was no quid pro quo mentioned other than a better climate.

In the 2½ hour meeting much of the time was spent on armaments since they feel that unless that is put to bed no modus vivendi is possible. I told them that President Reagan was resolute in his intention to proceed with SDI and most Americans accepted his concept that it was defensive in nature. He said if so too bad because it is offensive. If left unmatched it would leave the U.S.S.R. naked to nuclear attack and the U.S.S.R. was not waiting for a new administration to possibly back off. They would respond "not with a mirror image but with something quicker, cheaper and possibly more destructive." However, they intended to make concrete proposals at Geneva for massive reductions in nuclear armaments and would see what might occur.

In regard to the Soviet's internal situation, I learned the following:

(a) As I expected, there are no revolutionary changes on the horizon.

(b) Specifically, they will not move towards the Hungarian or Chinese economic approaches—which they consider to be anathema to true Socialism. They will not

broaden the opportunity for private property or individual profits.

(c) The reforms they speak of are system reforms designed to increase productivity, improve quality, get better performance by workers, managers and administrators.

(d) Much of this they hope to accomplish by "putting into practice what Andropov had already put on paper." They are going to use more carrots than sticks since they have just announced a 20% increase in pay for lower wage-earners, 25% for teachers and very high bonuses for engineers, scientists, etc. who invent improvements. But they will also maintain low prices on basic foods which are subsidized, keep housing at 5% of salary, and in fact aim at lowering the prices of autos.

(e) The new 5 year plan in work at Gosplan will have, as a high priority, raising living standards with emphasis on improving quality in addition to quantity.

(f) Special emphasis will be placed on:

1. Improving the railroad system, especially in Siberia.

2. Increasing production of basic chemicals.

3. Increased atomic energy capacity even though they claim to have plenty of oil, gas and coal.

4. Developing more oil from Siberia.

5. Increasing agricultural production and particularly moving harvests more speedily and efficiently from farm to market.

(g) Managers of individual enterprises will be encouraged to talk to other managers and to use more initiative with greater pay for better performance of workers and managers. But all strategic decisions must be "central" and managers need to solve problems in such a way as to benefit the economy as a whole. At the same time, enterprises, while more efficient and more productive, need to be self-financing.

(h) Another example of using persuasion to get results rather than Draconian measures is the way the Politburo just decided how to handle the drinking problem. Instead of raising the price of vodka, which last week was widely rumored, there will be slogans, advertising, regulations limiting drinking for those under 21, pressure through shop committees as well as less production of vodka.

(i) They especially want to acquire industrial technology and admit that technologically and industrially they lag behind the West. But their military plants are better than the rest since they get first crack at engineers, modern machinery, materials, etc.

ADDITIONAL GENERAL OBSERVATIONS

(a) The Soviet economy is not in trouble and while not meeting the plan is growing—possibly at about 2%.

(b) Unlike Poland, which I visited last year (by invitation), the people do not seem down. Food, clothing and even appliances are available, although by Western standards the variety is limited. Apartments are small but cheap, basic foods are cheap, public transportation is excellent and cheap. We will not bring them down by economic pressure. They may elect to change as they see the examples of Hungary, China, etc., but at this moment there are no signs of that—and I searched for them.

(c) Gorbachev has moved and is moving rapidly to put his economic team in place but not stepping on Gromyko's toes in foreign policy. For the time being, we should expect nothing different there except in style. Gorbachev is young, vital, is good with the media and a match for Western politicians. Also, unlike our President, he has the advantage of no "backbiting" at home.

At this point, he is moving about rapidly (we left for Leningrad at the same time). He is operating like the head of a giant conglomerate—calling on his lieutenants, personally exhorting and instructing, showing the flag, and knocking the rust off the administrative machinery that accumulated during the old and sick leadership. He is concentrating on the economy and on administrative reform with a high priority of improving the standard of living in the U.S.S.R.

(d) Their political strategy is in place and relates primarily to the armaments race. They will not permit SDI to go forward without making their own response. They will make concessions if we abandon "Star Wars". They will recommend major mutual arms reductions at Geneva and seek to embarrass us if we seem to drag our feet. The no first strike pledge and the moratorium on testing, to which we have not affirmatively responded for strategic reasons, will be grist for their propaganda mills in Europe particularly, and the U.S. as well. Star Wars will be played the same way. Star Wars is the key to disarmament talks at Geneva—the key to whether there can be improved relations

ARCH MACDONALD, A TV PIONEER

Mr. PELL. Mr. President, I was saddened earlier this month to learn of the passing of Arch Macdonald, 73, a television pioneer who helped to set high standards for news programs in New England.

Mr. Macdonald began his career in radio before World War II and in experimental television in the 1940's. He gave WBZ-TV's first newscast in 1948 and earned his place as one of New England's most respected newsmen.

One of the first television interviews I gave was with Mr. Macdonald before my election to the Senate in 1960. I will always remember that cold, winter morning when I was very nervous and he put me at ease.

He interviewed four Presidents, including President John F. Kennedy, who made his television debut with Mr. Macdonald. And the celebrities he has interviewed include Arthur Fiedler, Ethel Barrymore, and Eleanor Roosevelt.

I would be remiss if I did not note that Mr. Macdonald grew up on Warwick, RI and graduated from Providence College in 1938.

President Reagan described him in a 1984 letter as "a Boston institution—like Old North Church, the Pops and the Red Sox." Mr. Macdonald was much more.

Mr. Macdonald was a New England institution and his legacy as a gentleman and a first-rate news reporter is one that we all will remember and cherish.

Mr. President, I ask unanimous consent that an article from the Boston Sunday Globe, June 2, 1985, entitled "Arch Macdonald, 73: A Pioneer in New England Television News" be printed in the RECORD.

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

ARCH MACDONALD, 73; A PIONEER IN NEW ENGLAND TELEVISION NEWS

(By William P. Coughlin)

Arch Joseph Macdonald of Needham, the first person to broadcast a television news program in New England and a man who went on to become a dean of radio and television broadcasters in the area, has died at 73.

His wife of 43 years, the former Ethelda (Jerry) Stoddard, said he died Friday in Glover Memorial Hospital in Needham.

She said Mr. Macdonald was stricken after his 98-year-old mother, Mary (Chisholm) Macdonald, died in his arms on Mother's Day.

Mr. Macdonald suffered a massive heart attack on May 16, the day after her funeral, and had been in worsening condition since.

From June 9, 1948, when he sat on a nail keg with propped-up pine boards for a desk and gave WBZ-TV's first newscast on Channel 4, Mr. Macdonald held his place as one of New England's most respected newsmen.

Seen as a survivor, colleagues said, in an industry attuned to youth and new flashy personalities, he began his career in radio before World War II and in expermental television in the 1940s, when the studio lights were so hot he lost 15 pounds.

After 21 years with Channel 4, he became anchorman and public affairs director for Channel 56 (1969 until 1972) and then until 1976 he was with WCNC-TV (Ch. 7) as well as a lecturer in broadcast journalism at Suffolk University.

He returned to radio and in December 1983 retired as editorial director of WRKO radio station.

"He was the pioneer who set standards for the lot of us." said John Henning of WBZ-TV. "I've never heard a bad word about the man. He was a gentle man in the truest sense.

Jack Hynes of Channel 56 recalled "There was not a bit of ego about him."

Mr. Macdonald had announced, acted in and directed shows of every kind from soap operas to documentaries from the time of his first assignment as a Boston Symphony commentator for NBC, CBC and BBC. He also produced and did the announcing for radio programs featuring the bands of such musicians as Glenn Miller, the Dorsey brothers, Harry James, Gene Krupa, Vaughn Monroe and Xavier Cugat.

He had been producer-writer, assistant traffic manager and director of promotion for NBC in addition to his work in news and special events before World War II gave him a new career—as a Navy assault group commander with the 4th Marines on the beach at Iwo Jima. Mr. Macdonald earned a Bronze Star with a Combat V there, and later was attached to Admiral Chester Nimitz' headquarters.

One year after his first newscast Mr. Macdonald became the WBZ-TV "Nightly Newsteller." He anchored the highly rated Channel 4 show until 1969.

Mr. Macdonald was the first president of the New England Chapter of the American Federation of Television and Radio Artists.

President John F. Kennedy made his television debut with Mr. Macdonald.

And in 1968, when the late Cardinal Richard Cushing claimed the Boston media had

misrepresented his views on the marriage of Jacqueline Kennedy to Aristotle Onassis—a marriage that involved an annulment of an earlier Onassis marriage—Mr. Macdonald was first to get the cardinal's answers to widespread criticisms.

Among celebrities he interviewed over the years were four presidents, and among those he profiled on his "First Person Profile" were Arthur Fiedler, Ethel Barrymore and Eleanor Roosevelt.

But Bay State politics was his forte from the time he began New England television coverage of elections from the city desk of the old Boston Globe on Washington Street with the late James Michael Curley as a commentator. In 1948 he gave the first all night television report on vote returns as President Harry S. Truman slowly upset Thomas E. Dewey.

A native of Fort Lauderdale, Fla, he grew up in Warwick, R.I., where he called himself an "also ran in track." At Providence College (Class of 1938), his violin led classical and dance orchestras and he was active in drama, singing, literary clubs, debating and sociological work with convicts.

In the beginning on TV, everything was live, nothing taped and everyone saw the mistakes. Mr. Macdonald recalled one early gaffe:

"One night, I had a science show on ahead of me with snakes. . . These snakes were getting pretty warm under the lights. . . . They were being picked up with a hook when one slithered away . . . I was across the studio. The guy behind the camers saw it coming and locked his camera and ran. Then the control room was ready to go, and when the red light came on. I was sitting on the desk, not behind it: you could hear the snake rattling. . . ."

Among his cherished honors was a testimonial in May 1984 when a letter from President Reagan called him "a Boston institution—like Old North Church, the Pops and the Red Sox."

Among numerous other awards, he received the 1983 National Academy of Television Arts and Sciences Governors' Award for his lifetime of work.

He also leaves a brother, Daniel G. MacDonald, and sister, M. Marjorie Macdonald, both of Warwick. A funeral Mass will be said at 11 a.m. tomorrow in St. Joseph's Church, Highland Avenue, Needham.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS, 1985

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2577, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Byrd Amendment No. 367, to establish a national commission which may be called for convenience of expression, the National Commission on Espionage and Security, to conduct an investigation and study with respect to the adequacy of counterespionage, counterintelligence and security activities of the United States in the protection of vital secret defense, foreign policy, and intelligence information of the United States against the efforts of hostile foreign powers to obtain such information.

(2) Byrd Amendment No. 368 (to Amendment No. 367), of a perfecting nature.

Mr. HATFIELD. Mr. President, at this point, we have a pending amendment which is offered by the Senator from West Virginia, the Democratic leader. We have a committee amendment and we have a number of other amendments which have been rumored and otherwise indicated may be offered.

For the benefit of those Senators not on the floor, the Senator from Louisiana, Senator JOHNSTON, and I, as the comanagers of the bill, would urge Senators who have amendments to offer to please come to the floor and do so. It is our hope and expectation that once we dispose of the committee amendment, which is an amendment dealing with BLM and Forest Service transfers of lands, on which the Senator from Arizona [Mr. DECONCINI] and the Senator from Idaho [Mr. MCCLURE] are engaged in negotiations at the moment, and disposal of the Byrd amendment, that we would expect them to have cleared and handled most all of the other amendments and be ready to move toward third reading. We would expect to be able to do that today and complete the bill today.

The majority leader has indicated that he is willing to continue the consideration of this bill until it is completed tonight. It is hoped that we could complete it perhaps this afternoon. But we must complete it in order to provide for sufficient time to go to conference with the House of Representatives and from there, of course, to get the bill to the President before our July 4 recess.

So, once again, the Senator from Louisiana and I are here to do business and welcome the opportunity to complete any consideration of amendments that Senators may have or wish to offer to this, the supplemental appropriations bill.

Mr. JOHNSTON. Mr. President I concur with the remarks of the distinguished chairman of the Appropriations Committee. I might say that I know of two amendments, that is the pending amendment, the amendment by the Senator from West Virginia [Mr. BYRD] and the committee amendment on which we hope that the Senator from Arizona [Mr. DECONCINI] and the Senator from Idaho [Mr. MCCLURE] will have an agreement, but in any event should be ready to work that out.

I have received from my side no other requests for amendments. So I am hopeful, from our standpoint, that we could go to third reading by early afternoon, and I know of no reason why we could not. I think we ought to put that out as a goal that will try to push for.

Mr. HATFIELD. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. HATFIELD. I am happy to yield to the ranking member of the Appropriations Committee.

Mr. STENNIS. Mr. President, I am interested in a matter that is not in the form of an amendment yet. Other Senators from other States are also interested in it. I would like for it to be brought to a head as to whether we are going to offer anything. I will get in touch with whomever I can. I have called some of them.

I would not want to indicate we would or would not offer an amendment, at least not yet. We will try to get an answer within an hour.

Mr. HATFIELD. Mr. President, we, of course, would always accommodate the Senator from Mississippi for whatever he might wish to offer.

I join with the Senator from Louisiana in indicating that from our side I have not been informed by individual Members that they have amendments to offer. Perhaps the so-called rumor list that we have might just disappear, hopefully. So we do not really have any specific amendments that we have been alerted to on our side, either.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 368 TO AMENDMENT NO. 367

Mr. BYRD. Mr. President, the amendment which I have offered on behalf of myself and other Senators—Senator JOHNSTON, Senator EAGLETON, and Senator LEAHY—would establish a National Commission on Espionage and Security. This proposal is a response to published reports which have come to the attention of all of us since the first arrests were made in the Walker spy case a few weeks ago—reports which have led those of us who are sponsoring the amendment to conclude that an exhaustive examina-

tion of our entire counterintelligence apparatus is long overdue.

This view is shared by all former top officials of our Government with whom I have discussed this problem over the past several days.

I have discussed this subject matter with former President Carter, and with former President Nixon. I have discussed it with former Secretaries of Defense, Dr. Harold Brown and Dr. Schlesinger. I have discussed it with former National Security Adviser, Mr. Brzezinski, and I have discussed it with former CIA Director Stansfield Turner. I have discussed it with various Senators. And, incidentally, I welcome the cosponsorship of additional Senators today. All of these persons with whom I have discussed this matter, support the effort. I think it should be said that they all feel time is wasting, and that we ought to get on with this. I discussed it with President Reagan the day before yesterday. He indicated that he would have his staff look carefully at the resolution which I introduced earlier this week, and since then, of course, I have elected to offer it as an amendment to the pending legislation.

I feel that this is the earliest appropriate vehicle to which the amendment can be meaningfully offered and attached, if it is the will of the Senate to so attach it.

As I said earlier this week, Congress cannot afford to authorize billions of dollars for the most sophisticated weapons and intelligence systems which our technology can produce, only to learn that the details of these systems may be in the hands of our potential adversaries within days of their deployment.

There have been reports that 4.3 million individuals have been cleared for access to this kind of information affecting our national defense. The clearance process is said to be inadequate and, at times, perfunctory. Every one of these cleared individuals is a prime target for recruitment by the hundreds of Soviet agents in this country. Our counterintelligence forces, which are designed to counter this threat, are said to be undermanned. The volumes of classified information reportedly grows and grows and grows, and the entire classification system is held in considerable disrepute. This situation cannot be allowed to continue. Reports surrounding the Walker case have included allegations that a major espionage ring has been operating right under our noses, so to speak, undetected for perhaps as long as two decades.

The national commission which is being proposed here would seek to ensure that we will never be that vulnerable again.

I do not look upon this commission as a partisan entity. I do not look upon this effort to devise legislation which would provide for a commission, as partisan. I do not see in this any effort or any misunderstanding that this legislation is designed to be partisan—designed to go after any President, after any administration, either political party, or any Department head. I see it as an effort to find the gaping holes in this security sieve and attempt, for the future, to remove those holes, or certainly to plug them.

It seems to me that such a commission would be able to come forward with a report and recommendations which the Congress would find beneficial in shoring up our national security.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. Yes; I yield.

Mr. STEVENS. Mr. President, let me begin by telling my good friend I hope he will add me as a cosponsor to the amendments so it will be a bipartisan effort.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Alaska [Mr. STEVENS] be added as a prime cosponsor, and I thank him.

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

Mr. STEVENS. I thank the Senator from West Virginia.

I want to say that I sought to join because I believe that a commission such as this is very much in order. It would not be appropriate if it were sought as a partisan matter. In my judgment there is no appropriate time for any partisan consideration when dealing with the security of our country.

The recent Walker cases are just the last in a series, a long series, of cases involving employees of the Government and members of the armed services who have had access to classified information, and who have betrayed this country for their personal financial advantage.

The indication—and I am sure the Senator from West Virginia has had the same briefings I have had concerning this affair and other affairs—the indication is that there has been an atmosphere of laxity developed in the security system.

There was one person, I recall, who had a temporary clearance and through a clerical error it became a permanent clearance. That person parlayed that clearance into a position of extreme trust.

That was a failure of the system. It was nothing short of a failure of the system.

We have found in some instances military personnel who were cleared at a very low level upon their entry into the military service and carried that clearance and upgraded it without any subsequent security investigation, without any subsequent review of their conduct from the time they entered the service.

We no longer have a consistent policy in the United States concerning the use of polygraph testing. CIA employees are polygraphed at will. People in the Department of Defense and in other agencies of the Government however, are not subject to polygraph testing. The very absence of the polygraph, in and of itself, is an omission that permits the kind of activities that the Walkers were involved in.

In my judgment, a commission is needed not only to look into the problems in the present system that permitted these recent lapses, but also to review the Federal law and, if appropriate, recommend uniform Federal laws and regulations regarding access to security information.

I would hope that my good friend from West Virginia would do one thing, and that is not have a designation of whom the President must appoint in his resolution. I believe that the President should have the discretion to determine who he would like to serve on such a commission. Such a commission could significantly contribute to the whole endeavor to identify and correct the serious deficiencies in our security system.

I would also hope there would not be any problem with such a commission, that it would be not only bipartisan, but that it would involve both Houses of Congress. The people involved in both the Navy and the Department of Defense who are knowledgeable about these recent cases have been before about six different committees in the last week. That ought to stop, and it could stop if we had one group designated by the Congress and by the President to look into the matter.

I am pleased to join the distinguished minority leader this morning in this resolution establishing such a commission.

[Mr. STEVENS assumed the chair.]

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alaska for his support of the amendments. I thank him for the fine statement he has just made in support of the amendments.

Mr. President, the distinguished Senator has indicated that the provision in the amendments that would require the President to name certain former department heads gives him a problem. I certainly will be happy to look at that matter. I hope that I may be given unanimous consent to modify the amendments in that respect just a little later.

Mr. President, this commission does not seek scapegoats. I do not seek scapegoats. I am sure that others who have cosponsored the amendments are not interested in finding scapegoats. We would not attempt to assess blame. No particular administration official,

past or present; no particular administration of either political party, is to be singled out as responsible for the current security problem. This is not a partisan issue. It is an issue which affects all of us and our children and our country. It is a national problem; it cries out for a unified, nonpartisan response.

We would have a bipartisan commission with a nonpartisan objective, seeking nonpartisan recommendations.

The commission would be charged with assessing the effectiveness of the present system for protecting our national defense secrets, and it would be called upon to make recommendations for the future. There is no Monday-morning quarterbacking involved, and, as far as I am concerned, it would not be a rehashing of the Walker case.

That case is going to be in the courts, where it belongs. I have every confidence that our criminal justice system will work as it should.

The commission which is being proposed by myself and Messrs. JOHNSTON, EAGLETON, LEAHY, and STEVENS would include eight members. Four of the commissioners would be appointed by the President, and at the moment, the language of the amendments would require that of those four Presidential appointees, a former Secretary of Defense, a former National Security Adviser, and a former Director of the CIA would be included.

The other four commissioners would be selected by the Congress, two by the Senate and two by the House, one from the majority party in each House, one from the minority party in each House. I think it would be anticipated that the presiding officers in the two Houses would appoint from within the two bodies Senators who are recommended by the majority and minority leaders in the Senate and, of course, the minority leader in the House. The Speaker would make his own recommendation.

Mr. JOHNSTON. Will the Senator yield for a question, Mr. President?

Mr. BYRD. Yes, Mr. President.

Mr. JOHNSTON. I notice that the commissioner is charged with the investigation and study with respect to the adequacy of counterespionage and counterintellingence. Would it not be within the scope of the commission to test and to assess the adequacy of our terrorism counterintelligence?

Mr. BYRD. Yes, Mr. President, I think it would.

Mr. JOHNSTON. Because it seems to me that the lack of intelligence, particularly in Lebanon and in areas of terrorism, is a great problem for this country. It would seem to me to be a very productive area for this commission to go into.

Mr. BYRD. It seems to me that the statement by the distinguished ranking manager of the bill is very pertinent and it should be a key aspect of the overall work of the commission.

That is certainly a subject that deserves serious attention. If state-sponsored terrorists are trying to spy on the United States to obtain our nuclear secrets or other defense information, that would be a part of the commission's mandate.

The commission would not be required, however, to look into the whole question of why we don't have enough advance information about these terrorist actions which seem to be spreading around the world. That is an extremely important problem and a subject which demands immediate and urgent attention, even though it is not part of this commission's mandate. This commission, I am sure, will have more than enough on its platter, and perhaps we may find another way to focus on the question of beefing up our terrorist intelligence.

The commission would have a life of 18 months, with all of the authority it needs to get the work done consistent with due regard for the sensitivity of the information to be examined and consideration of the privacy and all constitutional guarantees.

The commission's task would be to investigate the system involving the issuance of security clearances; the adequacies of background investigations such as are conducted in connection with the issuance of clearances; the classification system; the effectiveness of our counterintelligence forces to protect against penetrations of our Government by a hostile foreign power; and whether present laws, directives and policies relating to this subject are sufficient to deal with the magnitude of the problem.

Mr. President, I shall not go further into a discussion of the amendment at this time. I hope that we will all agree that the problem is urgent, and I hope that Senators on both sides of the aisle will support the creation of the commission. We cannot afford to conduct business as usual and just forget the problem or hope that it will go away.

Mr. President, I urge the adoption of the amendment.

Mr. JOHNSTON. Mr. President, I rise to support this amendment. I wish to emphasize the bipartisan—certainly nonpartisan—nature of this amendment. As one of the prime cosponsors, it never entered my head that it would be anything but that—that is, a group that could give us the best of information in this very sensitive area, very timely area of great concern to our country.

I hope that the commission would, in fact, look into the adequacy of our activities in any field of terrorism. I think we have, as we have all found out, very few intelligence assets in the Middle East in general, and in Lebanon in particular. Whether there is anything that we can do about that from a grand policy standpoint I think would be a very appropriate and productive area for this commission to look into, as well as that which the distinguished minority leader discussed; that is, the question of security clearances.

An idea that the distinguished occupant of the chair had and which I supported in the Appropriations Committee—that is, the use of the lie detector to test security clearances—is also an area which I think could be appropriately looked at by this commission. I am told that the lie detector is a very, very useful tool in determining the reliability—not just the truthfulness but the reliability—of those with security clearances. I also share the view that it is a very sensitive area. We want to be sure that there are adequate safeguards in the use of that lie detector so that it may not be used as an article of political revenge or that it be misused or any of those things. I think that could appropriately be looked into by this commission.

The idea of a commission as opposed to the use of one of our standing committees, I think, is also very good and very timely. We have in this country ex-Directors of the CIA and the Defense Intelligence Agency whose names are well-known throughout this country, whose reputations are above reproach, and who come from both political parties.

It seems to me that their appointment to this commission, should they be willing to serve, would be a national asset of great value, drawing upon their judgment and their experience. It seems to me they could give this commission a broadness of view and a depth of expertise that is not likely to be equaled by any mechanism other than this kind of bipartisan commission.

So, Mr. President, I strongly support this legislation and hope it will be approved.

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Alaska, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent that I may be authorized to modify the amendment in two places, one being with respect to paragraph (b)(1) on page 1 of the amendment which I have before me, the other one being the paragraph that provides for the funding of the commission.

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

Will the Senator send the modification to the desk?

Mr. BYRD. Yes. Let me say, Mr. President, that paragraph (b)(1) of the amendment which I hold in my hand, which is the amendment that is available and on each desk, presently reads as follows—and this is with respect to the appointment by the President of the United States of a four-member commission:

> Four to be appointed by the President of the United States, including one former Secretary of Defense, one former Director of Central Intelligence, and one former Special Assistant to the President for National Security Affairs.

Mr. President, I do modify, having been given consent from the Senate, that paragraph by placing a period following the words "United States" and striking out the remaining words in that sentence, so that phrase, which now would require the President to include among his four appointees one former Secretary of Defense, one former Director of Central Intelligence, and one former Special Assistant to the President for National Security Affairs—that would be stricken and the remaining words would be these: "Four to be appointed by the President of the United States."

The PRESIDING OFFICER. The Senator has that right under the unanimous consent previously granted to him.

Mr. BYRD. I make that modification, Mr. President, because the distinguished present occupant of the chair, the distinguished Senator from Alaska [Mr. STEVENS] stated on the floor a moment ago his concern about that language. I can understand his feeling that way. The distinguished majority leader also has expressed his concern to me about that particular language. I can understand the concern. I can only say that I hope the President would carefully consider appointing a former Secretary of Defense, a former Director of Central Intelligence, and a former Special Assistant to the President for National Security Affairs, but I have now deleted that language from the amendment as a requirement.

The other modification, Mr. President, I will make in a moment after conversation with the distinguished chairman of the committee, Mr. HATFIELD, and the distinguished ranking member, Mr. JOHNSTON. But for now I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment by my good friend and colleague, the Democratic leader. And I am not in the unfortunate position of rising as a committee chairman and I am going to make a statement that says we do all these things; we do not always do them well. But we, in effect, have these things in place. My great colleague, who has been here so much longer than I, has heard this; but I trust that he will listen to at least a part of it, and perhaps there is in the structure of his amendment some room for accommodating to the concerns that I will express. I do not know at this time whether there is such room, but I trust that he may find that kind of room.

Our colleague from West Virginia has been an ex officio member of the Senate Select Committee on Intelligence since its inception. He had a substantial role to play personally in the creation of the Committee on Intelligence, and I trust that, therefore, he will be especially sensitive to some of the comments I will make about the impact that this commission can have on the objectives he is trying to achieve.

I thought perhaps we would find some support from the administration in making this case. I find, in the statement I just referred to of the majority leader, as being the administration's position on commissions, that the administration opposes the statutory establishment as unnecessary; they oppose it on the ground that there are existing mechanisms; they oppose it on the theory that the executive branch has primary responsibility and on the theory of constant cooperation. There may be some of that in my statement as well, but I think we need to go just a little further.

Before my colleagues vote on this issue, let me give them just a little information and perhaps education on the role that they play, as Members of this body, in resolving some of the problems of security and espionage.

Mr. President, I sympathize with my good friend from West Virginia, who has long been an ex officio member of the Select Committee on Intelligence. He has been a steadfast supporter of U.S. intelligence and I greatly admire him for it.

I oppose my good friend's amendment, however, for I fear that his proposal would retard, rather than advance, the adoption of improved counterintelligence and security practices. I am confident, moreover, that the executive branch and the Senate Select Committee on Intelligence can better accomplish what the minority leader seeks to achieve than will a National Commission.

The state of American counterintelligence and information security is a matter of great concern to us all. The security of our country may not depend entirely upon this, but betrayals and intelligence penetrations are a sure way to undo years of devoted and costly efforts by loyal Americans.

We have good reasons to be concerned regarding these matters. The Walker family spy ring alone is enough to warrant our attention. From what we read in the papers, it may have gone on for two decades; it involved two generations, as well as friends and other relatives; it involved chief warrant officers, the cream of the crop of Navy enlisted men, who have made this country's security at sea their careers; and it may have compromised vital information on U.S. weapons systems, communications, and operational patterns.

Other recent cases are equally bothersome. In Los Angeles, we are witnessing the first trial of an FBI agent for espionage in our history. A man in New York has been indicted on charges of spying while he worked for the CIA. And news stories assert that the Soviet Union bugged U.S. Embassy typewriters in Moscow for years, giving them access to a steady stream of important information.

The Select Committee on Intelligence is deeply disturbed by these events. We are determined to learn the causes of the current situation and to help bring about major improvements in it.

The Select Committee on Intelligence and its House counterpart have given high priority to counterintelligence and security problems ever since the creation of the committees in 1976. Under our first chairman, Senator DANIEL INOUYE of Hawaii, the FBI counterintelligence budget was included for the first time in the overall National Foreign Intelligence Program. Later we passed the Foreign Intelligence Surveillance Act, which gave our counterintelligence agencies a secure and constitutional means of wiretapping suspected spies. This has proved to be an invaluable arm in the arsenal of security.

An Intelligence Committee study several years ago also led to passage of the Classified Information Procedures Act, which limits the impact of graymail defenses that threaten the release of more classified information in spy cases. The increase in espionage prosecutions in recent years is due partly to greater protection for classified information that this act has provided. As Assistant Attorney General Stephen S. Trott told the Washington Post, the " 'graymail' Act gives the Government 'the capacity to surface and prosecute (spies) without compromising national security or letting defense lawyers spew secrets all over the place.' "

Under Chairman Goldwater, the committee took the lead in calling for

increased resources for FBI, CIA, and Defense Department counterintelligence operations. We also passed the Intelligence Identities Protection Act to stop one especially dangerous form of intelligence compromise.

This year, as part of the Intelligence Authorization Act for fiscal year 1986, the committee recommended legislation to address the Soviet intelligence threat that was later passed by the Senate in the form of amendments to the Department of State authorization. And this year, as in every other year, we have used the budget authorization process to address the performance of U.S. counterintelligence elements in the various agencies.

Earlier this year, the select committee began planning a broad review of U.S. counterintelligence and security programs. On June 11, 1985, the committee agreed to begin a comprehensive review of the Soviet intelligence threat and U.S. counterintelligence and security programs. This review is to be done within the context of the committee's continuing oversight responsibilities and will include an examination of the implications for national security growing out of the Walker case and others. Topics to be addressed include:

Changes in the nature and extent of Soviet espionage operations both within the United States and against U.S. installations and interests overseas;

The reasons behind the record number of espionage cases in the last year;

How effectively U.S. counterintelligence agencies have utilized the increased resources made available to them by the Congress; and

What needs to be done to improve security so that truly sensitive information and operations are better protected.

The committee intends to examine all aspects of the problem, including the classification system, the personnel security system and the communications security system, as well as computer and other forms of technical and operational security. We are in the process of holding a series of closed hearings and briefings. We also look forward to cooperating with the executive branch and benefitting from the internal reviews underway in the Defense Department and other agencies.

We have instructed our staff to coordinate with other interested Senate committees. In particular, the select committee expects to follow up on the recommendations of Senators NUNN and ROTH of the Permanent Subcommittee on Investigations, which has completed an investigation of shortcomings in the Government's Security Clearance Program.

The aim of the committee is to prepare a full report on the adequacy of U.S. counterintelligence and security programs and the improvements needed to protect the national security in these fields. As indicated in letters that Vice Chairman LEAHY and I have recently sent, we solicit the suggestions and views of all Members of the Senate as we begin this task.

A National Commission on Security and Espionage, Mr. President, is more likely to retard progress on these issues than it is to further it. If we truly want to improve security practices, we must convince departments and agencies to change entrenched ways of doing things. That is how simple it is. No commission is going to get the bureaucracy of this country to change its habits. It is difficult enough for us in the Senate and the people in the House to take advantage of situations like the Walker case to do some of the things we are now able to get them to do. The people who must do that are the leaders of those agencies, not a group of outsiders, no matter how distinguished.

What will happen if we establish a National Commission? The first thing is that people in the bureaucracy who are resistant to change will say that nothing can be done until after the Commission completes its work and issues its report. So any chance for early improvement will be quashed.

That is a record which has been replicated for many, many commissions. The bureaucracy will tell you they cannot do anything to comply with your desires until the Commission completes its work and issues its report.

The consequence of that is that all of the work that we need to do in 1985 that we need to implement in 1987 will all be postponed at least until after this Commission makes its report in 1987.

A second likely consequence is that the issues of security and counterintelligence will become politicized. First there will be the usual jousting over the membership and staff of the Commission. Then there will be inevitable conflicts between the Commission and executive branch personnel who will resist the thought of disclosing our deepest counterintelligence secrets to an outside body. And then there will be watering down of conclusions, as Members with diverse views and political constituencies try to arrive at compromise recommendations.

Mr. President, I submit to my colleagues that this country needs better security, better counterintelligence, and better counterespionage. But rather than piecing together a politically balanced group of outsiders, we must encourage our top policymakers to bite the bullet themselves and take needed action. Rather than disclosing counterintelligence secrets to more outsiders, we should use the institutions already in place to handle such information—including our own Select Committee on Intelligence.

Rather than settling for the watered-down 3-year-old recommendations which will eventually come out of this Commission, we should demand a hard-nosed examination of these issues that leads to real improvements in our counterintelligence and security posture.

I am confident, Mr. President, that both the executive branch and we are currently sufficiently energized to deal with these issues speedily and forthrightly. The White House is clearly as concerned as we are regarding the need for improvement, and the Select Committee on Intelligence has received assurances of close cooperation from counterintelligence officials and top policymakers.

I know what motivates my good friend from West Virginia. I am thinking of it as I am reading the statement, that as soon as John Walker and his family are off the front pages, the issue may well also leave the top priority of our concerns in this Senate. That may very well be, from his experience, one of the reasons that our colleague feels strongly about the need to continue to focus the attention of the country on the issue.

I must say, however, Mr. President, while I agree with that theory, it is also the responsibility of this body to do something about it and I fear greatly that turning it over to a commission, postponing any work on counterespionage and counterintelligence policy for 3 years, just is not the way to make sure this job gets done.

It is our responsibility here to force these changes on the administration, not the responsibility of an outside agency.

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

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 368 AS FURTHER MODIFIED

Mr. BYRD. Mr. President, I had indicated earlier my desire to modify the amendment in respect to the last provision in the amendment. I modify what is now an open-ended funding provision, so as to specify that the funding be limited to $900,000.

I have discussed this with the distinguished manager and the distinguished ranking minority manager, and it is their feeling that it should not be seen as an open-ended funding mechanism, and I think we have come to the conclusion that a $900,000 cap would be a reasonable modification.

I so modify my amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The modified amendment is as follows:

(b) The Commission created by this resolution shall consist of eight members, to be appointed as follows:

(1) Four to be appointed by the President of the United States.

(2) One to be appointed by the President of the Senate from the majority Members of the Senate, upon the recommendation of the majority leader of the Senate;

(3) One to be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate;

(4) One to be appointed by the Speaker of the House of Representatives from the majority Members of the House; and

(5) One to be appointed by the Speaker of the House of Representatives from the minority Members of the House upon the recommendation of the minority leader of the House.

(c) The members of the Commission shall select a chairman and a vice chairman. Vacancies in the membership of the Commission shall not affect the authority of the remaining members to execute the functions of the Commission and shall be filled in the same manner as the original appointments to it are made.

(d) A majority of the members of the Commission shall constitute a quorum for the transaction of business, but the Commission may affix a lesser number as a quorum for the purpose of taking testimony or depositions.

(e) To enable the Commission to make the investigation and study authorized and directed by this resolution, the Commission is authorized to employ and fix the compensation of such persons as it deems necessary and appropriate, subject to the provisions of Section 12(c) below.

SECTION 2. The Commission is authorized to hold hearings, take testimony and depositions under oath, and to do everything necessary and appropriate which is authorized by law to make the investigation and study specified in subsection (a) of the first section.

SECTION 3. Without abridging in any way the authority conferred upon the Commission by the preceding section, the Commission is authorized and directed to make a complete investigation and study which will reveal the full facts with respect to:

(a) The nature and extent of recent penetrations of, or efforts to penetrate, the United States Government by hostile foreign powers to obtain the information described in section 1(a);

(b) The extent and adequacy of efforts by the United States to detect and protect against such penetrations;

(c) The adequacy and effectiveness of:

(1) The classification system;

(2) Background investigations conducted for security clearances;

(3) Systems involving the issuance of such clearances;

(4) Security systems;

(5) Counterintelligence investigations;

(6) Counterespionage investigations;

(7) Damage assessments;

(8) Relevant Federal laws, executive orders, directives, and policies;

(9) Investigative, prosecutorial and expulsion policy; and

(10) Treaties and other international agreements to which the United States is a signatory.

(d) Such other related matters as the Commission deems necessary in order to carry out its responsibilities.

SECTION 4. Subject only to other provisions of this resolution, all departments, agencies, and other components, and all officials and other employees, of the United States Government are authorized and directed to:

(a) Extend full and complete cooperation to the Commission;

(b) Render such assistance as the Commission may request;

(c) Provide such information and testimony, whether at hearings or by interview or deposition, as the Commission may request;

(d) Provide access to all records, writings, documents and other materials as the Commission may request.

SECTION 5. (a) The Commission, or any member of the Commission when so authorized by the Commission, shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of information relating to a matter under investigation by the Commission. A subpoena may require the person to whom it is directed to produce such information at any time before such person is to testify. Such attendance of witnesses and the production of such evidence may be required from any place within the jurisdiction of the United States at any designated place of interview or hearing. A person to whom a subpoena issued under this subsection is directed may for cause shown move to enlarge or shorten the time of attendance and testimony, or may move to quash or modify a subpoena for the production of information if it is unreasonable or oppressive. In the case of a subpoena issued for the purpose of taking a deposition upon oral examination, the person to be deposed may make any motion permitted under rule 26(c) of the Federal Rules of Civil Procedure.

(b)(1) In case of contumacy or refusal to obey a subpoena issued to a person under this section, a court of the United States within the jurisdiction of which the person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides or transacts business, may upon application by the Attorney General, issue to such person an order requiring such person to appear before the Commission, or before a member of the Commission, or a member of the staff of the Commission designated by the Commission for such purpose, there to give testimony or produce information relating to the matter under investigation, as required by the subpoena. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

(2) The Commission is an agency of the United States for the purpose of rule 81(a)(3) of the Federal Rules of Civil Procedure.

(c) Process of a court to which application may be made under this section may be served in a judicial district wherein the person required to be served is found, resides, or transacts business.

SECTION 6. A court of the United States within the jurisdiction in which testimony of a person held in custody is sought by the Commission or within the jurisdiction of which such person is held in custody, may, upon application by the Attorney General, issue a writ of habeas corpus ad testificandum requiring the custodian to produce such person before the commission, or before a member of the Commission or a member of the staff of the Commission designated by the Commission for such purpose.

SECTION 7. The Commission is an agency of the United States for the purpose of part V of title 18 of the United States Code.

SECTION 8. (a) Process and papers issued pursuant to this resolution may be served in person, by registered or certified mail, by telegraph, or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. When service is by registered or certified mail, or by telegraph, the return post office receipt or telegraph receipt therefor shall be proof of service. Otherwise, the verified return by the individual making service, setting forth the manner of such service shall be proof of service.

(b) A witness summoned pursuant to this resolution shall be paid the same fees and mileage as are paid witnesses in the courts of the United States, and a witness whose deposition is taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

SECTION 9. (a) The investigative activities of the Commission are civil or criminal law enforcement activities for the purposes of section 552a(b)(7) of title 5, United States Code, except that section 552a(c)(3) shall apply after the termination of the Commission.

(b) The Commission is a Government authority, and an investigation conducted by the Commission is a law enforcement inquiry, for the purposes of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 *et seq.*). Any delay authorized by court order in the notice required under that Act shall not exceed the life of the Commission, including any extension thereof. Notwithstanding a delay authorized by court order, if the Commission elects to publicly disclose the information in hearings or otherwise, it shall give notice required under the Right to Financial Privacy Act a reasonable time in advance of such disclosure.

SECTION 10. Conduct, which if directed against a United States attorney would violate section 111 or 1114 of title 18, United States Code, shall, if directed against a member of the Commission be subject to the same punishments as are provided by such sections for such conduct.

SECTION 11. The functions of the President under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App. 10(d)) shall be performed by the Chairman of the Commission.

SECTION 12. The Commission shall adopt rules and procedures (1) to govern its proceedings; (2) to provide for the security of records, documents, information, and other materials in its custody and of its proceedings; (3) to prevent unauthorized disclosure of information and materials disclosed to it in the course of its inquiry; (4) to provide the right to counsel to all witnesses examined pursuant to subpoena; and (5) to accord the full protection of all rights secured and guaranteed by the Constitution of the United States.

(b) No information in the possession of the Commission shall be disclosed by any member or employee of the Commission to any person who is not a member or employee of the Commission, except as authorized by the Commission and by law.

(c) The term "employee of the Commission" means a person (1) whose services have been retained by the Commission, (2) who has been specifically designated by the Commission as authorized to have access to

information in the possession of the Commission, and (3) who has agreed in writing and under oath to be bound by the rules of the Commission, the provisions of this resolution, and other provisions of law relating to the nondisclosure of information.

SECTION 13. The Commission shall make a final report of the results of the investigation, together with its findings and its recommendations to the President and to the Congress, at the earliest possible date, but no later than March 1, 1987. The Commission may also submit such interim reports as it considers appropriate. After submission of its final report, the Commission shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SECTION 14. There is authorized to be appropriated and is appropriated for the remainder of the fiscal year ending September 30, 1985, and the fiscal year ending September 30, 1986, $900,000.00.

The names of Mr. BAUCUS and Mr. LAUTENBERG were added as cosponsors of the amendment (No. 268) as further modified.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I greatly respect the position as expressed by the distinguished chairman of the Committee on Intelligence, Mr. DURENBERGER.

Let me say that I do not see this commission, if and when it is established, as being something that would take away from the Intelligence Committee its right to proceed with whatever investigations it wishes to make and to offer whatever recommendations on national security it may wish to make to Congress.

I see this problem as a national need now, and I think it is an extremely serious need. It seems to me that the Intelligence Committee always has a tremendous burden of workload—all that it can deal with, with the many problems that may be related or unrelated to this subject area demanding that committee's attention.

It seems to me that we need a commission that can put its full time, its total effort, its total strength into the study and investigation of this serious problem.

I have tremendous respect for the Senate Committee on Intelligence. I have a tremendous respect for the chairman and ranking member of the Senate Committee on Intelligence. I would want it understood that, in my judgment, the amendment that I have presented should not in any way imply a lack of confidence in the Senate Intelligence Committee.

But in this situation, I feel that the problem is so great and so immediate, that there needs to be a commission which can give its full time to this particular massive problem.

As far as I am concerned, I would recommend to the President pro tempore of the Senate that Mr. LEAHY, the ranking member of the Intelligence Committee of the Senate, be the Senate minority's member. That could be done very easily.

There is no suggestion here that the Senate Intelligence Committee is not doing its work and not doing it properly. I simply feel that, with this onrushing flood of alarming revelations that we are seeing almost daily with respect to the commission of treason, at least the appearance thereof for the moment, a full-time commission ought to be temporarily established.

Also, Mr. President, I understand that the administration is opposed to these amendments I see on the letterhead of this memorandum which I hold in my hand, these words, "Statement of Administration's Policy," dated June 20, "With respect to Committee on Espionage and National Security, Byrd amendment." I will read the following paragraph, which is short:

> The administration opposes the statutory establishment of a National Commission on Espionage and Security as unnecessary. There are existing mechanisms for dealing with this problem in the executive branch and in the Congress. The President and the executive branch have primary responsibility in this area. This administration fully intends to cooperate with the Congress in addressing the questions of espionage and its threat to national security.

Mr. President, again, I think that this problem is so immediate, so massive, and so threatening to our country that we ought to move ahead with a commission that can spend its full time in developing recommendations for the Congress.

I have already indicated that my conversations with former Presidents, former Secretaries of Defense, former Directors of the CIA, and former national security advisors, resulted in a unanimous feeling that we ought to move in this direction and also a unanimous expression of the willingness on the part of those individuals with whom I talked to appear before the commission at any time, if asked, to provide advice and counsel to the commission.

So I would hope, Mr. President, that the distinguished Senator, Mr. DURENBERGER, would not feel that this amendment is a reflection on the Senate Intelligence Committee. Far be it; it is just the opposite.

Mr. DURENBERGER. Will the Senator yield?

Mr. BYRD. I am glad to yield.

Mr. DURENBERGER. Mr. President, let me respond briefly to that. I appreciate the sensitivity of the Senator from West Virginia to both where the chairman may come from on the issue and the importance of intelligence oversight in this body. I also very much appreciate his deep concern for the measures that need to be taken and I suppose the public commitment that needs to be built under some of these measures.

But the point I tried to make in my statement was not to reflect so much a sensitivity on my part, as chairman of the committee, or on the part of the committee itself, as to reflect the realities that any of us who have been members of that committee for any length of time have to address with regard to what I will call the bureaucracy of the intelligence community.

If, in fact, the problem that is attempted to be addressed by this commission is espionage, if that problem is an immediate problem, as our colleague from West Virginia says that it is, if it is a massive problem, that is, that it is covering a lot of media in the security sense, that it poses a large threat, if you will, to the conduct of national security policy, and if it is, as he says, threatening, then the solutions to the problem must come immediately, they must be on a massive scale and they must threaten the espionage by the Soviet Union directed against this country.

That is precisely why the committee has been building a record within the bureaucracy that I talked about earlier to address this problem. It probably would have been a lot larger if it had not been for the leadership of BARRY GOLDWATER over the last 4 years, and two Members of this body from the other side of the aisle in the previous 4 years.

We are engaged in what I would consider a massive effort within the committee to take on the bureaucracy and we happen to be doing it with the help of the administration. I mean, the leadership in the administration understands the problems much as we do.

What I fear, Mr. President, is not that this commission will not come up with a set of brilliant recommendations. I have talked to these same leaders. I talked to the experts. I have talked to Bobby Inman and all the rest of these people who are now on the outside. They have said the same thing to me as they have said to the Democratic leader, "Please, this is a problem we need to deal with." I took that message very seriously. The committee is taking that seriously.

The committee has charted a course to come up with some answers to this problem within the course of this year, not within the course of an 18-month period of time that expires somewhere out in early 1987, the end result of which is then you turn over results to the bureaucracy for them to digest and chew up and defend and come back.

51-059 O-86-26 (Pt. 12)

My point is, simply, I do not think we have any disagreement on the need. The question is whether or not that need can be addressed. If it is an immediate problem, a massive problem and a threatening problem, then can we get it done in an immediate way and in a massive way that is genuinely threatening to the Soviet Union by bringing all these experts into the process that is already underway in this body—and hopefully it will be on the House side as well—to get some solutions to this problem in the near term, not in 1987, not in 1988?

If it is publicity we want, we will be more public in a part of this investigation. We always intended to do that anyway. So if that is the function of the commission, fine. But I must again reiterate we do not have any disagreement about what we are tryng to accomplish. The difference is those of us who oppose this commission want it done as soon as possible, and not postpone the result to some period of time. We also are sensitive to the fact that many of you know the bureaucracy will shut down on this issue the minute the Commission is created. When we go in the Intelligence Committee to try to pound on them on the espionage, and try to pound them on counterintelligence, I know what they are going to say. They are going to say I am sorry, Senator, but you decided there is going to be a big commission with all of these former Secretaries of State working on this. We are not going to cooperate with you. We will help the Commission, and in 18 months we will tell you what we ought to do. That is the reaction of the bureaucracy whether it is the IRS, Commerce Department, State Department, or the intelligence community.

Mr. STEVENS. Will the Senator yield?

Mr. DURENBERGER. Yes.

Mr. STEVENS. Would not the Senator agree, though, that the problem right now is that we have investigations in the executive branch, we have investigations in the House, and we have investigations in the Senate, but there is no process legally to hotwire this so we can get going, get the total engines of the Government going to see what we can do to stop the damage that we are suffering as a result of this espionage, and to see what we can do to tighten up our security procedures?

The Senator from Minnesota can do everything he says, and the legislation still resulting from his effort would have to go over to the House, the House would then hold hearings, and their deliberations would be subject to the same criticism from downtown that my colleague mentioned. I am not talking about the administration. I am talking about the bureaucracy.

The idea of a rifleshot commission is not new. Is not this the way we handled problems in the Social Security system—by establishing the Social Security Commission? We have done it in other situations where we identified serious national problems. I do not know of another national problem that reaches the scope, in terms of the cost to the taxpayer or the loss to the security of the United States, the recent espionage that we have suffered. It is not just the Walker case. It is cases that have been going on since the Falcon and the Snowman, since all of the rest of the cases that the Senator knows about. But we constantly have this bickering between the two Houses, and the bureaucracy within the administration whether it is Democratic or Republican.

I think it is time, as I said before, to hotwire this whole thing, put together a commission made up of persons who have previously been cleared with the stature and the capability to address this problem. We are not enlarging the clearance process here—and put some people to thinking what can this country do to stop this onslaught by the Russians on our secrets? This last loss, if I understand it right, has cost the taxpayers billions of dollars. We will now have to duplicate a system that has been literally stolen from us by our own people, and sold for a pittance to the Russians.

I have joined with the distinguished minority leader because, as I have tried to demonstrate here in some of the bills I have introduced, nothing has shocked me more in the 17 years I have been here than the briefing that we recently had on the Walker case. If the distinguished Senator from Minnesota wants to protect the jurisdiction of his committee, I respect him as I respect the distinguished chairman of the Governmental Affairs Committee, and the other committees that are involved. But I do not believe the formation of such a commission to be an attack on the committee system or on the administration. Rather, I think it is an attack on the worst problem this country faces.

The Soviets now have taken secret after secret from us—secret information on systems that has cost us untold billions to develop. Some of them they have bought. I think it is time that we looked at this sieve that we call the security system of the United States—and the only way to do it is with a blue ribbon commission of this kind.

Mr. DURENBERGER. I acknowledge the existence of the question. I started my first talk here a little while ago by eschewing the notion that I was standing up as chairman of the committee, and I felt uncomfortable doing that. There is a former chairman of this committee on the floor who is more capable than I to speak, and eventually he may on this issue.

Our colleague from Alaska brought up the Social Security Commission. That was not resolved by a commission. That was resolved back here some time in January 1983 by the Senator from New York and the Senator from Kansas saying we cannot let this Commission destroy the Social Security System. We have to come to a compromise. So it was done right here by two Senators. That is what happened to that Commission. That is about as simple as I can be to get to the heart of this issue.

It is a matter of taking on the things the Senator from Alaska talked about immediately. We are not conducting a superinvestigation. This is a study of a problem we knew existed. We are raising it to the level of public consciousness, and certainly administrative consciousness. We have been learning things in the last couple of weeks about the problems within this bureaucracy that we did not fully appreciate existed. But, finally, people are coming out in one part of the bureaucracy very honestly saying, because the doors are closed, it is not the public speaking inside, but for the first time they have had the opportunity over this billion dollar loss to come in and talk to each other about where some of the problems are in between the bureaucracies. I do not know that that discussion is going to take place in some highfalutin blue ribbon commission the same way it takes place inside this process that is responsible for an outcome. It is for that reason that I believe it is necessary for us to use the existing process, use the opportunity of the sensitivity to the loss to force on this administration the change in their policy, and to provide them with the resources to effect that change.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in opposition to the amendment. I rise in opposition because I do not believe that it is appropriate to attempt to create a special commission for the purposes outlined in this amendment. I agree with the distinguished chairman of the Intelligence Committee that our Intelligence Committee, of which I am a member, is addressing — the serious problems—being faced by this Nation in security matters. I am not of the school that the best approach to solving some of these important problems lies in always creating a new commission. We must address the espionage problem promptly, but I suspect the creation of a new commission will only delay action rather than expedite it. It will take time to form the committee, to bring together the staff necessary to support it, and I think we are in danger of politicizing the issue in the effort to form a commission.

Let me say that, if a commission were going to be created, in my opinion, it would only be proper to give the matter more consideration than can be given to the matter this afternoon. Important decisions would have to be made as to its constitution, its authority, and its legislative jurisdiction. For example it is my understanding—although I have not had the opportunity to carefully study the proposal—that the legislation before us would, subject only to other provisions of this resolution, authorize and direct all departments, agencies, other components, other officials, and employees to extend full and complete cooperation to the commission; provide such information and testimony, whether at hearings or by interview or deposition, as the commission may require; provide access to all records, writings, documents, and other materials as the commission may request.

This is an extremely broad mandate. It would mean that all the other laws on the books, including the right of privacy, which I have heard so many Members on both sides of the aisle say it is important to protect, would go astray.

It may be that we want to give that broad authority, if we were to create a commission. But I think it is worthy of a little consideration and study before we do so.

It is my feeling that if there is a sense that a commission should be created, it ought to be done through our regular process and referred, with a time limit if necessary, to the appropriate committees so that we could frame the kind of commission that would get the kind of job we all want done.

But, again, I raise the question as to whether such a commission is necessary at this juncture.

Sometime back we created the Intelligence Committees in both the House and the Senate for the purpose of oversight on intelligence matters. You can say what you want to say, but if you create a new commission, you are creating duplication; you are supplanting the duly organized committees of this Congress. I think that, rather than strengthening or helping such committees to discharge their responsibility, we are only weakening them.

I would point out that there was a recent study made by the distinguished Center for Strategic and International Studies, examining the need for governmental, legislative-executive reform. It points out that:

> These commissions can be valuable, but it must be recognized that the convening of bipartisan commissions in legislative-executive relations is an extraordinary step for handling extraordinary issues or circumstances. Their use means that the regular procedures of governance have not proved sufficient in some way. There may be occasions on which such commissions are the only practical alternative, given the seriousness of issues, their urgency, and the strength with which opposing views are held—with opposing advocates each having the ability to veto the issues' resolution.

But then it goes on to say:

> At the same time, however, the risk arises that the bipartisan commission will come to be seen as a panacea—a means for evading responsibility within either Congress or the executive branch. If that happens, the sytem will begin progressively to atrophy, and the basic principle of accountability will be increasingly violated to the detriment of the entire government. Thus the use of these commissions must be sparing and highly circumscribed. General rules are needed if their use is not to be abused, and if they are to be a last and not a first, resort in developing legislative strategies.

So, Mr. President, I think it is critically important that we give our Intelligence Committee the opportunity to continue on the course upon which it already has embarked. I, like the minority leader, have great confidence both in the chairman and vice chairman of the Senate Intelligence Committee. I think that the Intelligence Committee should be charged with proceeding with this investigation. If at any time it is felt that there is a need for a special commission, then I think it should be carefully crafted—carefully crafted so that it does not become politicized. While time is of the essence, it is more important that whatever we do be well done and meet the challenge rather than just appear to be creating another commission to handle the hard problem.

I agree as to the seriousness of the problem, as to the need to examine the entire matter. I would point out that both the Intelligence Committee and the Permanent Subcommittee on Investigations, of which I am chairman, and Senator NUNN, the ranking member, have been making careful investigations into these areas.

I would urge the Senate to reject this amendment and to charge the Intelligence Committee, and other committees which have any jurisdiction within this area, to proceed with a careful examination of the issues, not only because it is important from the point of view of security, but from the standpoint of strengthening the committee process.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise to oppose this amendment. I do so with some experience. I served 8 years on the Senate Intelligence Committee, 4 years as chairman.

Mr. President, I have to agree completely with what my friend from Delaware said about commissions. Any careful thought developed after a study of the history of this Congress over any period of time, if you care to examine it, will show that the great mistakes that have been made in this body have been made by commissions or agencies that have been appointed by the Congress.

I do not know why it is but throughout my adult life every time the country develops some kind of a problem that the legislature has been elected to solve, the legislature undertook to appoint some agency to solve the problem, an agency without any responsibility to anybody.

Here we have a commission suggested by a very capable man, for whom I have great respect, but we do not attach to it any particular responsibility.

I would like to say that after many, many years of experience in the intelligence field, going back many years, it takes a long time to learn intelligence. I would say that the members of the Intelligence Committee begin to be able to understand intelligence after about 2 years of service.

I served 8 years on that committee, and I have to admit there are still many, many things in intelligence that I would like to learn.

What is our problem?

The Soviets have no problem in Washington obtaining intelligence. We have the Library of Congress. All you have to do is go to the Library of Congress—now it is much easier, you just sit down and punch buttons on a computer—and out comes all of the technical information you want to know. Magazine after magazine after magazine published in this country, published in countries all over the world, make available to anybody with patience the entire technical details of anything that we manufacture. That is one of our major problems we have here.

One of the major problems is we really have no penalties for espionage. I think the last people who were executed in this country were the Rosenbergs and that has been 30 or 35 years ago, or maybe longer than that.

It is impossible, after you detect a person who has stolen secrets from our country, who acted as spies, to do much about it.

We had the case, I recall, when I was serving with the Intelligence Committee, and I will not name the particular device, where information was disclosed by a member of the intelligence family. He was discharged from his job and that is all that happened to him.

Suppose that man had been executed? I think that is what they are entitled to, and I do not think there should be much question about it.

A lot of people do not like the death penalty. I would rather see a man shot than have him stealing the secrets of my country and jeopardizing the freedoms not only of myself but my family.

Money has entered into this. Before the developments disclosed in the

Walker case, normally, a man or woman would make available to our enemies intelligence because they did not like us and they liked the other country better. Now we have a new enticement. It is called money. Where the Soviets and other enemies used to get this information for nothing, now a few hundred thousand dollars will accomplish the job.

How do you overcome that, Mr. President? What will the Commission answer be to that? I have no idea. I know that the Intelligence Committee is looking into that.

Another problem that anybody is going to be faced with when they get into this area is the number of clearances that we have for top secret and code-word, even. I think it is something like 4 million.

I know that my friend from Delaware, who sits on the Intelligence Committee—I will not say he becomes amused, but he probably has a great question pop up in his mind when we say, "Well, we will clear the room" and nobody walks out. Here is a bunch of nice young people, probably just out of high school, who have just come to work for the Government, cleared for code-word, cleared for top secret.

I recall trying to get one of the founders of the CIA clearance, top secret clearance. It took 6 months. It takes for a new employee of my office, if I want to get one cleared, almost a telephone call will do it.

I am happy to yield to my friend from Delaware.

Mr. ROTH. Mr. President, I just want to make one quick observation. I have heard several times that we have used commissions, for example, in the case of Social Security and other matters. Let me point out, there is a very important difference between the Social Security situation and the one we face today. One of the purposes of creating a commission on Social Security was to develop a political consensus and bipartisan support for reform. It was felt that that purpose could be accomplished only by developing a bipartisan group that would work together to formulate the recommendations that were necessary to make that system financially sound.

I do not think we need any consensus today. I think we already have a consensus that we must protect our intelligence information. Today we are trying to find out what has gone wrong and what needs to be done to correct it. I am sure that everyone on this floor, be they Republicans or Democrats, will support measures to protect national security. So we already have that consensus.

But let our fact-finding groups, such as our Intelligence Committee, proceed to determine what those steps should be. Then I think Congress and the Senate will promptly act.

Mr. GOLDWATER. Mr. President, I could not agree more with my friend from Delaware. Again, I think he has brought up—well, I know I can get a lot of argument on this point, but I have to mention it: Did the Social Security Commission really solve the problem? I do not think so. I think Social Security is in God-awful shape. So if we want to get intelligence in a little worse shape, we might use the same approach.

We have a very large intelligence family. This is something very few people in this country know: We have 19 different intelligence-gathering agencies in Washington. They all have these problems. Every one of them has the problem of a leak here and a leak there.

The Senator from Delaware is as aware as I am of the constant leaking from the Intelligence Committee, as desperately as we try to prevent it.

We used to have hearings and if I wanted to find out what happened in a code-word-clearance meeting, I would just read the New York Times the next morning. And one of those guys winds up as Assistant Secretary of State. I guess maybe we ought to appoint a few more like that; we would get some real leaks.

Mr. President, I have one more comment, because I know of the great interest in this subject. I am pointing out things that I have learned on the Intelligence Committee and I have learned without being on it. We allowed the Soviet Embassy to build their new building on one of the highest points in Washington. Sometime, if you want a real thrill, get in a helicopter and fly over that place. They have more antennae on the roof of that embassy than Marconi ever thought of. They can spy, they can listen in on any telephone conversation in this community. Twelve hundred people—I think that is about the number—in the Soviet Embassy.

Do you know how many we have in Russia, Mr. President? I am not sure, but it is not much over 200. We have a law on the books that says no country can have more representatives in their embassy than we have in their country and we have begged and begged the administrative branch of this Government to chase all the Soviets out of this town and San Francisco and Los Angeles and Chicago and Boston and everyplace else where the thousands of them are—not just listening in on telephone conversations, but stealing secrets of our Government.

I think there are a lot of remedies available. If we get the administrative branch to act as they should, I think we could clear that Soviet Embassy out in a very big hurry. If we want to put in some counterelectronic devices around that Embassy, there is no rule that we cannot do that. I live only two blocks from it and I can give them a lot of trouble with my radio equipment. I might do it some night.

Well, Mr. President, I oppose this amendment, with all due respect to my very good friend from West Virginia. I just do not think it is needed. I think the Intelligence Committee has the full capability of coming up with whatever answers are not already in existence. I would like to see them given the chance. Let us not create another commission that will just fumble and tumble and rumble along without doing anything.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, will the distinguished Senator from Delaware yield the floor?

Mr. ROTH. Yes; Mr. President.

Mr. BYRD. I should like to respond very briefly to his statement.

Incidentally, I say to the distinguished Senator from Arizona [Mr. GOLDWATER], that nobody is more supportive than I of execution of an American who commits treason, but the Supreme Court has ruled that a mandatory death sentence is not constitutional. At the present time, as I recall, the Court has, as one of the options, a term of years, and I believe it also has the option of a life sentence. But we all know that those so-called "life sentences" in many instances can mean a few years in prison, and then there can be a parole.

The other day, when the Department of Defense authorization bill was before this body, I offered an amendment that was cosponsored by the distinguished Senator from South Carolina [Mr. THURMOND] that would provide an additional option—that of mandatory life sentence without parole. So that would be an option in the future if the other body agrees. If the court will not choose the option of execution, it at least has the option, provided by my amendment to the DOD authorization bill, of salting the traitor away for the rest of his life behind bars. If a judge chooses that option, then the wretched "Benedict Arnold" would be imprisoned for life with no hope of parole.

I hope the House will accept my amendment on that score. We can expect the Soviets to have persons in this country who will spy on us, but what we should not have to expect is an American citizen who forgets his heritage, forgets his patriotism, and sells his country for a few measly dollars. In that case, if he can not be executed, then at least let him have the rest of his life behind bars where he will not be able to enjoy the fistful of money that he may have been given for betraying his country.

Now, Mr. President, the distinguished senior Senator from Delaware had this to say, and I think I am quoting him correctly. If I am not, he certainly may correct me. I believe he

said that it was "proper to give the idea more consideration than can be given here on the floor," and he went on to say that "if there is need for such a commission it should be done through the regular process and referred to the proper committee."

I think it is appropriate to argue that this matter or other matter which may come up on the floor by way of an amendment should be first referred to the appropriate committee for consideration. I do not find fault with that at all. I, however, think that it would be well for the distinguished Senator from Delaware to be reminded, in the event he does not remember, of a letter which I wrote to him in 1984. I had introduced legislation which would require the reconfirmation of Department heads in the event a President were to be elected to a second term and were to wish that the same Department heads who had served in his previous administration would continue in the same capacity during a second administration. The legislation was to be prospective in nature and would not have applied to the current administration. Before confirming such Department heads for a second term, the Senate would take a new look at a Department head and hold him to account for some of his actions or inactions in the previous term. And so I wrote to the distinguished Senator from Delaware and urged that he schedule hearings on this measure. The letter is dated May 2, 1984, and it is addressed to the distinguished chairman of the Committee on Governmental Affairs. Here is what I said:

DEAR MR. CHAIRMAN: I am writing to request that you schedule hearings in the near future on two pieces of legislation which I recently introduced, S. 2446 and S. 2604. Both bills involve a long overdue effort to improve the Senate confirmation process.

The "Senate Confirmation Act of 1984," S. 2446, grew out of my continuing concern that the Senate has not been getting adequate information upon which to fulfill its "advice and consent" function under Article II of the U.S. Constitution. On many occasions, we have seen situations where new information concerning a nominee for high government office came to light only after the nomination had been received by the Senate and the confirmation hearings had begun. On other occasions, the Senate was unaware of such data until even after the nominee had actually been confirmed.

It seems to me that these kinds of problems evidence a fundamental flaw in the confirmation process, attributable in part to an incompleteness in the background investigations conducted by the Executive Branch and, thereafter, to the incompleteness of the information provided to the appropriate Senate committees.

My legislation, S. 2446, attempts to address this problem, first, by placing the supervision of background investigations in an independent office of government, namely the Office of Government Ethics. Once those investigations are completed, the bill would also require that the Senate be provided with the full and complete results of those inquiries. In addition, my proposal would require, for the first time, the promulgation of standards for the conduct of these background investigations, so as to insure that all relevant information is ascertained concerning a prospective nominee's fitness and qualifications for office.

I have also included in S. 2446 a so-called "fail-safe" provision to cover situations where, despite our best efforts, some previously unknown information later comes to light even after a nominee has been confirmed. This provision would require that if a president is reelected to a second term, the 20 top officials of his administration would have to be reconfirmed if they are to continue in office during a president's second term. In that way, any newly discovered information could provide a new basis upon which the Senate could discharge its Article II responsibilities.

The second bill I have introduced, S. 2604, is identical to the reconfirmation provision of S. 2446. It results from my conclusion that a second confirmation process for the 20 top officials of government during a president's second term is so essential that it is deserving of special attention by the Senate on its own merits, separate and apart from the other provisions of S. 2446, which deal with the overall confirmation process. I feel very strongly that members of the Cabinet and a small number of other high-level officers of government should be willing to submit their performances in office to renewed Article II scrutiny if they are to remain in the same posts during a second presidential term. Under the present system, only a president and vice president are accountable to the electorate, and we should again fulfill our "advice and consent" responsibilities so as to express the people's will concerning the 20 top officers of a two-term administration.

Your Committee has played a significant role in insuring the effectiveness of our government institutions. I am well aware of your efforts to improve the Ethics in Government Act during the last Congress and to resist some of the suggestions which were made to weaken that law. I hope you will agree that the proposals which are embodied in my legislation are deserving of attention and consideration, and that you will be willing to process these bills during the current Session.

Your assistance would be appreciated.

Sincerely,

ROBERT C. BYRD.

Well, time went on and I received no response, and so I wrote a second letter on May 21, and addressed it to the distinguished Senator and it said this:

DEAR MR. CHAIRMAN: In my letter of May 2, I requested that hearings be scheduled on two pieces of legislation which I had recently introduced, S. 2446 and S. 2604, both involving an effort to improve the Senate confirmation process.

I am still of the view that the enactment of these measures is essential during the current session, and I would appreciate your letting me know whether you will be able to process these bills in your Committee this year.

Sincerely,

ROBERT C. BYRD.

In a postscript, I said:

Bill, I hope you can schedule a hearing soon. Thank you.

That was May 21.

On June 18, 1984, I received the following letter from the distinguished Senator:

Thank you for contacting me concerning the two bills you have introduced on the Senate confirmation process. I apologize for the delay in getting back to you.

I must tell you in all honesty that I have serious problems with your legislation. I understand your objectives, but I believe that others, of either political party, may well use this opportunity for political purposes. I strongly agree with Lloyd Cutler that we have very serious problems in making government work, and I believe that if this legislation is implemented it could well have a chilling effect on the departments.

For example, S. 2604 would require the top twenty officials of an Administration to be reconfirmed by the Senate if they were to remain in office during a President's second term. Because the incumbent nominee would have a record of service in office during his first term, I am concerned a reconfirmation hearing could become nothing more than a forum to debate the past policies of an Administration. By prolonging the process, a few individuals could, for purely political purposes, effectively hamstring departments for a substantial period of time by calling into question whether the chiefs of those organizations will remain in place. The result could well be government paralysis at the very time that a President has just received a new mandate.

I think that committees have a responsibility to scrutinize carefully the qualifications and moral background of any nominee for high office. Further, the appropriate committee should continue to monitor the conduct of individuals, and, of course, hold hearings anytime on their activities.

Mr. President, I can respect, do respect, and did respect the argument that was made by the distinguished chairman in his response to my two letters and my oral and personal request of him here on the floor. I have no quarrel at all with the position he took in opposition to the legislation. But the last paragragh is a paragraph I want the Senator to recall.

In short, I would think your legislation would have a deleterious effect on the functioning of the Executive Branch, and, thus, I do not plan to hold hearings on the legislation. Thanks again for letting me know of your serious concerns over this issue, and I again apologize for being so tardy in responding.

Sincerely,

WILLIAM V. ROTH, JR.

The Senator certainly had a right to his viewpoint in opposition to the legislation I introduced. But I offered the legislation. It was referred to his committee. I wrote to the distinguished Senator, urging him to give that legislation a hearing. I wrote a second time. I talked with him on the floor, right here in the aisle, about the legislation and indicated that I hoped a hearing would be held on my bills.

Finally, I get a letter back which not only expresses to me his opposition—which was fine; that is all right; I do not agree with every other Senator, nor does every other Senator agree with me many times—but also, he

spurned my request for the hearing on the legislation which had been introduced and duly referred to his committee.

Mr. President, I have been around the Senate 27 years and in the House 6 years. Never do I remember any other situation in which a chairman of a committee refused a colleague the respect and the opportunity to which I think a colleague is entitled—to have a hearing on his or her legislation if requested.

Today, the distinguished chairman suggests that this is the kind of matter that should be referred to a committee. I introduced a resolution a few days ago which would provide for such a commission as does the amendment I offer today, except for a couple of modifications I have made on the floor, at the request of the distinguished chairman of the Appropriations Committee, Mr. HATFIELD, and the distinguished Senator from Alaska [Mr. STEVENS]. That resolution was referred to the distinguished chairman's committee.

Now the distinguished chairman comes to the floor and says that this commission is a matter, if we are going to create it, that should be done in the usual way. It should be referred to a committee. How can I have any hope that the committee, under the chairmanship of the very distinguished Senator—in light of my previous experience—will hold hearings on this legislation? In other words, if he is opposed to it, he would not even conduct a hearing on it.

Mr. President, with all due respect to my beloved colleague from Delaware, I think this could be perceived as a rather arrogant way for a chairman to treat an important piece of legislation that is duly referred to his committee under the rules—legislation concerning which a colleague writes to him twice and personally, in a conversation, urges hearings; and the committee chairman turns down his colleague's request to have a hearing on it.

I am sorry to have to bring this to the attention of the Senate; but if that is the way the distinguished chairman is going to handle my requests for hearings on my bills, the only recourse I have is to offer the subject matter as an amendment to a vehicle which comes up on the floor. I say to the distinguished chairman that I have been watching for a vehicle since that time to which I might offer the amendment dealing with the reconfirmation process. If I cannot get a hearing in his committee, then I will let the Senate be the judge, and I will get my hearing on this floor.

I am sorry to have to bring to the attention of the chairman this correspondence between the two of us, but I have no alternative, inasmuch as he makes this argument today against the pending amendment: Send it to the committee. Let us have a hearing. Let the committee deal with it.

I tried that once and got nowhere.

I must say that never, as chairman of a committee, would I deny a colleague who requested a hearing in committee.

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

Mr. BYRD. Yes, I am happy to yield. I should like to hear the distinguished Senator respond to what I have said, based on the letters he wrote to me.

Mr. ROTH. First, let me say, of course—and I think my colleague will agree—that I always try to be cooperative, to accommodate my colleagues. I have to say, respectfully, that it has been experience that I do not always get a hearing on every bill I introduce, and I understand that. I understand that committees' resources are limited and that priorities must be set. In this case, I would point out that we had no other request, including anyone on that committee that I am aware of, from either political side for such a hearing.

But in any event, let me assure the distinguished minority leader that if the proposition he has placed before the Senate today were to be referred to the committee, I would be pleased to hold such hearings.

I think this matter is a matter of great importance, and I am not suggesting that his other bill was not, but I point out that we have something I think like 300 bills referred to the committee each year, and we do not hold hearings on each one of them but attempt to respond normally to hearing requests from within the committee itself. Perhaps that was a mistake in this instance. In any event I apologize. It was not intended in any way to be discourteous to the minority leader for whom I have the greatest respect.

I do say and do offer that if the distinguished minority leader would like to hold hearings on his important proposal to create a commission on espionage, I would be happy to proceed with such hearings at an early date and do so.

As I say in my earlier statement I think that, if we were to go this direction, we should hold careful hearings and carefully craft our recommendations to meet the situation at hand.

So, I say to the distinguished senior Senator from West Virginia, if he cares to hold hearings on this subject, he has my personal assurance and I am sure that of the distinguished minority ranking member of the committee TOM EAGLETON, to hold such hearings at the earliest possible date.

I make that in the form of a question.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Delaware. I thank him for his apology. It takes a big man to apologize, and I respect him for that. Therefore, so far as I am concerned, that matter is now behind us.

Mr. President, I am ready to vote.

Mr. WILSON. Mr. President, I wonder if I might address a question to my distinguished friend, the minority leader.

Mr. BYRD. I am happy to try to answer the question.

Mr. WILSON. The question is this: Having listened with interest to the Senator's stated desire for a hearing on his measure and understanding and sympathizing with that, I have a concern that if this commission, which he proposes, is created and if it is to be in business for an 18-month period before making its report, some may argue that any effort to address individual problems relating to espionage and security, for example, measures brought before the Intelligence Committee, measures brought before the Armed Services Committee, might find that there is some bar to their being heard, precisely because of the existence of such a commission.

It would disturb me greatly and I suspect many of my colleagues if this turned out to be the case, because it may very well be that the proposals will be introduced certainly within the 18-month period and in fact I know of some that are proposed for hearing now, one in a subcommittee which I chair. Others I suspect will be.

Would the Senator, if this measure were adopted, feel that the existence of such a commission should stand as a reason not to go forward with proposals offered by his colleagues in the form of bills that are referred to other committees?

Mr. BYRD. Mr. President, I think the resolution speaks for itself and I think that the appropriate arguments have been made on the floor in support of it.

I see no reason to delay action on this matter. The country cries out for an effort to find the answer to this difficult and dangerous problem that confronts the Nation. I would hope that the Senate will adopt the amendment so that it might go to conference with the other body, and as I say I am ready to cast a vote on it.

Mr. WILSON. Mr. President, with all due respect, I do not think my friend from West Virginia really answered my question. So I will simply state as a concern, and I think a very legitimate one, the fear that were this measure enacted, were this commission created, there would thereafter be many on this floor and many off this floor who would say we dare not go forward with any other proposal because, of course, the definitive work is being done by the commission and we must await the result of their deliberation.

I suppose, Mr. President, that if I felt the need for a special commission of this kind, I might be persuaded that such a delay was wise. But it seems to me that there are resources available to standing committees of this body and of the other body, the House of Representatives, that make it possible for us to act deliberately and yet not delay in a time when we are quite understandably concerned with problems of security and espionage.

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

Mr. WILSON. I yield for a question. I am delighted to so yield.

Mr. BYRD. Not necessarily for a question, if I could just have a moment in which to respond to the theme of his argument.

Mr. WILSON. That would please me, and I am happy to yield, retaining the floor, yes.

Mr. BYRD. Mr. President, the distinguished Senator I would hope would not feel that the adoption of this amendment and the creation of such a commission would cause Senators or committees to delay efforts they wish to make to pursue this subject matter.

Earlier today, I said, I believe in response to the distinguished chairman of the Committee on Intelligence, that this should not be looked upon as an interference with his committee, its rights. duties, responsibilities, and powers. That committee could quite appropriately proceed with its own agenda.

I would not see the appointment of the commission as any reason or justification for any Member or committee to just lay back and say, "Well, the commission is doing its work, we should not or we will not proceed within the purview of our own powers and responsibilities." I see no problem there at all.

I hope that answers the Senator's question, and I apologize if I did not respond to his question earlier on the point. My thoughts were distracted while he was speaking.

Mr. WILSON. I thank my friend from West Virginia, and I am reassured that he personally will raise no such objection. However, Mr. President, I am not reassured that his reaction would be universal. Indeed very much to the contrary, I think our experience has been that when we create commissions it is generally for the purpose of gaining an expertise, a point of view that somehow seems denied to the Members of this body, notwithstanding the resources that are available to us.

I think we have in recent memory the experience of the Scowcroft Commission which was an extraordinarily valuable asset, one that did bring a certain deliberation to a process that we found useful, useful in a way that required the creation of such a commission.

I do not decry the creation of commissions where there seems a need.

It seems to me in this instance, Mr. President, there is not such a need and that rather than doing good we would be delegating a responsibility that is properly ours and one for which we are equipped, one for which outside resources are readily available.

So notwithstanding the Senator's personal assurance that he would raise no such objection, I fear that it would be raised as a bar upon the part of others, and for that reason, reluctantly joining in his concern, I think we would address that concern best by simply proceeding to hear measures that will be before other committees of the Senate.

I thank the Chair.

Mr. DENTON. Mr. President, we all share the concern of the minority leader and those who join with him in cosponsoring this amendment with respect to the fabric of our espionage laws as they may be applied to specific cases. Having said that, I must also add that I do not believe that yet another Commission is the answer to our problems.

Mr. President, we have at this time two very well staffed intelligence oversight committees, one in each of the respective Houses of the Congress. Moreover, in the Judiciary Committee we have a Subcommittee on Security and Terrorism which has within its mandate oversight of the espionage laws of the United States. In addition, Mr. President, we have a Permanent Subcommittee on Investigations which has only recently completed extensive hearings on the problems inherent in our system of issuing security clearances. To the best of my knowledge, the results of those hearings have yet to be fully evaluated.

Moreover, Mr. President, we have a Director of Central Intelligence, an Intelligence Oversight Board, a National Security Council, interagency working groups, and a host of other entities concerned with the adequacy of our laws relative to national security.

Mr. President, all this is by way of saying that the solution to the problem does not lie with the creation of a new bureaucracy. We have debated time and again the appropriateness of the use of the polygraph to assist in the screening of those who have access to highly classified information and I must say that some of those who are prominent in the sponsorship of this particular amendment have been equally prominent in efforts to inhibit further use of that important investigative tool. In closing, Mr. President let me say that I am informed that major reviews are already underway and the President is awaiting recommendations of his senior national security advisors on additional steps that should be taken. In particular an ad hoc interagency group with senior Cabinet level involvement will recommend specific implementing actions to the President.

Recommendations from prolonged consideration of the espionage and counterintelligence issues over the past 4 years are already being implemented.

The Intelligence and Armed Services Committees of the Congress have already looked into these matters at considerable depth and will continue to apprise of new developments. They have also begun the process of suggesting improved statutory authorities for Government agencies and the reallocation of resources toward areas where they are needed.

At this critical time it is imperative not to divert intelligence resources to a comprehensive investigation that would expose a widening circle of people to the extremely sensitive techniques and sources of counterintelligence and counterespionage.

It is for this reason that I oppose passage of this amendment.

Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

I also announce that the Senator from New York [Mr. MOYNIHAN] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced yeas 48, nays 50, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—48

Andrews	Ford	Metzenbaum
Baucus	Glenn	Mitchell
Bentsen	Gore	Nunn
Biden	Harkin	Pell
Bingaman	Hart	Proxmire
Bradley	Hatfield	Pryor
Bumpers	Heflin	Riegle
Burdick	Inouye	Rockefeller
Byrd	Johnston	Rudman
Chiles	Kennedy	Sarbanes
Cranston	Kerry	Sasser
DeConcini	Lautenberg	Simon
Dixon	Leahy	Stennis
Dodd	Levin	Stevens
Eagleton	Matsunaga	Warner
Exon	Melcher	Zorinsky

NAYS—50

Abdnor	Danforth	Garn
Armstrong	Denton	Goldwater
Boschwitz	Dole	Gorton
Chafee	Domenici	Gramm
Cochran	Durenberger	Grassley
Cohen	East	Hatch
D'Amato	Evans	Hawkins

Hecht	Mathias	Simpson
Heinz	Mattingly	Specter
Helms	McClure	Stafford
Hollings	McConnell	Symms
Humphrey	Murkowski	Thurmond
Kassebaum	Nickles	Trible
Kasten	Packwood	Wallop
Laxalt	Pressler	Weicker
Long	Quayle	Wilson
Lugar	Roth	

NOT VOTING—2

Boren Moynihan

So the amendment (No. 368), as further modified, was rejected.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, if I could have order in the Senate, I would like to say that we have a committee amendment that is the pending question.

Mr. BYRD. Will the distinguished Senator yield?

Mr. HATFIELD. I yield

Mr. BYRD. We still have my amendment in the first degree. It is all right with me if the distinguished chairman wishes to ask unanimous consent to vitiate the order for the yeas and nays. I do not think there will need to be another rollcall vote.

Mr. HATFIELD. Mr. President, I stand corrected. The Democratic leader is correct. His amendment in the first degree is the pending question.

I yield to the Senator for whatever he wishes to do on that. It would be satisfactory on our side to vitiate the order for the yeas and nays.

Mr. BYRD. I make that request, Mr. President.

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

The question is on agreeing to the amendment.

The amendment (No. 367) was rejected.

Mr. HATFIELD. Now, Mr. President, I believe we are on the track where the committee amendment is the pending question. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. I am hopeful that the Senator from Arizona will shortly present either a substitute amendment or, from his work with the Senator from Idaho, will be able to settle the question. Then we will have a number of other amendments that we can raise which I believe can be handled in a very expeditious way. I am hopeful that we can complete this bill sometime in the late afternoon, unless we run into some unforeseen issues which have not yet been laid before the managers of the bill.

We will ask Senators to be on the floor because I believe we can dispose of many of these amendments in a very quick way. We have cleared a number of them already with individual Senators which we can handle immediately.

I just wanted to lay before the Senate the possibility of completing this bill in the late afternoon.

At this point, unless the Senator from Alaska wishes me to yield, I will aks unanimous consent to set aside the committee amendment in order to be able to offer other amendments.

Mr. STEVENS. Mr. President, I wanted to make a comment.

Mr. HATFIELD. Mr. President, I yield to the Senator from Alaska for his comment and then I will make the request to set aside the committee amendment in order to get on with the business of other amendments that Senators have.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I regret the fact that this last vote has been a fairly partisan vote. I hope the Senate realizes that this amendment will be back in another form.

I want to call to the attention of the Senate the fact that I think in the last 5 years the Intelligence Committee has been able to get an authorization bill in only 3 of those years. We have not had any really close cooperation with the House or with the administration in dealing with either matters of security or terrorism. I believe that it is time for us to show the really great concern of the country in these two subjects by organizing a body which will unite the House, the Senate and the administration to pursue the question of the adequacy of our laws to protect not only our security but our Nation against terrorism.

Mr. HATFIELD. Mr. President, I now ask unanimous consent to lay aside temporarily the pending committee amendment in order that Senators may offer other amendments.

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

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 371

(Purpose: To appropriate $110,000,000 for the emergency food and shelter program)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] for himself, Mr. HEINZ, Mr. SARBANES, Mr. BRADLEY, Mr. MOYNIHAN, Mr. KENNEDY, Mr. GORTON, Mr. KERRY, and Mr. MATSUNAGA, proposes an amendment numbered 371.

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

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

The amendment is as follows:

On page 92, between lines 14 and 15, insert the following:

EMERGENCY FOOD AND SHELTER PROGRAM:

There is hereby appropriated $110,000,000 to the Federal Emergency Management Agency, to remain available until September 30, 1986, to carry out an emergency food and shelter program. Notwithstanding any other provision of this or any other Act, such amount shall be made available under the terms and conditions of the following paragraphs:

The Director of the Federal Emergency Management Agency shall, as soon as practicable after enactment of this Act, constitute a national board for the purpose of determining how the program funds are to be distributed to individual localities. The national board shall consist of seven members. The United Way of America, the Salvation Army, the National Council of Churches of Christ in the U.S.A., the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross, and the Federal Emergency Management Agency shall each designate a representative to sit on the national board. The representative of the Federal Emergency Management Agency shall chair the national board.

Each locality designated by the national board to receive funds shall constitute a local board for the purposes of determining how its funds will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board except that the mayor or appropriate head of government will replace the Federal Emergency Management Agency member.

The Director of the Federal Emergency Management Agency shall award a grant for $110,000,000 to the national board within thirty days after enactment of this Act for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations and through units of local government.

Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

Participation in the program should be based upon a private voluntary organization's or unit of local government's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the local boards.

Total administrative costs shall not exceed 2 per centum of the total appropriation.

As authorized by the Charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with the Federal Emergency Management Agency.

Mr. DIXON. Mr. President, I rise today for the purpose of offering an amendment in behalf of Senators HEINZ, SARBANES, BRADLEY, MOYNIHAN, GORTON, KENNEDY, KERRY, MATSUNAGA, and myself, to continue to fund the National Board Emergency Food and

Shelter Program under the Federal Emergency Management Agency or FEMA.

Our amendment would add an additional $110 million to the supplemental appropriations bill to help the millions of people in this country who are hungry and homeless. It is vitally important to continue this assistance to the most destitute among us.

The existence of hunger and homelessness in the United States of America is a national disgrace. Congress recognized that fact in March 1983 by creating an Emergency Food and Shelter Program through FEMA. We acknowledged its importance again with supplemental appropriations on two more occasions. The program works with a minimum of overhead, and does amazing things with very little money. I would like to insert a list of States and the funds each has received for the RECORD.

Two bills dealing with homelessness and hunger have been introduced in the Senate this year to address the problem in a more formal fashion. My approach would create a national endowment for the homeless. Senators MOYNIHAN and GORTON have a somewhat different approach. But, Mr. President, neither the Senate Committee on Governmental Affairs, which has jurisdiction over my bill nor the Senate Banking Committee, which has jurisdiction over the Gorton-Moynihan proposal, has held hearings on these bills.

It has always been the understanding of this Senator that the FEMA Program should be temporary, as I discussed with the distinguished chairman of the subcommittee [Mr. GARN], last year. But until a program is authorized, the FEMA Emergency Food and Shelter Program is all we have.

Last year, the Senate very convincingly passed an amendment that I introduced adding an additional $60 million to the Emergency Food and Shelter Program; $60 million was already included in that supplemental appropriations bill. So, in essence, the Senate, by a very bipartisan vote of 57 to 40, supported a total of $120 million last August 8 to assist the most needy among us. That was $10 million more than we are asking for today.

Mr. President, we all feel a responsibility to the homeless. We meet them in urban, suburban, and rural areas across our country. Unfortunately, in many instances they have come to that station in life as a result of budget cuts which have occurred in the past. It is painfully obvious when we cut nutrition programs, people will be hungry; when we cut housing assistance, people will be homeless; and when we cut low-income energy assistance, people will have to choose between paying their heating bill and buying food!

We have recognized the prevalence of the hungry and homeless among us by voting for funds to help those poor people that you and I see every single day in this capital city and other places across this land. This has been the right thing to do.

But without this amendment, even the most minimal assistance—a bowl of soup and a cot in a shelter—will no longer be available to these people. There will be even more people living on the streets because as of July 31, the present funds will be exhausted. I cannot speak for others here, but I would find it difficult next winter to explain that the Congress chose not to continue a program which in many cases serves as a lifeline for the indigent. When the snow is falling and the temperature is below zero and the streets are icy and there are no beds or meals in Chicago or Rock Island or East St. Louis or Peoria, the explanation that we decided not to appropriate the necessary money simply will not do. The hungry women and children understand that. When their basic need is to get a bowl of soup and a night's sleep on a cot in a shelter, there is no way in the world for us to explain why we turned our backs on them.

There was an extremely poignant article in the June 16 issue of the New York Times magazine which included research from my State and many others. It detailed the story of the Sawatzki family in Peoria, IL. Mrs. Sawatzki takes only a small portion of food at dinner and then pretends she is not interested in eating so that her children will not guess she is denying herself for their sakes. She eats popcorn instead of meals. They are proud people. Mr. Sawatzki used to work at the Caterpillar plant in Peoria. They lost their home because they could not meet their mortgage payments. The parents' worst moment, however, was when their son asked why there was not any milk in the refrigerator. He was told that it was because there was not any money for milk. The 9-year-old boy found 32 cents in his drawer and gave it to his mother to buy food.

Last March, I held a field hearing on hunger and homelessness in Chicago. I heard testimony from service providers, homeless people, a physician, and government officials. One of those witnesses, Ms. Lulu Walker, the director of Tabitha Community Services, was particularly eloquent in explaining the help which is available because of the FEMA Emergency Food and Shelter Program. Prior to receiving a grant from FEMA, she said that she had to turn away over 200 women with children in December 1984. She had to turn away women with children because there were no funds for milk! She said that the first thing that people do when they arrive at her shelter is to eat, and made this observation: "I think a person should be able to eat, sleep, and work." I agree.

Lulu Walker detailed the situations of many of her wards. Many have never been on Medicaid; many have never had food stamps. Some are battered women, others are unemployed and no longer eligible for benefits.

Lulu Walker ended her testimony by thanking me for funds she had received through the FEMA Program. Without those funds, she would have turned away at least 300 people in January of this year. In closing she said:

> The gas people can wait, they can wait until it gets above 32 degrees. The light people can wait, but when people are hungry they cannot wait.

On this amendment, we must vote from the heart as much as from the mind. We must think about the fact that poverty is increasing. We must determine that the dispossessed among us are not to be forgotten. We must take time to remember the needs of the homeless and the hungry. They are sleeping under bridges in Chicago and they still will be when it is 50 below zero this winter. They are searching for scraps of food in the dumpsters behind restaurants in Los Angeles and they still will be later this year. They are losing their farms in Illinois and Kansas and Iowa and Minnesota and Missouri, wondering how to feed their own families instead of growing food for themselves and for us.

This amendment is a responsible step to take. It is an absolutely necessary step to take. Until we have determined the best way to address this national problem, the immediate needs of this Nation's hungry and homeless must be met.

I urge the jurisdictional committees of the Senate to hold hearings on S. 739 and S. 394 as soon as possible. In the meantime, we need to continue a program which, in the last year, has provided 52 million meals at an average cost of 71 cents and 14.5 million nights of shelter at an average cost of $2.24.

Mr. President, I urge the adoption of this amendment.

The list of States follow:

DISTRIBUTION OF EMERGENCY FOOD AND SHELTER FUNDS

Total appropriations	FEMA I $50 million	FEMA II $40 million	FEMA III $70 million
Alabama	1,731,205	1,069,399	1,905,335
Alaska	69,978	100,000	125,000
Arizona	1,018,278	748,445	911,187
Arkansas	156,780	106,593	630,934
California	8,465,493	6,238,135	8,831,979
Colorado	114,300	88,492	333,507
Connecticut	192,806	100,000	589,453
Delaware	(1)	100,000	198,589
Florida	1,145,491	1,133,423	2,932,066
Georgia	364,469	240,126	961,886
Hawaii	(1)	100,000	125,000
Idaho	113,675	104,953	125,000
Illinois	4,317,930	3,363,394	4,528,175
Indiana	1,628,290	844,328	1,359,200
Iowa	224,368	125,409	132,074
Kansas	(1)	97,166	125,000

DISTRIBUTION OF EMERGENCY FOOD AND SHELTER FUNDS—Continued

Total appropriations	FEMA I $50 million	FEMA II $40 million	FEMA III $70 million
Kentucky	671,122	415,540	1,147,646
Louisiana	652,973	888,023	1,585,144
Maine	16,747	99,999	339,911
Maryland	825,301	479,394	413,642
Massachusetts	502,047	448,809	1,392,497
Michigan	5,138,882	3,890,051	4,787,228
Minnesota	222,814	160,485	610,983
Mississippi	283,182	230,098	807,081
Missouri	953,950	651,839	1,349,171
Montana	65,173	96,532	125,000
Nebraska	19,272	99,264	125,000
Nevada	261,309	169,839	125,000
New Hampshire	(1)	100,000	125,000
New Jersey	1,789,719	912,297	1,458,997
New Mexico	86,556	1,229,231	461,210
New York	3,063,172	2,443,896	5,176,531
North Carolina	287,523	180,203	1,437,763
North Dakota	(1)	100,000	125,000
Ohio	4,586,891	3,485,590	4,189,066
Oklahoma	5,633	159,180	669,701
Oregon	913,125	422,957	1,037,720
Pennsylvania	3,486,646	3,276,157	4,199,269
Rhode Island	271,012	169,378	206,028
South Carolina	291,442	123,975	920,339
South Dakota	6,055	100,000	125,000
Tennessee	1,206,281	675,882	1,735,119
Texas	676,552	1,774,825	4,310,082
Utah	157,096	151,199	374,856
Vermont	(1)	100,000	125,000
Virginia	247,306	128,219	526,707
Washington	1,758,521	1,015,009	1,746,775
West Virginia	553,106	761,966	1,035,434
Wisconsin	977,622	643,432	883,281
Wyoming	(1)	100,000	125,000

[1] Funds not used, therefore reallocated to other States.

Mr. HEINZ. Mr. President, I am proud to cosponsor Senator DIXON's amendment to provide $110 million for emergency food and shelter for the homeless. Homelessness in America can only be described as a national tragedy, and I think we as a nation have a responsibility to respond to this crisis. The small amount of money we are calling for here represents the absolute minimum for that response.

Though reliable statistics are hard to find, it is clear that an enormous number of Americans are homeless—probably between 1 and 3 million—and that the problem is getting worse. A recent report by the National Board of the FEMA Emergency Food and Shelter Program demonstrates that the number of homeless continues to increase, and the huge gap between the need for emergency relief and the resources available to meet that need continues to widen. This is a social crisis that is not going to fade away, and cannot be addressed with only State, local, and private funds.

At the most basic level, the survival of the homeless depends upon finding shelter from the elements and at least some food to eat. In the past, the only involvement of the Federal Government in providing for these life-or-death needs has been through the FEMA Program in which Federal moneys are channeled directly to local shelters and soup kitchens. This program has been by all accounts extremely successful—thousands of lives have been saved, and the Federal Government has provided money directly to local groups that act as the very last screen of the social safety net. The program operates with a minimum of bureaucratic overhead and intervention, and yields tremendous results for the most vulnerable people in our society.

The funding for the FEMA Program expires on July 31 of this year. With the termination of this program, the support efforts so carefully woven, so tentatively in place, will unravel, with brutal results for the homeless. In my home town of Pittsburgh, where FEMA money provides at least one-half the funding for local shelters, the price for eliminating this funding will be tallied in human misery.

Earlier this year, Senator DIXON and I introduced a bill to replace the FEMA Program with a National Endowment for the Homeless. I know Senator GORTON and Senator MOYNIHAN have introduced legislation to transfer the FEMA Program to HUD. In the House, some Members are recommending bringing the program under the jurisdiction of HHS. I think all of these are reasonable approaches, and we should pursue them. At this point, however, it is critical that we continue fund the FEMA Program, and not allow emergency assistance for the hungry and homeless to simply die. This money is too essential to too many desperate Americans to be dropped while we look into alternatives.

Mr. President, last year Congress appropriated a total of $110 million for the homeless, a miniscule amount when contrasted to the enormity of the problem. From that small amount, over 100 million meals were served, and more than 15 million nights of shelter were provided. On average, a meal provided from these funds cost less than 75 cents; a night in a shelter less than $3. From my standpoint, this is a very good bargain, and demonstrates the remarkable cost-effectiveness of every Federal dollar spent on emergency assistance.

The amendment before us provides Federal funding for the homeless at the same level as 1985. Though this amount will never meet the real needs of the homeless, we have decided to limit the funding to a level consistent with a freeze in Federal spending. This is not a generous amendment, it is the bare minimum.

Mr. President, in a society plagued by holes in the safety net of support programs, the homeless are faced with the cruel possibility of no net at all. As a nation, we have an obligation to provide basic food and shelter for the most desperate of our poor—the mentally ill woman living on a park bench, the unemployed veteran sleeping in an abandoned car, the broken family evicted from their tenement with no place to go. A country as bountiful as our own should not tolerate its citizens living subhuman lives. It is a challenge to our national conscience and to all our public and private institutions to meet the real needs of the homeless. This amendment represents a small, but important Federal contribution to this effort. I strongly urge its passage.

Mr. GORTON. Mr. President, I wish to begin by praising my colleague, the Senator from Illinois [Mr. DIXON], for his tireless efforts on behalf of the homeless in this country. He has worked unceasingly to bring their plight before this body and to urge us to take action to alleviate their suffering. Today, he has come before us again in the name of the homeless and hungry to offer an amendment for $110 million in emergency food and shelter assistance. I strongly support this amendment and have asked to be a cosponsor of it.

The problem of homeless Americans remains an urgent crisis in our Nation. The numbers of the homeless continue to grow and the demand for services to the homeless show no signs of decreasing. During these warm summer months, it would be easy for us to forget their needs. But the cold winter weather will soon return, while men, women, and children remain in need of shelter. The homeless are still with us, sleeping in abandoned buildings on makeshift huts of cardboard boxes, and surviving on food salvaged from supermarket dumpsters or served out at soup kitchens.

In 1983, Congress first addressed the particular needs of the homeless through an emergency food and shelter program administered under the Federal Emergency Management Agency. This temporary program has had enormous success in meeting some of the need through supporting mass shelters, soup kitchens, and food banks. The funding for that program runs out at the end of July. If we fail to act now by adopting Senator DIXON's amendment, Federal assistance to the homeless will come to an end.

Let me also take this opportunity to once again urge the Congress to enact legislation properly authorizing a formal Emergency Food and Shelter Program for the homeless. If the amendment offered by my colleague from the State of Illinois is adopted, as I hope and expect, this will be the fifth time since 1983 that we have made an appropriation for a program that has never been authorized. The needs of the homeless have been so pressing and urgent that it has been, and continues to be, necessary to bypass the legislative process to provide emergency food and shelter. But the FEMA Program was intended to be a temporary program, only remaining in operation pending the enactment of authorizing legislation. I know that this is Senator DIXON's intention as well. Upon the enactment of authorizing legislation for a formal

Homeless Assistance Program, it will be appropriate to transfer operation of Federal homeless assistance efforts to the new program.

In addition, as a matter of good fiscal and budgetary policy, those funds for this FEMA Program remaining unspent at the end of fiscal year 1985 should be regarded as equivalent to an appropriation for 1986. Additional appropriations for homeless assistance may be necessary in fiscal year 1986, but we should take into account funds already made available for that period.

Both Senator DIXON and I have introduced separate bills to establish Federal assistance to the homeless. The legislation I have introduced jointly with Senator MOYNIHAN, S. 394, the Homeless Housing Assistance Act of 1985, is presently before the Senate Banking Committee. The heart of my bill is an Emergency Food and Shelter Program that would continue the approach of the FEMA Program in providing assistance to the homeless through a national network of private voluntary organizations. Support would also be provided for renovation and conversion of buildings to use as emergency shelter facilities. Finally, the bill establishes a Demonstration Transitional Housing Program to assist homeless persons in the transition to independent living.

Mr. President, I urge my colleagues to join me in resolving that this will be the year in which Congress finally acts to establish a properly authorized program to feed the hungry and provide shelter to the homeless.

Mr. BRADLEY. Mr. President, I rise today in support of Senator DIXON's amendment to provide $110 million in continued funding for the FEMA-operated Emergency Food and Shelter Program.

It has been said that a society should be judged according to the manner in which it treats its neediest citizens. If we accept this dictum, then the problem of homelessness must be a source of great national shame. We should be embarrassed by the extent of homelessness in our Nation. We should also be embarrassed by our lack of responsiveness to this problem.

We cannot afford to continue to delude ourselves with the notion that the homeless represent a small group of individuals, mainly alcoholic men, who have chosen their lifestyles and do not wish to be a part of society's mainstream. The homeless population is large—estimates range between 250,000 and 3 million persons—and is composed of many different groups, each with its own problems and needs. The deinstitutionalized chronically mentally ill comprise a substantial portion of persons who seek respite in shelters for the homeless. The shelters are also filled with persons not fitting the stereotype of the socially marginal individual. Indeed, most observers agree that the fastest growing subgroup among the homeless is composed of unemployed individuals and their entire families.

Mr. President, the homeless are to be found everywhere. They can be found beneath highway bridges, on our subway grates, and in cars, tents, doorways and parks. In my State of New Jersey, the Governor's homeless task force estimates that there are over 20,000 homeless persons. Their misery is visible in large cities and small towns alike.

Contrary to certain statements by the present administration, very few of the homeless choose to live in the streets. Homelessness, instead, stems from a variety of factors: unemployment, social service and disability cutbacks, lack of aftercare services for the deinstitutionalized mentally ill, and housing shortfalls in urban areas. Sadly, several Federal policy decisions have exacerbated this situation. For example, Federal mental health policy, dating back to the 1963 Community Mental Health Centers Act, has unwittingly resulted in a growing population of chronically mentally ill persons who are not receiving appropriate services and many of whom find themselves living on the streets. Also, Federal support for subsidized housing has declined precipitously in the past 5 years at a time when, according to a recent GAO study, the Nation is experiencing a growing shortage of low-income housing.

The Federal response to this problem has been limited. Certainly the centerpiece of this response has been the Emergency Food and Shelter Program, which was funded as part of the Emergency Jobs Appropriation Act. This legislation was motivated by the fact that emergency service providers in both the public and private charitable sectors found themselves unable to meet the demand for assistance. This program is overseen by a National Board, composed of representatives of FEMA and six major voluntary organizations, which allocates funds to local areas in need of assistance. These grants are intended for the purchase of food and shelter. To date, thousands of organizations have participated in this program. Its operation has been a model of cooperation between the public and private sectors.

Unfortunately, the administration decided not to seek continued funding for this program. According to a recent GAO report, FEMA officials declined to request further funding because they felt the running of a long-term program to be inappropriate for an agency designed to respond to emergencies. This is probably true, and I have cosponsored a bill by Senator DIXON which would move the basic functions of this program to the Department of Health and Human Services. Nevertheless, the need for this program is real. The program is needed now. And until we are able to authorize a program such as Senator DIXON's National Endowment for the Homeless, I strongly believe that we should keep this effective and efficient program in place.

Mr. President, now that summer has arrived, it is easy to forget about the plight of our homeless citizens. People are not freezing to death on the streets. But just because the problem is less visible doesn't mean that it no longer needs to be addressed. Even during the summer months these individuals must engage daily in a degrading search for food and shelter.

Clearly, much more needs to be done to address the full scope of this problem. This amendment, however, will help these unfortunate people find, if not the American dream, at least a decent meal and a safe, warm place to sleep. I strongly support this amendment and urge my colleagues to do likewise.

Mr. DIXON. In the interest of brevity, Mr. President, let me say this matter has been discussed with the distinguished manager of the bill and the distinguished ranking member of the committee. The distinguished chairman of the jurisdictional subcommittee, the senior Senator from Utah [Mr. GARN] is on the floor and on his feet. I understand he will briefly make some remarks against this amendment. My understanding is that we may then go to a voice vote.

The amendment was adopted overwhelmingly last year. It simply extends at this year's level for the next year the same amount of money for hungry and homeless people. It has been cleared on both sides.

Again, in the interest of brevity, I shall conclude so that the Senator from Utah may be heard.

Mr. GARN. Mr. President, I rise in opposition to this amendment. I do not intend to call for a rollcall vote simply because, after 10 years in the Senate, I have learned to count. I would not expect that there would be more than a maximum of 15 to 20 votes against this amendment. I do feel it is necessary to express opposition, even though I know that it will become law once again, particularly in light of the budget difficulties we are having.

If there was ever a program that indicates how we arrived at $200 billion deficits, this one is it, how they started small and how they continued to grow. I say that about the procedures and the way we have handled it, not in opposition to the need for emergency food and shelter. That is not the issue. I do not disagree with the Senator from Illinois on the need or what he is trying to accomplish.

Just a little bit of history: We had an emergency jobs bill in 1983, which, like most jobs bills, was enacted after the crisis was over. It had very little impact on jobs. But this program was initiated on a onetime emergency basis. If people would check the record, they would find out that the argument was we need it now, it is not an ongoing program, it is an emergency, and the request was only for $50 million. So the House enacted "Emergency Expenditures To Meet National Needs"—they termed it that—"Emergency Expenditures To Meet National Needs," H.R. 1728.

The House appropriated $50 million for private voluntary organizations to distribute. The Senate appropriated $50 million for the States, to be administered through the Federal Emergency Management Agency.

I opposed the procedure. We had never before distributed money of that kind to private agencies. There were no procedures set up at all. It was solely on the basis of need which existed out there for emergency food and shelter. There was no authorization. There never has been an authorization. No authorizing committee has ever held hearings on this issue.

The Senate passed one version through FEMA, on which I made the comment at the time that if we are going to get involved in emergency housing, it might make sense to do it through the Housing and Urban Development Department, not through FEMA, which was not set up to handle things of this nature but to handle disasters, floods, and so on. But an amazing thing happened, that I have never seen in the House or Senate before. The House appropriated $50 million with one method of distribution, the Senate appropriated another $50 million with another method of distribution and it went to conference. In conference, instead of choosing between two bills with exactly the same dollar amount, we accepted both. The request was only for $50 million and we accepted both the House and Senate program, doubled it and made it $100 million through two different distribution methods.

We said, "Well, it is only an emergency, it is only another $50 million."

Then, in November 1983, we appropriated $30 million more for private voluntary organization in Public Law 98-181, and also, in Public Law 98-151, an additional $10 million for something more.

In the August 1984 second supplemental appropriations bill, there is $70 million, for a total of $110 million for fiscal year 1984, to be distributed through national boards of charitable organizations to local boards who dispense funds to local voluntary organizations and local governmental bodies.

Now, we are being asked once again to appropriate the same level, $110 million. It is not a lot of money in terms of the total national budget, and there is not a lack of need out there in the country for some of these services. But I think if the American public knew how we do business—here we are appropriating this much money, with no hearings ever held, no authorization for this bill, and continue to do it on an emergency basis 3 years in a row for over $300 million—we might find some answers to this budget crisis without some of the drastic actions we are having to take.

So, Mr. President, I am in opposition to the method of distribution, the shoddy legislative effort we have made, doing it always on an emergency basis without considering better means of possibly properly administering it through HUD, through setting up proper guidelines. Fortunately, it has been handled fairly well. I guess that is the good thing. But this is not the way the Senate and the House of the United States should operate.

There are procedures for legislation. There are authorizing and appropriating procedures. We have turned into a body that totally ignores them.

I appreciate the Senator's concern for the need in this emergency food and shelter area, Mr. President. He was not the originator of this particular idea. But we are perpetuating a very bad method of legislating and appropriating money, whether it is this program or not. Therefore, I do most wholeheartedly oppose it. I wish we could get back to legislating in a more intelligent manner.

Mr. KERRY. Mr. President, I am pleased to join with the senior Senator from Illinois in co-sponsoring this amendment that would reaffirm America's commitment to the problem of homelessness by providing adequate funding for the Emergency Food and Shelter Program this year.

A few months ago I was proud to join with Senator Dixon in the sponsorship of legislation for a National Endowment for the Homeless. I said at that time that I hoped all of our efforts on behalf of the homeless could end in the not so distant future. However, the reality is that in order to get to that point, we will have to be diligent in our efforts to get to the root causes as well as the symptoms of this pervasive problem.

I believe that Senator Dixon's proposal in this case and in the case of the Endowment are initiatives that will go a long way in the right direction. For those reasons I fully support his efforts in this area.

Mr. DIXON. Mr. President, I wonder if my colleague from Washington has any comments he wants otherwise to make before we have the vote.

Mr. GORTON. Mr. President, I shall have nothing to add to my statement. I thank the Senator.

Mr. DIXON. I thank the distinguished Senator from Washington.

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

The amendment (No. 371) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 372

Mr. McCLURE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The committee amendment.

Mr. McCLURE. Mr. President, I send an amendment to the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 372 to the committee amendment.

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

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

The amendment is as follows:

On page 111, line 2, insert before the period the following:

"; *Provided*, That notwithstanding any other act, none of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1985 by this or any other act may be used to implement the proposed jurisdictional interchange program within the States of Arizona, Montana, New Mexico, and Wyoming"

Mr. McCLURE. Mr. President, this amendment is an attempt to resolve what has developed as a kind of impasse on the BLM-Forest Service Interchange Program in which the administration has agreed that they will not move forward on the program of actual interchange without further legislation, but they want to be in a position to take some administrative personnel actions in terms of joint management, which otherwise could be done. Those who are trying to stop the interchange program want a positive statement that nothing will happen, and those who believe that some modest personnel changes and administrative changes might be appropriate want to leave it open so that that can happen. What we had done in the subcommittee was to provide for, in essence, a proposal for administrative action to flow back through the committee in the same way that reprogramming requests are handled.

The Senator from Arizona in particular, the author of the original amendment, had asked that the program be stopped completely with no

action at all being taken with respect to his State. He has since been joined by Senators from New Mexico, from Montana, and from Wyoming in making similar requests with respect to their States.

What this language does is simply add to the committee amendment a provision that no funds shall be expended with respect to this program within those four States. This amendment has the approval of the Senator from Arizona, and the other Senators who are affected, I am informed, have approved the language with respect to their States.

I know of no objection to the amendment and urge its adoption.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Could the clerk again inform us, where does this amendment go into the amendment?

Mr. McCLURE. On page 111, line 2, at the end of the sentence before the period insert the following language:

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, it is my understanding that the amendment that has now been offered by the distinguished subcommittee chairman, the Senator from Idaho, would specifically exempt certain States from the procedures of consolidation that were suggested by the Forest Service and the Bureau of Land Management. Now, we have been concerned about this in my State—naturally so, I would say, since we have more than half of the Federal lands in the United States, but I was willing to abide by the concept that there would be a request to the Congress for reprogramming before any action was taken to implement such a consolidation. Is that still the understanding of the Senator from Idaho, that the two departments involved are willing to comply with the language that is in the bill now concerning this matter?

Mr. McCLURE. Will the Senator from Alaska yield?

Mr. STEVENS. Yes.

Mr. McCLURE. The Departments have informed me that they do intend to follow the procedures that are outlined in the bill. As the Senator would know, under the Chadka case there is some question of the legality of this consolidation, on whether or not they could be compelled to follow it, but they have indicated they intend to follow it. As the Senator notes, before any exchange of land could take place, it requires specific legislation, so certainly there is no possibility for the exchange of lands without legislation, and the other administrative actions would be subject to the procedure set forth in the bill as it is now written.

Mr. STEVENS. Mr. President, I am particularly concerned with the concept of the exchange of jurisdiction over lands, one Department turning over to another jurisdiction over vast areas without the approval of Congress. It is the understanding of the Senator from Idaho that that would still be subject to approval of the Congress?

Mr. McCLURE. The Senator is correct.

Mr. STEVENS. I thank the Senator.

Mr. DeCONCINI. Mr. President, I rise in support of the amendment of the Senator from Idaho. There is language in the bill now which subjects any administrative use to certain procedures through reprogramming to the Senate Appropriations Committee. Now, some of us felt that because of the uncertainty in our States, we have asked the distinguished chairman to proceed with this perfecting amendment that he has offered in behalf of a number of us. I understand that there is still a question of notification here that we hope to resolve in a short period of time. But what I think is significant—and the Senator from Alaska is correct to ask the question—is what is the intent of these agencies.

Although they have certainly indicated that they do not plan to proceed, it troubles me that the administration has failed to come up with all of the evidence that they are using to justify this in the first place. So we know that it is going to take legislation to actually transfer the title and make the ultimate exchanges. Prior to that there are a great many administrative things that can happen, and some have already happened. And without having the whole program put together as to the results and effects of this action, it was the feeling of some of us that we wanted to be specifically mentioned in this exclusion. I will be glad to yield to the Senator from Montana if he wants the floor.

Mr. MELCHER. Mr. President, it is certainly true that in order to carry out any of the tasks of swapping BLM land for Forest Service land it would require legislation by Congress. And so I suppose some of our colleagues will be tempted to view this process that the Bureau of Land Management and the Forest Service is undergoing—holding public hearings about their proposal—as some sort of public service so there can be discussion.

Well, Mr. President, if there were to be such a land swap between the Bureau of Land Management and the Forest Service, I suspect Congress would not want to consider any such proposal unless it were developed along the same lines which were employed when the Bureau of Land Management and the Forest Service suggested in the 1960's that it would be a significant improvement in the statutes of the United States and the Federal land acts if all those various pieces and parcels of acts of Congress that touch on the management of Federal lands would be reviewed and recodified.

A blue ribbon commission of citizens who are knowledgeable in the use and management of public lands was appointed, and that commission met for a series of years and came up, after a time, with a series of recommendations. Congress did not act very quickly on those recommendations.

Finally, in 1976, we passed what is known as the Federal Land Policy Management Act. That took time, and it took a lot of input from many people living in the States in particular where there are large quantities of public lands. But citizens across the country were well aware of that effort and had plenty of time to digest the recommendations that were made by the Public Land Laws Council—that was the right term used, rather than commission—and a subsequent act of the Federal Land Policy Management Act, enacted into law in 1976, reflected that.

However, nothing of that type has been done in this instance. This year, surprisingly, the administration announced this proposal and then insisted that the two principal land agencies, the Bureau of Land Management and the Forest Service, start this round of discussions and public hearings.

Mr. President, I think this has gone on long enough, and I say that advisedly, because I do not believe this system can lead to anything. I do not think Congress is going to review any of their suggestions that are hatched this quickly, with so few people involved and with the attitudes and judgments of so few people.

So, at a time when we find very difficult budget constraints, I find it very disheartening that considerble amounts of money are spent on this effort. I think it is ill-advised, and I hope that the actions taken this day will bring it to a halt—at least in those States that have been identified by the amendment of the Senator from Idaho

Mr. STEVENS. Mr. President, as acting manager, I say that this amendment is acceptable.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legisaltive clerk proceeded to call the roll.

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

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

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

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

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending committee amendment and the amendment thereto be temporarily laid aside, in order that another amendment may be offered.

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

AMENDMENT NO. 373

(Purpose: To direct the use of certain prior year funds to initiate development of the Simplified Munitions Lift Trailer program)

Mr. GORTON. Mr. President, I send to the desk an amendment to direct the use of certain prior year funds to initiate development of the Simplified Munitions Lift Trailer Program, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 373.

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

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

The amendment is as follows:

On page 37, between lines 11 and 12, insert the following new section: "Research, Development, Test, and Evaluation".

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For the Simplified Munitions Lift Trailer program for the Air Force, $3,800,000, to be derived from funds appropriated to the Air Forec for fiscal year 1985, or any previous fiscal year, for research and development and which remain available for obligation, such funds to be used by the Secretary of the Air Force to enter into a contract, not later than 10 days after the date of the enactment of this Act, with the winner of the competition (mandated by section 112 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2507)) to determine the contractor best qualified to develop such trailer, such funds to remain available for obligation for such purpose until September 30, 1986.

Mr. GORTON. Mr. President, this is the first of two noncontroversial amendments I have, each of which has been cleared and each of which has already been adopted by the Senate as an amendment to another bill.

Mr. President, last year, Congress directed the Air Force to conduct a competition to determine the contractor best qualified to develop and produce the weapons loader for the B-1. This piece of equipment, designed to load strategic weapons such as cruise missiles, will play a quiet but essential role in making our new manned bombers an efficient, effective, and safe deterrent.

The language in the fiscal year 1985 Defense Authorization Act was clear: "None of the funds appropriated to the Department of Defense may be obligated or expended . . . until a contractor for such weapons loader has been determined after a competition." That competition was conducted by the Air Force and a clear winner was in fact determined and reported to the Congress last December.

But no award has been made. The reason, Mr. President, is to be found in the actions of one committee of the Congress. The Air Force went to the Senate and House Armed Services and Appropriations Committees for reprogramming approval. While the Senate Armed Services Committee and the Appropriations Committees in both Houses approved of the Air Force's request for reprogramming, the House Armed Services Committee asked the Air Force questions about the competition. The Air Force complied in good faith and concluded that its competition was fair and had determined the best contractor. Most importantly, the Air Force found that the winner of the competition would save the Federal Government millions of dollars. The loser of the competition would cost the Air Force 44 percent more in investment costs and 36 percent more in total life cycle costs. Unnecessarily, the issue finally was addressed in a House Armed Services Committee vote, in which the reprogramming was not approved in spite of support for the reprogramming by the committee chairman and ranking minority member.

The most pressing issue at this point is the timing of the award. The B-1's are being built and will become operational next year. When they come on line, the weapons loaders must be ready. I understand that if the Congress fails to act by the end of August, the Air Force will probably have to decide to procure weapons loaders from its past supplier, the loser of the competition. That, Mr. President, will mean a defeat for competition and a defeat for the taxpayers just when we can ill afford waste in Defense procurement.

My amendment would reprogram $3.8 million from prior year or fiscal year 1985 funds, which have already been appropriated, for development of the loader. In addition, it would require that the Air Force enter into a contract with the winner of the competition not later than 10 days after the date of enactment of this act.

The Senate attached an amendment to the fiscal year 1986 Defense bill which might accomplish the reprogramming, but that amendment does not specify a time by which the Air Force must comply. In addition, the Defense authorization conference may not be completed before the Air Force must proceed with development and procurement of a new weapons loader.

Mr. President, time is of the essence and this amendment on the supplemental appropriations bill is imperative. I urge my colleagues to support this amendment and, by doing so, support the competition that the Congress directed and the Air Force held. The American taxpayer deserves no less.

Mr. President, I ask unanimous consent that the names of the distinguished Senator from Tennessee [Mr. SASSER] and the distinguished Senator from Virginia [Mr. WARNER] be added as cosponsors.

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

Mr. GORTON. Mr. President, this amendment has been cleared with the appropriate chairman of the Defense Subcommittee and the distinguished Senator from Mississippi [Mr. STENNIS].

Mr. STEVENS. Mr. President, I am informed by the Senator from Washington that this amendment has been cleared with the Armed Services Committee. It is a matter for which our subcommittee previously approved a reprogramming, but that reprogramming was not totally approved by the House. Under the circumstances, we will be pleased to take the matter to conference and see what we can do once again with the House.

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

The amendment (No. 373) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 374

(Purpose: To authorize the sale or lease of the Fairley Building, King County, WA)

Mr. GORTON. Mr. President, I send an amendment to the desk to authorize the sale or lease of the Fairley Building, King County, WA, and I ask for its immediate consideration.

The PRESIDING OFFICER. There are two amendments which must be laid aside.

Mr. GORTON. I ask unanimous consent that the pending amendments be laid aside in order to consider this amendment.

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

Mr. McCLURE. Reserving the right to object, I understand that to be "temporarily laid aside."

Mr. GORTON. Temporarily laid aside.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. Evans, proposes an amendment numbered 374.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. —. Upon the request of the Pike Place Market Preservation and Development Authority, Seattle, Washington, the Secretary of Commerce shall authorize the sale or lease to any person of the Fairley Group Building (project numbers 07-01-01890, as modified by 07-01-01890.01, and 07-11-02606) located in the Pike Place Market, King County, Washington, without affecting the federal assistance provided under the Public Works and Economic Development Act of 1965, if the transfer documents provide for the continued use of the Fairley Group Building as a public market during the expected useful life of the building.

Mr. GORTON. Mr. President, the amendment I am offering resolves a dispute between the Department of Commerce's Economic Development Administration and Seattle's Pike Place Market Authority. I offered this amendment last October to the highway bill, and it was accepted by unanimous vote, because of the gracious understanding of the managers of that bill, Senators STAFFORD, BENTSEN, and SYMMS. Unfortunately, that bill did not emerge from conference with the House.

This amendment authorizes the lease of the Fairley Building in Seattle, WA. The Fairley Building is one of 12 properties owned and operated by a public authority as part of Seattle's Pike Place Farmer's Market. In 1977, the Economic Development Administration of the Department of Commerce [EDA] awarded the public authority a $1.767 million grant to restore and preserve the Fairley Building. The restoration was completed in 1978, and is considered one of EDA's more successful job creation projects.

In December 1983, the public authority entered into "lease/leaseback" transactions for nine of its properties, including the Fairley Building, to raise badly needed maintenance funds. A lease/leaseback is a means of transferring Federal tax deductions and credits from public to private entities. The public authority retained ownership and control of its properties and continues to operate them as a public farmer's market.

EDA officials have notified the public authority that the lease violated EDA regulations, which require EDA's consent before property covered by a grant is transferred. EDA believes it must seek compensation from the authority, and it has demanded the return of the original grant of $1.767 million.

The proposed amendment requires EDA to consent to the Fairley Building lease. It would relieve EDA of the need to seek repayment of the grant.

The amendment should be supported for several reasons. First, it would be unfair for EDA to receive compensation. EDA regulations require it to record a property management agreement on a building's title when it restricts a grantee's power to transfer property, with limited exceptions, and it did not record its interest. It has conceded that it would have been wise to record in this case, because of the interest in sale/leaseback and lease/leaseback arrangements by municipalities.

The public authority conducted a title search and received permission from all parties, including HUD, which it knew had an interest in the property. The authority acted in good faith, and did not try to circumvent EDA rules.

Second, there has been no change in the use of the Fairley Building as a farmer's market. The purpose of EDA property management rules are to insure that EDA-assisted property continues to be used for the purpose for which the grant was made. The Fairley Building will be used as a public market under public control at all times. No harm has been done by the market's technical violation of EDA rules.

If EDA withdraws its $1.767 million, it will cripple the market and jeopardize past Federal investment. EDA's actions, rather than the market's are inconsistent with the purposes for which the original grant was made.

Finally, EDA believes legislation is the only solution to the problem. EDA does not want to recall its grant, but it does not believe it is able to forgo compensation for violation of its rules. My staff has discussed this legislation with EDA and Commerce Department officials and thus believes it is a reasonable solution to this problem.

Congress has authorized sale/leaseback and lease/leaseback transactions for EDA-assisted property several times in the last 2 years. Pantages Theatre, Public Law 97-377, 1982; Shea's Buffalo Theatre, Public Law 98-8, 1983; George P. Scotlan Memorial Convention Center, Public Law 98-63, 1983. The Deficit Reduction Act of 1984 removed the Federal tax incentives for these transactions. The Fairley Building transaction occurred before the effective date of the act and is the last of its kind.

EDA granted funds for the Fairley Building to provide jobs and assist restoration of one of the Nation's unique public institutions, Seattle's Pike Place Market. If EDA requires compensation for a technical violation of its regulations, it risks bankrupting the market and destroying this outlet for small farmers, fishermen, craftsmen, and other small businesses. I urge Senators to support this amendment to avoid this tragic result.

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

Mr. STEVENS. Mr. President, I am informed that this matter is still being checked out by the committee staff, and I am constrained to ask my good neighbor and friend to agree to temporarily put the amendment aside, until we can check with the chairman of the subcommittee involved.

Mr. GORTON. Mr. President, I would not have offered it had I not understood that the clearance process had been completed but at the request of the Senator from Alaska I will be happy to do so.

Mr. STEVENS. I thank the Senator.

I, too, ask unanimous consent that it be temporarily laid aside so the Senate can proceed to other business, but this matter must await clearance of the subcommittee chairman.

Mr. JOHNSTON. Mr. President, may I ask that the distinguished Senator from Washington also clear it with the subcommittee on the Democratic side. I am advised by the staff they are not familiar with it. There has been no objection to it on our side, if he will just clear it with that staff.

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

Mr. McCLURE. Mr. President, is the committee amendment and the amendment thereto the pending business?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 372, AS MODIFIED

Mr. McCLURE. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

On page 111, line 2, insert before the period the following:

"; *Provided*, That any reprogramming submission under this General Provision shall be referred concurrently to the House and Senate Committees on Appropriations, the Senate Committee on Energy and Natural Resources, and the House Committee on Interior and Insular Affairs; *Provided further*, That such reprogramming submissions shall be submitted to the aforementioned Committees at least thirty days prior to implementation of such reprogramming proposals.

"; *Provided further*, That notwithstanding any other act, none of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1985 by this or any other act may be used to implement the proposed jurisdictional interchange program within the States of Arizona, Montana, New Mexico, Oregon, and Wyoming.".

Mr. McCLURE. Mr. President, the modification is language added at the end of the amendment to the commit-

tee amendment and provides simply that in addition to the notification that is required to the Appropriations Committees of the House of Representatives and the Senate of such an action, it would require notification concurrently to both the authorizing committees in the Senate and in the House of Representatives.

Mr. STEVENS. Mr. President, I find that modification acceptable, because it will add the two commodities which have legislative jurisdiction, and I am certain that that would have been implied and we would have assured that that clearance had taken place in the reprogramming process.

In any event, I think it is a perfecting amendment which is acceptable.

Mr. BINGAMAN. Mr. President, I would like to discuss my general concerns regarding the proposed BLM-Forest Service jurisdictional exchange. Since I have been in the Senate, very few issues have disturbed New Mexicans to the extent that this proposal has. In briefings held by the BLM and Forest Service over the past few months to explain the general purpose of the program, the overwhelming response from the public has been negative. In the Implementation Guide prepared by the two agencies for New Mexico and published June 7, 1985, they acknowledged that "most of the BLM and FS constituencies have expressed a desire for no change."

Given this response, it is apparent that the agencies must do a great deal more to win public acceptance. I certainly understand and support the goals of the agencies in undertaking this interchange. There are many areas where both management efficiency and cost efficiency can be achieved through cooperation and the joint efforts of the two agencies. However, this comprehensive approach may not have been the most effective way to accomplish the desired results.

My concern for this issue goes beyond parochial considerations of its impact on New Mexico. This proposal affects a significant national resource of public lands belonging to the citizens of the United States. To responsibly execute our trust responsibilities with regard to these lands, it is imperative that any proposal of this magnitude be thoroughly reviewed by Congress as a whole.

The agencies have proposed a two-track approach in completing the interchange: administrative dual hatting of agency staff and legislation which would formally transfer management responsibilities of designated lands. I question whether these two tracks can remain separate if the agencies move forward on the administrative track in the absence of legislation.

There is also a well-founded concern that allowing the administrative interchange to proceed may then beg the question of whether the legislative proposal is appropriate. No purpose is served by allowing any portion of the land swap in advance of thorough congressional consideration. Decisions may be made and steps taken that would be costly to change if Congress rejects or modifies the exchange proposals. This would in effect usurp the congressional perogative to make this important decision.

Therefore, I think it is prudent to delay any implementation until Congress, the public and the agencies have thoroughly reviewed the proposals, the details of which are not completely available. This does not prevent the agencies from continuing to develop plans of the interchange or finalizing their legislative proposals. Nor is it my intention to preclude ongoing cooperative management efforts and sharing of personnel which are deemed to be beneficial independent of any interchange of administrative responsibilities between the agencies. However, the interchange of responsibilities and personnel should not be undertaken in the absence of legislation and a comprehensive field implementation program. An issue of such importance deserves close attention and consideration by the Congress.

I think it is reasonable to include language in this supplemental appropriations bill that preserves the prerogative of the Congress in a matter that affects the management of more than 30 million acres of public lands and underlying minerals.

While I would prefer the House language on this matter, I think the proposed amendment as modified is an acceptable compromise. It specifically provides that the agencies cannot use fiscal year 1985 funds to implement the interchange in New Mexico.

Additionally, it is modified to include my recommendation of a 30-day notification period for the Senate and House authorizing and Appropriations Committees. This will allow the committees time to consider any implementation action proposed by the agencies. This is especially important to members of the Senate Energy and Natural Resources Committee, of which I am a member.

I thank the distinguished Senator from Idaho for offering this amendment and for agreeing to modify it to include my concerns. I also thank the distinguished Senator from Arizona for his efforts.

Mr. DECONCINI. Mr. President, will the Senator from New Mexico yield?

Mr. BINGAMAN. I yield.

Mr. DECONCINI. I add my thanks to the Senator from Idaho for working this out. It has not been easy. It is not that complicated of a problem.

I appreciate the staff of the Senator from Idaho putting this together.

Mr. MCCLURE. I thank the Senators for their comments. I think it is a workable compromise. It meets the needs of the several Senators and the several States that are affected.

I urge adoption of the amendment as modified.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 372), as modified, was agreed to.

Mr. MCCLURE. Mr. President, the amendment to the amendment has been adopted and the question, then, would be upon the committee amendment, as amended. Is that correct?

The PRESIDING OFFICER. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DURENBERGER. What is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Washington.

Mr. STEVENS. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

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

AMENDMENT NO. 375

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] for himself and Mr. LEAHY proposes amendment numbered 375.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

"ENHANCED SECURITY COUNTERMEASURES CAPABILITIES

To the Director of Central Intelligence, for the enhancement of the security countermeasures capabilities of relevant agencies $50,000,000 to remain available until September 30, 1986, to be allocated by the Director of Central Intelligence among the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and any other agency that the Director of Central Intelligence may determine, such funds to be expended exclusively for the purpose of improving United States security countermeasures capabilities abroad in accordance with a plan to be developed by the Director of Central Intelligence in conjunction with the National Security Council and submitted to the Appropriations and Intelligence Committees of

the Congress no later than September 1, 1985."

Mr. DURENBERGER. Mr. President, this amendment would provide $50 million for an initiative to be undertaken by the Director of Central Intelligence to improve classified aspects of the security of our Embassies and other U.S. Government facilities abroad.

Improvements are urgently needed in this area. Government personnel and functions currently are exposed to danger from hostile entities and organizations to an unacceptable degree.

This amendment will fund a new activity to be coordinated by the DCI to develop and assess countermeasures to alleviate certain security shortcomings. The details of the activity and the complete rationale behind this amendment are necessarily classified. Senators may obtain further information from the Select Committee on Intelligence in accordance with Senate Resolution 400 of the 94th Congress.

Mr. STEVENS. Mr. President, the matter raised by the Senator's amendment is one that our committee is familiar with. There is a need for additional funding in this area, and it is a difficult subject to discuss on the floor.

The Senator has asked for additional funds in the amount of $50 million to be made available only until September 30, 1986. The distinguished Senator from Minnesota and I, have discussed this in general, and we believe that the moneys are needed.

We believe that we will need further identification of the kind of funds available to discuss with our colleagues from the House of Representatives who review with us the funding for classified agencies.

So I am prepared to recommend to the Senate that the Senate adopt this amendment with the understanding that we will get further justification for the individual sums to be divided between the agencies in time to discuss it in conference with Members of the House of Representatives.

Mr. DURENBERGER. Mr. President, let me assure my colleagues that as the Senator from Alaska has indicated, it is important that more detailed specifics on the allocation of the up to $50 million are forthcoming. They are not all in that status at the present time and we have assured the chairman of the appropriate subcommittee on appropriations that by September 1, if not earlier, that detail will be provided by the DCI so that the most appropriate use of the money can be used.

Mr. STEVENS. I thank the Senator. I do recommend adoption of the amendment.

Is my good friend from Louisiana prepared to accept this amendment?

Mr. JOHNSTON. Mr. President, I was not aware of this amendment. So far as I know, it has not been cleared. No one has objected to it. I just have not heard of the amendment.

Mr. DURENBERGER. Yes. It is on behalf of myself and the vice chairman, Senator LEAHY. I am informed it was cleared on the Democratic side.

Mr. JOHNSTON. Mr. President, I am advised now that the matter has been cleared on our side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 375) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Washington.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the amendment of the Senator from Washington be temporarily laid aside.

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

AMENDMENT NO. 376

(Purpose: To restore funding for Research and Development Program at the Environmental Protection Agency)

Mr. STAFFORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Vermont [Mr. STAFFORD] proposes an amendment numbered 376.

On page 91, strike out lines 17 through 21.

FUNDING FOR R&D AT EPA

Mr. STAFFORD. Mr. President, I am offering an amendment to restore $4.1 million in Environmental Protection Agency research and development funds that would be rescinded in the bill reported by the committee.

It is my understanding that the administration proposed to rescind $4.1 million in research and development funds in accordance with section 2901 in the omnibus Deficit Reduction Act of 1984. That provision, however, was intended to target government wide management in specific spending categories such as travel, consultants, and public relations.

However, the proposed rescission would instead affect, according to the Agency itself, several important research areas.

I am including for the RECORD a list of some valuable research projects that are under consideration at the present time that might be undertaken if the funds are restored and I ask unanimous consent that the projects be printed in the RECORD.

I believe this list shows the Agency will be able to spend the $4.1 million very well.

There is a consensus among both environmental groups and industry that the scientific base on which the agency regulatory decisions are founded have seriously eroded in the recent years because of severe cuts in the Agency research and development budget. The research and development budget has absorbed the brunt of the reduction in the Agency's budget in the last 5 years and is still 23 percent below the level provided to the Agency in fiscal year 1981.

I believe restoration of these funds is a small but important step in reversing that trend.

Mr. President, I understand that the chairman and ranking member of the subcommittee with jurisdiction over EPA funding and my good friend from Vermont, Senator LEAHY, are willing to accept this amendment.

I have discussed this with the managers of the bill and I hope they will do so also.

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

Potential fiscal year 1985 EPA research projects

Program	*Cost of project*
Wetlands-ecosystem definitions	$575,000
Indoor air-clinical research on individuals with health problems	900,000
Biotechnology-research on genetically engineered organisms	1,000,000
Research on development of leaks in underground storage tanks	300,000
Dissemination of information on effective control technology for small waste generators	250,000
Improved understanding of exposure assessments by blood sampling	650,000
Ecotoxocology studies: Impacts of pesticides on endangered species	250,000
Estuarine modelling	500,000
Development of technology to evaluate wood stoves	200,000
Development of computer approaches to expert systems	400,000
Exploratory Research Core Program: Visiting scientists	686,600
Energy: A pilot-scale study to produce options on waste recycling and/or utilization to increase SO_x removal efficiency and reduce volume produced	401,800
Toxic Substances and Health Effects: Increase scope of studies on risk extrapolation in teratology; symposium on chemical carcinogenesis; epidemiological studies; development of pulmonary immune system models	371,300
Air: Users guides for particulate models: SO_x models for use in complex terrain; and reports on visibility models and materials damage	278,200

Program	Cost of project
Validation studies for monitoring methodologies for the NESHAP program and a study for Tenax GC/MS methodologies	265,000
Total	7,007,900

Mr. STEVENS. Mr. President, as usual, the distinguished Senator from Vermont is correct. This matter has been cleared with the people involved on this side.

I ask the Senator from Louisiana if he is prepared to accept this amendment for the minority.

Mr. JOHNSTON. Mr. President, we have one further check we are running on this. I do not think there is a problem, but if we could temporarily lay aside this amendment, we want to check on one additional person.

Mr. President, I am now advised that the amendment is OK.

Mr. STAFFORD. Mr. President, I move the amendment.

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

The amendment (No. 376) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily so that the Senator from New Hampshire may offer an amendment.

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

AMENDMENT NO. 377

(Purpose: To appropriate an additional amount for Educational and Cultural Exchange Programs)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 377.

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

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

The amendment is as follows:

On page 33, line 14, after the period at the end of the line, insert the following:

And for an additional amount under this head to promote the development of an independent media service by the Afghan people and to provide for the training of Afghans in media and media-related fields, $500,000: *Provided,* That the Director, with the Secretary of State, shall report to the appropriate Committees of Congress on the obligation of these funds 60 days from the date of enactment of this Act.

Mr. HUMPHREY. Mr. President, this is an amendment cleared on both sides with the present managers of the bill and likewise with the chairman and ranking member of the relative subcommittee, Senators LAXALT and HOLLINGS.

The effect of the amendment is to add $500,000 to the USIA Education and Cultural Exchange Programs. The purpose of the expenditure is to make grants to private support groups who will enhance the ability of the freedom fighter groups to bring out of Afghanistan the story of Soviet atrocities occurring in the war now underway in that country.

As a practical matter, it will involve the training of Afghan journalists and providing to them minicameras to take video footage of the war as a means of getting out the message to the world of what is going on there. The Soviets, unfortunately, have largely succeeded in their efforts of hiding that war from the people of the world and from world opinion.

It is our contention that among the many things we need to be doing in the area of public diplomacy, quite apart of any programs providing material, but in the area of public diplomacy, one of the things we need to be doing is just this, enhancing the capability of the Afghan freedom fighters, which has recently, in Peshawar in Pakistan, formed an alliance for the first time now since the invasion of their country some 6 years ago.

The time is right. The need is urgent almost beyond words. That is the intent and the purpose of this amendment.

I would say finally that the amendment is supported by the administration and has been cleared with the National Security Council.

Mr. STEVENS. Mr. President, the amendment has been cleared by the subcommittee chairman. I am very much in favor of it, and I am informed about the problem the Senator from New Hampshire has discussed. There is a great need for assistance to the Afghan people in terms of their ability to deal with the media problems related to their situation. When you compare the amount of world media involved in the situation in Central America to that in Afghanistan, I think everyone would understand the need for this amendment.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

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

The amendment (No. 377) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

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

AMENDMENT NO. 378

(Purpose: To ensure that additional appropriations not be used to pay for damages caused by the Soviet Union during construction of the new U.S. Embassy in Moscow)

Mr. CHILES. Mr. President, I send an amendment to the desk on behalf of myself and Senators LEAHY, BENTSEN, DECONCINI, DOMENICI, HOLLINGS, JOHNSTON, MCCONNELL, PROXMIRE, ROTH, SASSER, and SYMMS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES], for himself, Mr. LEAHY, Mr. BENTSEN, Mr. DECONCINI, Mr. DOMENICI, Mr. HOLLINGS, Mr. JOHNSTON, Mr. MCCONNELL, Mr. PROXMIRE, Mr. ROTH, Mr. SASSER, and Mr. SYMMS, proposes an amendment numbered 378.

On page 30, line 11, before the period at the end of the line insert a colon and the following: "*Provided,* That notwithstanding any other provision of law, the Secretary of State shall not permit the Soviet Union to occupy the chancery building at its new embassy complex in Washington, D.C., or any other new facilities in the Washington, D.C. metropolitan area, until the Soviet Union provides reimbursement to the United States for damages incurred as a result of the construction of the new U.S. Embassy in Moscow, in an amount to be determined by agreement between the U.S. and the U.S.S.R. or in the event of disagreement by the decision of an international arbitral tribunal as created pursuant to the contract for construction between the U.S. and the U.S.S.R., provided that in any event the amount may not be less than the amount of funds expended from this account for damages arising from delays at the site of the new U.S. Embassy complex in Moscow that are determined by the Secretary of State to be the responsibility of the Soviet Union."

Mr. CHILES. Mr. President, I am offering an amendment which requires the Soviet Union to reimburse the United States for all damages and costs because of Soviet-caused delays in construction of our new Embassy complex in Moscow. This amendment would prohibit the Soviets from occupying any new facilities in the Washington, DC, area until we are reimbursed for the cost of these delays. I do not think we should make the

American taxpayers bear the costs of Moscow's intransigence.

Mr. President, this debate actually predates my time in the Senate. I have only been here for 14 years. The United States has spent 16 years trying to complete a new Embassy in Moscow. And frankly, Mr. President, the cost overruns, the delays and the concessions we have had to deal with are a scandal.

Since we began this project, the total cost of construction has more than doubled, from an original estimate of $75 million to $167 million—and we still do not know the final costs. The complex was orginally slated for completion in July 1982. This date has now been pushed back to December 1987 and sources in the State Department indicate that even they do not expect completion until 1988.

Today, we are being asked to appropriate an additional $20.1 million to cover costs incurred due to delays which the State Department admits are caused primarily by the Soviet contractor. Specifically, these funds will be used to cover costs and damages to the U.S. contractors. I do not believe the American taxpayer should pay for Soviet delays.

Mr. JOHNSTON. Will the Senator yield at that point for a question?

Mr. CHILES. I yield.

Mr. JOHNSTON. The Senator talked about the escalation in costs. Did I not understand that this would be a fixed price contract?

Mr. CHILES. Originally we expected it would be. Yes.

Mr. JOHNSTON. How did the cost of the United States go up so much if it was a fixed price contract?

Mr. CHILES. There were delays and provisions for delays in contract modification. Those modifications had to be made because of the delays.

Mr. JOHNSTON. I thank the Senator.

Mr. CHILES. Mr. President, let us take a brief look at the history of this matter.

In 1969, the United States and the Soviet Union agreed to build new embassies and we started looking for appropriate sites in Washington and Moscow.

Well, 1969 was the beginning of detente, and so, we made the first of many bad deals. The 1972 agreement gave the Soviets property at one of the highest points in Washington, DC—a spot ideal for intelligence collection.

The Soviets managed to find us a site in a swamp at one of the lowest points in the Moscow area. We got the bad end of the deal, but it was our own fault. To paraphrase Boris Malakhov, the Soviet Embassy spokesman, the Soviets did not have to capture the site, it was given to them.

Kenneth Bredemeier of the Washington Post has written a revealing article about the new Soviet Embassy in Washington, and I ask that it be entered into the RECORD at the conclusion of my remarks.

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

(See exhibit No. 1.)

Mr. CHILES. In 1972, we reached an agreement to allow parallel construction and, Mr. President, in 1977, the United States signed a protocol with the Soviet Union. This protocol called for a fixed price contract for the construction of the exterior of the building, to be built by the Soviets. This contract price was supposed to be based on the costs of similar construction in the Washington, DC, area.

Why we agreed to this is beyond me. Surely the costs of construction in Moscow is far below that of construction in the United States. Another bad deal.

Mr. President, in 1978, we negotiated a contract with the Soviets. But even though we had an agreement with the Soviets to base the construction costs in Moscow on comparable Washington, DC, costs, the Soviet bid was outrageously high. But we had a solution. In return for the Soviets being reasonable about costs we agreed to let them occupy new housing at the Washington site as soon as it was completed—in 1979, 6 years ago. Our new housing in Moscow will not be completed until some time after the summer of 1986. Another bad deal.

In 1978, the State Department estimated the cost of the whole Moscow Embassy complex to be $75 million and the State Department assured Congress that the project would be completed in July 1982.

By 1979, however, we had appropriated a total of $91.5 million.

In 1981, $12 million more was appropriated. The total price tag for the project then exceeded $100 million.

In 1982, an additional $31.7 million was appropriated, and we were assured that the total amount for the Moscow complex would not exceed $135.2 million. The completion date, however, had slipped to 1984.

Mr. President, another year went by and we were told once again that additional funding was needed and a $5 million supplemental was approved. This time, we were told the complex would not be ready for occupancy until October 1984.

In 1984, our own Department of State said our Moscow Embassy project would be completed in 1984 but it would cost another $7 million. By that time, the cost of the project had doubled. But we were assured the nightmare was over, and the Embassy would be finished.

Well, here it is 1985 and lo and behold, the State Department is back asking for a $20 million supplemental for the project and telling us that the complex will not be finished until December 1987! Actually, that is not true. Their justification material says it will be complete in December 1987. The foreign building office says February 1988.

And what about the total cost, Mr. President? Their current estimate is $167 million. But let us be clear. This is just an estimate of the delay claims to date. There is a good chance that more delay claims will require more supplemental funding. And, this may just be the tip of the iceberg. Once we occupy the new Embassy, the State Department may need additional funds to complete it. But we will not even have an indication of how much this cost will be until the Soviets complete their portion of the Embassy construction—around February 1987!

Specifically, this amendment would prohibit the Soviet Union from occupying their new Embassy in Washington, DC, until the Soviet Union reimburses us for delays determined to be the responsibility of the Soviet Union. This would not delay construction. Occupancy, as defined in the 1972 protocol, will be "at an agreed upon date after completion and acceptance." All phases of construction can proceed at will. But, before all is said and done, the Soviets have to repay us for damages which are their responsibility.

It seems to me the United States has made a lot of mistakes in this matter, but I do not think we should make any more. If this amendment is adopted, we will recapture some lost funds. While we cannot make up for lost time, the amendment will make sure we do not lose anymore.

I hope the Senate will approve this amendment.

EXHIBIT 1

SOVIETS TAKE THE HIGH GROUND

(By Kenneth Bredemeier)

The deal was cut in 1969, but now as the new Soviet Embassy nears completion on one of the highest vantage points in the nation's capital, some American officials believe that giving the site to the Russians was a major blunder.

With a sweeping view of the White House, the State Department and much of the Washington area, Soviet officials will have a prime location for electronic surveillance of government, personal and commercial conversations that are transmitted by microwave. The embassy site, on Mount Alto between Wisconsin Avenue and Tunlaw Road NW, is only a short distance downhill from the panoramic views available at the Washington Cathedral.

"We just got snookered; it's inexplicable," said Sen. Daniel Patrick Moynihan (D-N.Y.), a longtime critic of U.S. efforts to combat Soviet eavesdropping on American telephone and radio communications.

James E. Nolan Jr., director of the State Department's Office of Foreign Missions and former counterintelligence chief for the FBI, said, "I'm sure if we knew everything then that we do now we wouldn't have made the same selection. We wouldn't have picked nearly the highest site in the city.

"Obviously anything which is broadcast, anything that's up in the air, can be intercepted by receivers," Nolan said.

After six years of negotiations, the Soviets and the Americans agreed in 1969 during the Nixon administration to build new embassies here and in Moscow. At the time, however, officials say the importance of microwave communications and their interceptions was not widely realized.

The 10-acre Mount Alto site, once used for a Veterans Administration hospital, was surplus federal property 16 years ago and deemed a suitable location for the Soviets to build their $70 million compound. It will include an eight-story white marble chancery, a four-story consulate and ambassador's residence, a reception hall, a 165-unit apartment building, a school for diplomat's children, a gymnasium and a 400-seat auditorium, much of which has been in use for several years.

"We did not capture the site," said Soviet Embassy spokesman Boris Malakhov. "We were given it."

As for the intelligence-gathering benefits of the prime hillside location, Malakhov said, "I'm not even going to discuss that."

By contrast, the new American Embassy in Moscow is being constructed a block from the Moscow River, and at a vantage point below that of the existing U.S. Embassy. The site's prime attribute is that it is about a mile from the Kremlin.

"We're down in the swamp," Moynihan declared. It is a point disputed by State Department officials, who nonetheless said that the site was plagued by "a water problem" during the early stages of construction. "We suggest that [Russian construction crews] broke a water main and didn't know it, " one official. said.

The concern over electronic bugging has preoccupied both Soviet and American officials as construction crews work on the two embassies. Under a 1972 agreement, Soviet workers are building the American Embassy, while American construction crews have already finished their work on the Soviet Embassy. But both countries plan to finish secured, interior sections of their compounds with their own workers.

The exterior of the Soviet Embassy has been completed and Russian families have been living on the site since 1980. But work on the $147-million American compound in Moscow has lagged and the entire complex may not be completed until late 1987 or early 1988, State Department officials say.

"I do believe the Soviets could have built it faster if they'd wanted to," Nolan said. "It's a fact that time is money in construction here. Things get built faster." Nolan said the Soviet Embassy could be finished within six months if American construction crews were doing the work, but said that with Soviet workers it "could be mid-1986."

Nonetheless, he said the United States intends to adhere to a provision in the embassy-constructon agreement that neither country will be allowed to occupy its new offices before the other—"reciprocal occupancy" in State Department jargon. Nolan said that in hindsight "we wouldn't have let [the Soviets] occupy the [housing] here until [the entire U.S. compound] is ready in Moscow."

In the meantime, officials of both countries have kept careful watch on the contruction work.

Peter Pirozzi, president of Peter Bratti Associates Inc., a New York firm that attached the large slabs of marble and granite to the Soviet buildings on Mount Alto, said his crews has "an excellent relationship" with the Russians.

Nonetheless, he said "there was a certain amount of suspicion. They watched as we caulked the exterior on the pretense of quality control. But that's no different than what [the Americans are] doing over there. [The Russians] paid extra money to have the windows fabricated on the site. Normally, they're already made in the factory.

In Moscow, Russian workers walked off the U.S. Embassy construction site for several weeks in 1983 to protest U.S. use of an X-ray machine to detect structural flaws, which the Soviets claimed was a health hazard. But U.S. officials said the Soviets' actual concern was that the Americans were using the machine to detect any eavesdropping bugs that might have been secreted in the construction work.

The Soviet crews eventually returned to work. "We agreed to do our inspections in nonworking hours," a State Department official said.

Moynihan has tried unsuccessfully since 1977 to get Congress to pass legislation to require the president to demand that any illegal electronic surveillance by a foreign mission be stopped and, failing that, declare the responsible diplomats persona non grata and expel them from the United States.

However, on June 7, for the first time, the Senate tacked Moynihan's measure onto the 1986 State Department funding measure.

"We made the deal [on the embassy site]; that's done," Moynihan said. "I'm not anti-Soviet. But now we've got to say that you're not going to intercept transmissions.

"It would be one thing if they did it and we didn't know it," Moynihan said. "That would be good tradecraft. But since we know it, it invites contempt."

Moynihan, a former member of the Senate Intelligence Committee, said that in recent years the Carter and Reagan administrations have taken what he calls "essentially defensive" actions against Soviet eavesdropping.

He said the Carter administration buried some of the federal government's telephone lines and those of some defense contractors, so that conversations would not be floating through the air via microwaves. Moynihan said that President Reagan ordered last year that scramblers be placed on the telephones in 86 limousines used by top White House and Cabinet officials, the same tactic the Soviets adopted years ago to thwart American eavesdropping in Moscow.

Despite the constant electronic surveillance battle between the two countries, some social niceties remain. The Soviet Embassy recently invited American construction executives who had worked on the new structure to a two-hour reception at the current embassy at 1115 16th St. NW.

"They had a very lovely buffet table, with hors d'oeuvres, roast beef, turkey and ham and a bar with wine, no hard liquor," Pirozzi said. "Ambassador [Anatoliy F.] Dobrynin stopped by at the end and told us how much he liked the work."

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud the efforts of the distinguished senior Senator from Florida. As always, he is showing the kind of leadership that we appreciate in this body.

I ask unanimous consent, Mr. President, to put in the Record the history of the new Moscow Embassy complex.

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

HISTORY OF THE NEW MOSCOW EMBASSY COMPLEX

1969: Agreement reached between the United States and the Soviet Union to provide for an exchange of sites to construct new diplomatic complexes in Washington, D.C. and Moscow. This agreement gave the Soviets property at one of the highest points in Washington, D.C.—a spot ideal for intelligence collection. The Soviets, in turn, gave us a plot in a swamp at one of the lowest points in the Moscow area.

1972: Agreement reached between the United States and the Soviet Union on the conditions of construction of the new embassy complexes.

1977: Protocol with the Soviet Union was signed, calling for a fixed price contact with the Soviet Union for their portion of the construction. The United States agreed to accept Washington, D.C. construction costs as the basis for unit costs of our complex in Moscow. The protocol called for construction to begin by May 15, 1978 and work to the completed by July 1, 1982. At this point in time, the estimated cost of the project was $75 million.

1978: Contract negotiated with the Soviet Union. In return for the Soviets reducing their contract bid to levels comparable to Washington, D.C. construction costs (as they had agreed to in the 1977 Protocol), the State Department allows the Soviets to occupy new housing at the Washington, D.C. site in 1979. Additional housing for U.S. diplomats in Moscow will not be completed until late 1986. The State Department maintained that total cost of the project would be around $75 million and completion was projected for July of 1982.

1979: Cumulative appropriations reach $91.5 million.

1981: Cumulative appropriations reach $103.5 million.

1982: Cumulative appropriations reach $135.2 million. State Department estimates completion in 1984.

1983: Cumulative appropriations reach $139.8 million.

1984: Cumulative appropriations reach $147.0 million—the Department of State claims project will be completed in 1984.

1985: State Department requests $20.1 million supplemental Complex expected to be completed in 1988. Total cost expected to exceed $167 million.

Mr. LEAHY. Mr. President, I think it might be worthwhile to quote what the State Department requests in the urgent supplemental appropriation:

The fiscal year 1985 supplemental of $20,068,000 is requested to meet urgent needs of the Department of State which were unforeseen at the time of preparation of the regular fiscal year 1985 budget estimates and cannot be absorbed within the current appropriation. These funds are needed to cover an estimated $12,971,000 actual or projected delay claims brought by U.S. contractors working on the Moscow Embassy construction project. The completion date of this project has been extended to December 1987 primarily because of delays by the Soviet contractor.

In other words, the State Department has come forth to ask for nearly $13 million of American taxpayers' money to pay for damages caused by

delays which are the responsibility of the Soviet Government. When we pass appropriations in this body, we do so for a lot of reasons involving the 50 States, and involving the Federal Government.

But, I really do not think we want to set a precedent where we appropriate money to take care of expenses caused by the Soviet Government, too. I think that may be stretching diplomatic relations just a bit too far. I do not think my constituents in Vermont would be all that happy about this appropriation, especially when they learn this $13 million will be only the first installment of contract damages coused by Soviet delay. The total bill for contract damages will be much greater.

In fairness to the State Department, I want to state that it says that someday, after we have paid out all of this money in contractor claims, it will ask the Soviets to reimburse the U.S. Government.

I have a couple of questions for my good friend from Florida, who has had some experience in dealing with the Soviet Union. Does he think this $13 million, or $30 million, or $40 million in expenses caused by the Soviet delays will be promptly repaid by the Soviet Union?

Mr. President, I must admit my next question is somewhat rhetorical, but I wonder if my good friend from Florida could imagine for a moment the American Ambassador to the Soviet Union presenting a bill to the Soviet Government and saying, "By the way, you owe us about $30 million or more of American taxpayers' money. Would you please pay? While you are at it, we have a couple overdue bills from World War II, if you can include them, too."

I do not know how to say in Russian, "The check is in the mail," but I suspect the response he would get would be something along that line.

Would the distinguished Senator from Florida think that the American Ambassador would walk out of the office with full payment in hand?

Mr. CHILES. I am not sure that I know but one Russian word, I will say to my distinguished friend from Vermont. But I think the answer would be that word, "nyet."

I would also say to my colleague, whom I am delighted to have as a cosponsor because of the work that he does in the Intelligence Committee, the way the situation is right now, the ball is so completely in the court of the Russians and all of the power is in their hands.

I wonder if there is some reason—and I do not know, but maybe I just have a suspicious mind, and I am not on the Intelligence Committee—is there some reason that the Russians are delaying the completion of our building when their contractors are able to go into that building, are able to climb around and walk around? I do not know that they are hiding anything there, but they do have it until they get it the way they want it, and then they will say, "Well, it is over now. We will give it to you."

Remember, we are paying for the delay. We are giving them this time. The building was supposed to have been completed years and years ago. It is still going on, 14 years after we started talking about it.

Is there some reason that now we are allowing them to take as much time and then us pay for the cost of that delay?

Mr. LEAHY. I say to the distinguished Senator from Florida that I have some views on that. Unfortunately, I am constrained by my position on the Intelligence Committee from going into them on the floor of the Senate.

I would simply say that in many ways the Soviets have an advantage in delaying us, and certainly in one way that should be obvious to many people.

They have an easy way of living and access to a great many things here in the United States that are not available to our representatives living in the Soviet Union. The Soviets here enjoy luxuries that are not available to Americans who serve in the Soviet Union.

So the Soviets see no advantage to them in hurrying completion of our new Embassy, so long as we are willing to let them have what they want in the United States. They see little reason economically or politically to let us have parity with them.

Quite frankly, the Senator from Florida used the Russian word "nyet". I think we ought to say nyet to Moscow until there is parity in living and working conditions for the Americans who represent our Government and people there.

We are not asking for an advantage for the United States, but we ought to have equality. They consider us as not second-class citizens but as third- or fourth-class citizens.

Therefore, I am indeed pleased to join my distinguished colleague from Florida [Mr. CHILES], the ranking minority member on the Budget Committee, in introducing this amendment aimed at the scandalous situation of the new U.S. Embassy building in Moscow.

The Chiles-Leahy amendment provides a way to stop this outrageous situation. It directs the Secretary of State to prohibit the Soviet Union from taking occupancy of its Mount Alto facility until damages determined either by bilateral agreement between the United States and the Soviet Union or by neutral arbitration are settled. Furthermore, those damages cannot be less than the amount appropriated for the purpose of covering claims for delays which the Secretary of State determines to be the responsibility of the Soviet Union.

Mr. President, there are three basic concerns which might be raised about our amendment, and I would like to address each in turn. All have been voiced by the State Department staff in discussions with our staff.

First, the original agreement stipulates that each new Embassy building will be occupied simultaneously. Some argue that our amendment would give the Soviets a means to prevent us indefinitely from occupying our new building. My response is that the Soviets already have that lever, and they have been using it with a vengeance. The original completion date for the Moscow Embassy was mid-1982. The new completion date is estimated to be December 1987, and in fact will probably be sometime in 1988, if then. All the Soviets have to do to prevent us from occupying our building is to keep slowing down its completion, or to slow down completion of their building here. Our amendment adds nothing to what the Soviets already have to jerk us around, but it does make clear that they are not going to get into their building, no matter when it is finished, until they pay what they owe us.

Second, it has also been argued that our amendment would amount to a unilateral change by Congress in an international agreement. The agreements of 1969, 1972, and 1977 do not prohibit occupancy prior to settlement of claims through arbitration. The State Department and Office of Foreign Buildings people with whom we have spoken contend that this means we cannot now establish such a condition. My answer is that the Soviets have unilaterally altered those agreements repeatedly, as the State Department's own supplemental request justification indicates. A building that was to have been completed in about 5 years, from 1977 to mid-1982, will now not be completed until December 1987 at the earliest. That is nearly 11 years to finish a building any good American contractor could have done in 18 months or 2 years. State Department officials concede that at least 2½ years of that delay are directly attributable to footdragging by the Soviet Government. The building was originally estimated to cost some $75 million. Now, thanks to several delays and cost overruns, its current estimated cost is $167 million and rising.

Third, a third argument is that delay in occupying the new building hurts us more than the Soviets because our people live in a shabby, decrepit old Stalin-era building, while the Soviets have decent facilities here in Washington. Unfortunately, as I noted, there is truth to this argument.

I have twice visited our Embassy building in Moscow, and it is a disgrace, a warren into which our diplomats and their families are crammed under the watchful eye of the KGB. Nevertheless, part of the reason we have got ourselves into this mess about the new building is because we made it crystal clear to the Soviets that we wanted ours more than they wanted theirs. They were able to use this as leverage to extract major concessions from the State Department, including early possession of residential facilities on Mount Alto, numerous changes in the contract arrangements, acceptance of building cost estimates based on construction costs in Washington, DC, instead of Moscow, and others. Frankly, with this amendment, I want to send a message to the State Department that it has to be tougher in dealing with the Soviets on the buildings. In other words, I want greater seriousness about reciprocity and equivalence, as called for in the Huddleston-Leahy amendment of 1984 and the Leahy-Cohen amendment of 1985.

Mr. President, the United States signed an 85-year lease with the Soviet Union for the land on which our new chancery is being built. By 1988, nearly 15 years of that lease, almost one-sixth of the time, will have passed, and we still may not be in that building. Management of this project by State's Foreign Buildings Office has been appalling, and it is long since time to tell the Soviets that the free ride at the American taxpayers' expense is over as far as the Moscow Embassy building is concerned. If they want to get into their deluxe Mount Alto facility, let them pay up what they owe. We have provided a simple and fair means to determine what the bill is. The State Department can work out an equitable agreement, or an international arbitration tribunal can fix the amount. There is at least 2½ years yet to go before our building will be ready for occupancy. That should be ample time for a reasonable settlement of our claims

Mr. President, I urge my colleagues to join in supporting the Chiles-Leahy amendment. Let us stop constantly saying "yes" on what the Soviets want to do about their new building while all they can say is "nyet" about ours.

Mr. President, again, I commend the distinguished Senator from Florida and the others who have joined in this amendment. I also want to thank Doug Olin from the Budget Committee staff for his outstanding work on the amendment. This amendment owes much to his diligent research into the sad history of the new Moscow chancery building and his original ideas on how to develop the remedy we have proposed here today.

Mr. CHILES. Mr. President, I would like to take a moment to thank Senator LEAHY and his staff for their excellent work on this amendment. Eric Newsom, Dan Finn, and John Nelson of the Intelligence Committee staff spent long hours helping construct a responsible approach to this problem and they deserve commendation.

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

Mr. JOHNSTON. Mr. President, I congratulate the distinguished Senator from Florida for coming up with what I consider to be an outstanding amendment. If I had to name this amendment, I would call it the antichump amendment, because the United States is being played for an absolute chump when it comes to the Embassy in Moscow and the one here in Washington, DC. There is nothing we can do, apparently, Mr. President, about the fact that we have already been chumps. When I look at the relative location of that Embassy in Moscow—down in the swamp—and their location here, on top of the highest hill in Washington, considering what we know they do in terms of intelligence surveillance, we were absolute chumps ever to agree to that deal. But we agreed to it.

We are not saying let us back out of it. We are not trying to back out of that deal. What we are saying is what they did agree to, make them live up to not only the letter, but the spirit of the law.

We have the ability to do that because, as long as they delay and keep putting charge upon charge and keep doing other illegal things which we cannot talk about here, but which are clearly illegal, as long as they are going to do that and delay this matter—not for weeks, not for months, but year after year—then the antichump amendment ought to be passed and come into play. It says let us not let them get on top of that radio perch up there, where they have all that antenna array, ready to get every word that is spoken all over the Washington, DC, area, because they are there, looking down with their high-powered antenna, let us not let them occupy that perch as long as they are being illegal and delaying us.

One final word, a bit of an aside, Mr. President. I just wonder who in the world ever negotiated this thing over in the Department of State in the first place. It makes you think maybe the Walker family was a little larger than it is now.

Mr. STEVENS. Mr. President, the amendment is acceptable on this side of the aisle. I think the less said about classified information in this regard, the better.

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

The amendment (No. 378) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 374

Mr. STEVENS. Mr. President, the pending amendment is now the amendment of the Senator from Washington?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask that the amendment be adopted.

Mr. JOHNSTON. Mr. President, the Gorton amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington [Mr. GORTON].

The amendment (No. 374) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business, the Chair informs the Senator, is H.R. 2577.

Mr. STEVENS. There are no committee amendments left to be adopted?

The PRESIDING OFFICER. That is the Chair's understanding.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

Mr. LUGAR. Mr. President, we have enjoyed a meeting during the lunch hour with a most distinguished delegation from the European Parliament. You see before you, Mr. President, a

group I hope you will greet warmly in a moment or two.

Our President was the guest of the European Parliament just a few weeks ago. This delegation has had 25 meetings with the United States over the years. They were here for a luncheon with us today.

We are most grateful for this institutional arrangement. I am certain all Senators hope to have many more contacts with European Parliamentary members to understand the multilateral situation within Europe and with regard to relations of our country with this multinational group.

Mr. President, I thank you very much for permitting me to intrude for a moment to present this introduction.

RECESS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes so that Members might meet our friends.

There being no objection, the Senate, at 2:02 p.m., recessed until 2:05 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. STAFFORD].

SUPPLEMENTAL APPROPRIATIONS, 1985

The Senate continues to consider the bill.

AMENDMENT NO. 379

(Purpose: Restrict payment of certain claims against the Bureau of Indian Affairs to certified creditors)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Idaho [Mr. MCCLURE] and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows.

The Senator from Alaska [Mr. STEVENS], for Mr. MCCLURE, proposes an amendment numbered 379.

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

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

The amendment is as follows:

On page 103, line 18 after the word "Act" insert the following: *Provided further,* That no funds shall be paid to creditors of the Sangre de Cristo Development Company, Inc., whose claims are set aside by the U.S. Bankruptcy Court for the District of New Mexico

Mr. STEVENS. Mr. President, I am informed by the Senator from Idaho that both the House and Senate versions of the supplemental appropriations bill contain $1,323,000 for the payment of claims against the Bureau of Indian Affairs to certified creditors of the Sangre De Cristo Development Co.

Yesterday, we were informed by the Department of the Interior that some of the Creditors whose claims have been certified for payment were not bona fide creditors, but rather were equity holders in the company. As a result, the Government filed a motion with the bankruptcy court on May 31, 1985 asking that certain stipulations be set aside.

The amendment I have offered on behalf of the Senator from Idaho would provide that none of the funds made available for payments to Sangre De Cristo creditors be paid to those whose claims are set aside by the U.S. district court.

I know of no objection to this amendment and ask my friend from Louisiana if he has any objection to it.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

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

So the amendment (No. 379) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I have heard rumors that there are another amendment or two lurking around the cloakrooms somewhere, but I have been given no formal notice of those. I believe we are getting close to the time where we can go to third reading, so I would urge all Senators if in fact they do have an amendment to bring it over and let us consider it at this time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The distinguished Senator from Washington has withheld an amendment to confer with me, and I do want my friend to know that the Senator from Washington will have another amendment here soon. We are reviewing that now. I do believe that there are other amendments including one by the distinguished minority leader that we would be pleased to consider, too.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

COMMITTEE AMENDMENT ON PAGE 28, LINES 1-7

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the approval of the committee amendment on page 28, lines 1 through 7, be vitiated and that the committee amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, what is that?

Mr. JOHNSTON. This reinstates the House amendment. This has been cleared on both sides.

Mr. HATFIELD. Mr. President, it has been cleared on the majority side.

Mr. STEVENS. Mr. President, I am not sure what it is.

Mr. JOHNSTON. If the Senator will yield, the House put in an amendment granting $4 million for the Long Poverty Law Center, at Loyola University, New Orleans. That was stricken by the Senate committee, with the understanding that it would be worked out here on the floor, and this is the method chosen by Senator LAXALT's staff to do so.

Mr. HATFIELD. Once again, I say, Mr. President, that it has been cleared with the subcommittee chairman.

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

AMENDMENT NO. 380

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself and Mr. LONG, proposes an amendment numbered 380.

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

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

The amendment is as follows:

On page 28, line 7, after the period insert: For an additional amount for grants for the establishment on a continuing basis of clinical programs to supplement the services of local Legal Services Grantees by accredited law schools, $4,000,000, to remain available until expended.

Mr. JOHNSTON. Mr. President, this is a further part of the language which was approved by Senator LAXALT's subcommittee. This grants an additional $4 million for the establishment of grants under the Department of Legal Services for clinical education in law schools. This has been approved on both sides.

Mr. HATFIELD. Mr. President, this has been accepted on the majority side.

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

The amendment (No. 380) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the action taken by unanimous consent in vitiating the amendment on page 28, lines 1 through 7.

The PRESIDING OFFICER. The Chair advises that reconsideration is not necessary in the case of an agreement by unanimous consent.

Mr. JOHNSTON. I withdraw the request.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 381

(Purpose: To expedite the completion of Hooker Dam or alternative of the Central Arizona Project)

Mr. BINGAMAN. Mr. President, I have an amendment which I would like to have considered. Do we need unanimous consent to set the pending matters aside?

The PRESIDING OFFICER. There are no matters pending that require setting aside.

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 381.

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

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

The amendment is as follows:

On page 67, between lines 19 and 20, add the following: In order to expedite the completion of the Hooker Dam or alternative of the Central Arizona Project (1) the selection of the preferred site for the Hooker Dam or alternative as authorized by section 301 of the Colorado River Basin Project Act shall be completed by August 15, 1985, (2) the initial draft environmental impact statement required for the Hooker Dam or alternative shall be completed and made available by September 1, 1986, (3) the final environmental impact statement for Hooker Dam or alternative shall be completed and made available by September 1, 1987, and (4) the Secretary of the Interior shall make a record of his decision as soon as practically possible after the completion of the final environmental impact statement.

Mr. BINGAMAN. Mr. President, on September 30, 1968, the Congress of the United States authorized in Public Law 90-537 the central Arizona project. The project was authorized for the purposes of furnishing irrigation water and municipal water supplies to the water-deficit areas of Arizona and western New Mexico through the direct diversion or exchange of water, control of floods, conservation and development of fish and wildlife resources, and enhancement of recreational opportunities. One of the units of central Arizona project authorized was the "Hooker Dam and Reservoir or suitable alternative." The New Mexico unit was authorized to develop 18,000 acre-feet of water for New Mexico's use by primarily municipal and industrial users. The Secretary of the Interior was authorized to contract with water users in New Mexico for water from the Gila River in amounts that would permit 18,000 acre-feet of use per year.

Since that authorization, construction of the major elements of the central Arizona project is well advanced. The works necessary to bring the water from the Colorado River to the Phoenix area currently are expected to be completed in 1986. These works are necessary to deliver water to Gila River users in Arizona to offset the effect of the authorized new users in New Mexico. Unfortunately, the work on the New Mexico project has not progressed as fast as had been anticipated by the Bureau of Reclamation and the State. For a number of years the Governor of New Mexico and the Interstate Stream Commission have urged that the completion of the works in New Mexico be scheduled to coincide with the completion of the works needed to bring water from the Colorado River to effect the necessary exchange with Gila River water users in Arizona.

I am offering this amendment to ensure that the necessary steps needed to bring this water to New Mexico be taken as quickly as possible. The amendment would set specific dates for completion of the preferred site selection and environmental impact statements for the Hooker Dam or alternative. It further orders the Secretary of the Interior to make a record of decision with regard to the project as soon as practically possible after the completion of the final environmental impact statement. With this statement, it is my intention to have the Bureau of Reclamation recommend a preferred site for the project no later than August 15, 1985. The other dates specified in the bill are dates currently being used by the Bureau of Reclamation in its planning for this project.

The residents of the Gila River area and the State of New Mexico are understandably frustrated by the lack of action on the part of the Federal Government since authorization of the dam in 1968. Feasibility investigations by the Bureau of Reclamation of the Hooker Dam and Reservoir or on an alternative site began in the 1970's. In 1977 the administration directed that no additional study be made. It was not until 1980, following insistent urging by the State of New Mexico, that the Bureau of Reclamation began its current upper Gila water supply feasibility study.

In 1982 the Department of the Interior recognized the need to expedite completion of this project. The Assistant Secretary for Land and Water Resources ordered the feasibility study for the site to be expedited from the scheduled spring of 1986 to the fall of 1984. Unfortunately, this 1984 date already has slipped to 1985. It is not fair to the citizens of New Mexcio to further delay this study.

The State of New Mexico has demonstrated its good faith in the effort of completing an initial site determination by providing, in 1983, $300,000 for the investigation program of the Connor site near Red Rock, NM. The non-Federal contribution to the study of the New Mexico unit of the central Arizona project arose out of the current severe Federal budget constraints. The State's willingness to invest moneys in the site selection process is commendable.

There still are many issues to be resolved besides the preferred site selection. These include finding the potential users of the 18,000 acre-feet of water to be made available for New Mexico and the places of use; determining that providing this water to New Mexico can be accomplished without causing downstream economic injury or cost; resolving any water rights issues that relate to this project; mitigating any environmental problems; and analyzing the costs involved with the project. I am confident that the Federal Government, working with the State, interested groups and local residents, can resolve these issues. I intend to offer whatever assistance I can toward this end. I ask Senators to support the amendment.

Mr. President, this is a very simple amendment. It simply sets specific dates by which the Bureau of Reclamation is to complete its preferred site selection and related environmental impact statements on what is generally referred to as the "Hooker Dam project." This project was authorized as part of the central Arizona project in 1968, but no further action has been taken since that time. I would like to see some effective action on this matter in the near future.

I have discussed this amendment with the managers of the bill. I believe it is acceptable on both sides.

I urge the Senate to adopt this amendment.

Mr. McCLURE. Mr. President, this amendment has been cleared on this side. We have no objection.

The PRESIDING OFFICER. Is there further debate?

Mr. JOHNSTON. Mr. President, this amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 381) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 382

(Purpose: To provide an additional amount for State unemployment insurance and employment service operations)

Mr. METZENBAUM. Mr. President, on behalf of myself, Senator GLENN, Senator LEVIN, Senator MOYNIHAN, and Senator KERRY I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself, Senator GLENN, Mr. LEVIN, Mr. MOYNIHAN, and Mr. KERRY proposes an amendment numbered 382.

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

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

The amendment is as follows:

On page 112, between lines 24 and 25, insert the following:

For an additional amount for "State unemployment insurance and employment service operations", from the Employment Security Administration Account in the Unemployment Trust Fund, $30,000,000.

Mr. METZENBAUM. Mr. President, the amendment that I send to the desk on behalf of myself and other Senators as indicated has to do with the closing of unemployment offices in a number of States throughout the Union.

The Senate Appropriations Committee removed the language that the House had provided in the bill in the sum of $30 million from the employment security administration account to the unemployment trust fund. We should understand that currently there are 43 States that are projecting shortfalls totaling $40.5 million in Federal funds just to pay the overhead for their unemployment offices. This situation, Mr. President, if uncorrected, will lead to closings of unemployment offices throughout the Nation.

The consequences will require unemployed workers to drive, walk, or hitchhike, or howsoever they can make the trip, to go to other counties, to sign up for unemployment, to receive their checks and to seek assistance in locating a job. Frankly, I consider that to be unfair. I think it is the worst slap in the face to the unemployed. We want them to find jobs. We want them to be in a position to obtain their unemployment compensation.

The funds that we are talking about, these so-called nonpersonal service funds, are used to cover nonstaff related expenses, such as office supplies, communications, travel, equipment, premises, and various services. Those expenses are not something that you just waste money on. These are large, fixed expenses. These are expenses that have a certainty about them. Yet those expenses over a period of years have gone up by reason of inflation, but the funds themselves have grown by only 2.8 percent since 1983. In 1983, it was $212 million and now it is $218 million.

In Ohio, the total unemployment insurance funding has been reduced, reduced from $55.9 million in fiscal year 1983 to $41.3 million in fiscal year 1985, a drop of 26 percent. And nonpersonal service funding has been cut from $9.1 million to $7.3 million.

If additional funding is not provided by Congress, Ohio, which is not atypical, which is typical of other States throughout the Union, may be forced to close as many as 28 local unemployment offices, which would mean more than 25 percent of the total number of offices. Is this really a way to treat our unemployed in this country?

My amendment would restore the House language that transfers $30 million from the employment security account to the unemployment trust fund. And I want to point out to the managers of the bill that the employment security account is currently sitting with a surplus of $1.2 billion. As a matter of fact, it exceeds its statutory cap of $1,032 million.

So what I am saying is that this does not have an impact upon the budget. This is not going to cause additional funds to have to be spent. This is going to shift funds from the employment security account where there is presently a surplus to the unemployment trust fund and to help keep these offices open. The extra moneys will be transferred to the extended benefit account at the end of the fiscal year. But that account does not need the money because, for all practical purposes, States are not eligible for extended unemployment benefits.

So although I would normally look favorably upon the transfer to the extended unemployment benefits, under the law as presently written, it really does not mean much.

I want to point out, my amendment would assist 43 out of the 50 States in this country. It will help them keep their unemployment offices from closing their doors.

I also want to say that quite often in a matter of this kind we put around a chart showing how much each State will get as a consequence. I am not in a position to put out that chart because it is my understanding that the allocations are made by an arm of the Department of Labor and that they have the right to allocate the funds as they recognize the need.

I can point out some of the shortages that presently exist. In the State of Alabama, there is presently a $582,000 shortage; in Alaska, a $356,000 shortage; in Arizona, an $844,000 shortage; in Mississippi, a $331,000 shortage; in North Carolina, there is a $975,000 shortage; in Oregon, there is an $827,000 shortage; in Illinois, there is a $9,900,000 shortage; in Florida, a $1,100,000 shortage.

Mr. President, I do hope that the managers will see fit to accept this amendment.

Mr. SIMON. Will the Senator from Ohio yield?

Mr. METZENBAUM. I have yielded the floor.

Mr. SIMON. Mr. President, I simply rise in support of the Senator from Ohio. My colleague. Senator DIXON, and I are very much concerned about the situation in Illinois. I hope something can be worked out, if not here on the Senate floor in conference, so that we can keep these offices open. This is not the time to be closing these offices. I simply want to join in support of this amendment.

Mr. HATFIELD. Mr. President, I wonder if I could have the attention of the Senator from Ohio.

Mr. METZENBAUM. Certainly.

Mr. HATFIELD. The committee had the markup last Thursday——

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

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Mr. President, I say to the Senators from Ohio and Illinois that I happen to be one of those States affected, as well. In fact, on my chart, the State of Illinois represented about one-third of the amount. Illinois has about $990,000 involved in this shortage; Ohio has $2,900,000; and Oregon has approximately $1 million.

Mr. METZENBAUM. Approximately how much?

Mr. HATFIELD. A million dollars. It is $827,000, to be exact.

I say to the Senators that as of last Thursday we had no requests from any Senator on this matter. We had

the full committee markup at that time.

We did not have any request from any Senator to deal with this matter. We knew the matter was going to be in the conference committee because of its inclusion in the House bill. I would like to say that we enacted in the regular bill for fiscal year 1985—which they had at the beginning of that fiscal year—and the States knew precisely what we would have available for them. We had $218 million for these nonpersonal services which was an increase over 1984. Let me remind the Senators at the same time that we had a reduction of 20 percent in those agencies of staff years. We also had a 50-percent reduction in weeks claims because of the employment situation. So we had a decreasing workload, to put it in general terms, and at the same time they had their increase in the overall figures from the year before. We do not want to encourage these agencies to say we are going to bail them out every year. Last year we enacted a $20 million supplemental to do this very thing.

Let me give an example. Last year the Congress enacted a significant reduction in the salaries and expenses for one of the regulatory agencies. At the beginning of the fiscal year that agency knew that very fact because we made it very clear in the action we took in their budget. That agency saw fit to ignore the statement and the mandate of the Congress and went ahead and funded their programs at the exact same level knowing that they were going to run out of money before the end of the fiscal year, and they knew they were going to come up here and tell the Congress that we were going to start furloughing our employees if you do not come through with a supplemental.

I know that the Senator from Ohio would be one of the first to resist this kind of action by a Federal agency to ignore not only the mandate of the Appropriations Committee, but of the entire Congress by the final action of that bill. All I am going to say to the Senator is that there is going to be a very sympathetic ear on the part of this Senator when we go to conference—let me repeat, there is going to be a very sympathetic ear on behalf of this Senator when we go to conference—to deal with this amendment that is already in the House bill, not just because my State is involved but because of my general commitment to maintaining the viability of these offices throughout the country to help people find employment and other activities relating to the problems of unemployment.

But I do want to point out to the Senators that at the beginning of this fiscal year, these agencies knew precisely what their level of funding would be in the various States. And some took the action necessary to adjust those office budgets to comply with that level of funding. Others did not. And I do not think we should reward those who did not comply with the congressional level of funding others who ignored it, and I do know that there are probably extenuating circumstances in some parts of the country. We had very high unemployment in our State. It never got out of recession, and we still have high unemployment in our State. I know there are those unique characteristics across this country. I am going to be very sympathetic in dealing with the House in conference on that. I would like to suggest to the Senator—and perhaps I can speak now on behalf of the subcommittee chairman that handles this matter. It is not my subcommittee—that perhaps he might desire to withhold this amendment at this time so that we can have a conference on this issue with the House, and perhaps write some more stringent language demanding compliance at whatever level we determine that should be made because I just want to point out that the workload is dropping, and has dropped over the year that this was involved.

We met their needs at the beginning of the year. We increased it over the previous year. I just do not think we should reward those States which did not comply with the congressional level of funding and now are asking us to come bail them out.

I see the subcommittee chairman has arrived. I yield to him. But that is the reason behind the action of the Appropriations Committee.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Connecticut.

Mr. WEICKER. Madam President, in response to my good friend from Ohio, the case has been well stated by the chairman of the Appropriations Committee. The matter is before me. When I heard that the Senator from Ohio might offer an amendment, I had a thorough discussion with staff on this point. The matter is in conference. My mind is not closed as to what we ought to do. So the issue is certainly alive. I hope that the Senator will not pursue his amendment. I think it also has to be recognized what the Senator from Oregon said—vis-a-vis those that have acted prudently being discouraged from future prudence is very true.

If this were some small amount, we might find space for it in terms of what comes out of the Senate. It is $30 million. Again, I understand the arguments presented by the Senator from Ohio. I think there is some merit to them. I think the case has been well stated by the chairman of the Appropriations Committee. I will consider it with a totally open mind in conference where the full $30 million is in the House bill, and it would be my hope that we could handle it in that fashion.

Mr. METZENBAUM. I very much appreciate the comments of both the chairman of the committee and the chairman of the subcommittee. But I want to point out several things. One is $30 million that was in the House bill was deleted, and I understand it—if I may have the attention of the Senator, my friend from Connecticut——

Mr. WEICKER. This is in the House bill. It will be in the conference. That is my response.

Mr. METZENBAUM. I very will understand it is in the House bill. It was taken out of the bill by the Senate in committee, and it has been my understanding that on lines 3 to 16, on page 113 the Senate then put in some new language, and, as I understand that language, which I might point out is legislation on an appropriations bill—that language authorizes the payment of moneys to pay retirement benefits to five States—Idaho, North Dakota, Nebraska, Oklahoma, and Utah. These funds had independent retirement systems prior to 1980 when the Federal Government ended the practice. This I believe to be very important. I am talking about $30 million for 43 States. That provision the Senate has put in I am told will cost $112 million more for five States. I am not on my feet to object to that although I do want to reiterate the addition of that language makes that portion of the bill subject to a point of order, and also makes the entire bill subject to a point of order.

I am not looking for that kind of controversy. But the point is, if you can put $112 million out for five States, States which as far as I know do not have high unemployment rates, then certainly it is not unfair to ask the $30 million for the 43 States. I am pointing out that this $30 million will not have an impact upon the budget because the money is there and it is available—in the employment services account—which presently has a surplus.

I want to point out also that in my own State—and I think in other States as well—in the past 2 Federal fiscal years the Governor has advised me that the Bureau's unemployment compensation administration budget has been cut $4.3 million.

In an effort to cooperate with this reduction and not cut back on the personnel providing services, the least severe management decision was made to immediately close five local employment service offices with the possibility of closing 28 more offices if no supplemental funding was received.

I get the message from the chairman of the committee as well as the chairman of the subcommittee that the position that the Senator from Ohio was taking was not unreasonable, that it will be before the conference commit-

tee, that the House has it, that the Senator from Oregon indicates that he is rather favorably disposed to the amendment. The Senator from Connecticut indicates that he is willing to consider it. I guess my real question is, If one is favorably disposed and the other is willing to consider it and the bill has $112 million for five States, why can we not accept the amendment at this point? The Senator from Ohio is certainly prepared not to raise any questions with respect to the $112 million for the five States because I assume that those who were involved in drafting the legislation understood what they were doing and had a reason for doing it.

Why not agree to it now rather than leave it still up in the air in the conference committee?

Mr. WEICKER. In response to the comments of the distinguished Senator from Ohio, I choose to ignore what I can only assume to be a threat.

Mr. METZENBAUM. That is no threat. That is a fact.

Mr. WEICKER. It is not a fact, first of all. I will get to that in a moment. What is a fact is that this seemingly important request for $30 million comes to the attention of the committee now, not before the markup of the bill, not during the markup of the bill, but now.

Mr. METZENBAUM. We did not have to. It was already in the House bill.

Mr. WEICKER. If the matter was important and important to the extent of the dollars involved and the concepts involved, why was the matter not brought before the full committee during markup?

Mr. METZENBAUM. Because we had a right to assume that since it was in the House bill, it would remain in the bill and there was no indication it was going to be taken off. You would not normally go to a committee and raise an issue if one does not exist. It was in the House bill and we assumed it would stay in the House bill.

Mr. WEICKER. The Senate does its business and the House does its business.

Let us get back to the other points the Senator made. First of all, I do not, in the course of the deliberations of the committee, say that we do such and such, and because we do such and such we will do such and such. Each matter has to stand on its own feet. The distinguished Senator from Idaho raised a point which was considered and passed upon by the committee. If we are going to have equivalence here, his committee amendment calls for $3.8 million a year, a 30-year program that we are talking about, as compared to the $30 million being requested by the distinguished Senator from Ohio for the balance of the current fiscal year.

I cannot put the situation in any clearer fashion than indicated by my friend from Oregon that it could very well be that matters will work work out in conference.

I might add that the amendment of the distinguished Senator from Idaho is also subject to that same conference. No one is giving him any guarantees as to what is going to happen. If indeed we are to have a vote on the matter, fine, let us have an up-or-down vote on it. I have to oppose it on the basis that this has been carefully constructed by the committee; that the matter is not foreclosed, that it can be negotiated and probably would be negotiated within the conference committee.

It is not up to me to go ahead and indicate what it is the distinguished Senator from Ohio is going to do or not do. But please, let us understand what the committee did. The committee fully understood what it was doing insofar as this matter was concerned. It had no relationship to Senator McCLURE's amendment nor any other proposal, whether it be Senator CHILES' or whatever. It was on its own feet. As such, it was considered that since the matter is already in conference, we will face that issue when we get into conference. I would hope that is where it goes.

It seems the Senator from Ohio has raised a valid point. Let us try to work this thing out in a manner that will benefit those States that the Senator, I think properly, indicates need some assistance.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I rise today, express my concern along with Senators METZENBAUM, DIXON, SIMON, MOYNIHAN, LEVIN, and DECONCINI and urge my colleague Senator WEICKER and the other members of a conference committee which may meet on the supplemental appropriations bill to give serious consideration to the item in the House version providing $30 million in urgently needed funds for the Unemployment Trust Fund. I would repeat that the funds are urgently needed.

These funds would be used for nonpersonal service costs incurred by the States in the administration of unemployment insurance programs. They would help alleviate shortfalls that are occurring in most States. Nonpersonal services are primarily fixed costs and include such things as space rental, communications, and automated data processing.

These funds are urgently needed by many States which are still suffering from high unemployment. While the unemployment rate as reported by the Department of Labor has dropped since its high in 1982, there remains an abundance of workers in need of employment services and unemployment insurance claims processing. Many of these workers have been dislocated as a result of the economy, are displaced homemakers, or are underemployed. Some have been forced to take jobs at a considerable loss in wages in order to pay the bills and put food on the table.

In many cases, both the unemployment insurance claims processing and the employment services are operated out of the same facility and therefore the nonpersonal service costs are shared. If these funds cannot be secured, it is likely that offices will have to be closed down and relocated. This means that persons drawing unemployment benefits and in need of employment services will be forced to travel greater distances. The end result of this, of course, is that many people will not be served.

Madam President, you and I know that Americans want to work, they want opportunities—opportunities to provide for their families and to possess the feeling of self-worth experienced by a working, productive individual. These funds are necessary in order to continue providing much needed services to many Americans. I urge the members of the committee to give full and favorable consideration to this matter. Madam President, I ask unanimous consent that an attached list of funding shortages by States be included in the RECORD.

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

Unemployment insurance nonpersonal services funding shortages

State:	*Shortage*
Alabama	582,245
Alaska	356,448
Arizona	844,793
Arkansas	698,742
California	0
Colorado	275,000
Connecticut	231,600
Delaware	(?)
District of Columbia	50,860
Florida	1,157,690
Georgia	260,000
Hawaii	172,000
Idaho	825,000
Illinois	9,900,000
Indiana	(?)
Iowa	0
Kansas	240,000
Kentucky	84,310
Louisiana	159,387
Maine	453,871
Maryland	1,854,214
Massachusetts	398,700
Michigan	3,100,000
Minnesota	579,000
Mississippi	331,124
Missouri	923,586
Montana	274,000
Nebraska	141,000
Nevada	0
New Hampshire	260,000
New Jersey	2,000,000
New Mexico	0
New York	3,300,000
North Carolina	975,926

North Dakota	241,509
Ohio	2,900,000
Oklahoma	(?)
Oregon	827,221
Pennsylvania	450,000
Puerto Rico	753,314
Rhode Island	446,870
South Carolina	250,099
South Dakota	183,000
Tennessee	750,000
Texas	172,938
Utah	123,217
Vermont	196,000
Virginia	1,017,585
Virgin Islands	(?)
Washington	1,836,572
West Virginia	155,328
Wisconsin	278,719
Wyoming	230,000
National total	41,241,868

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, I have conferred with the distinguished Senator from Connecticut and the distinguished Senator from Oregon on this matter. As I understand their position, they prefer that this matter not be put to a vote, but they are not unreceptive or unsympathetic to the issue and feel that there would be more attained by letting the matter go to conference with the $30 million that is in it from the House. I have their overall assurances to me both on the floor as well as off the floor, and if I misstated the facts with respect to the representations of the Senator from Oregon and the Senator from Connecticut, I hope they will correct me.

Mr. WEICKER. The Senator from Ohio has correctly stated it.

Mr. METZENBAUM. I think the Senator from Louisiana, the manager on this side, will also be supportive.

Mr. JOHNSTON. On this side of the aisle, we support the amendment of the Senator from Ohio.

Mr. METZENBAUM. I thank the Senator very much.

That being the case, Madam President, with the statements that have already been made by the three key players on this issue, the Senator from Ohio will withdraw his amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 382) was withdrawn.

AMENDMENT NO. 383

(Purpose: This amendment instructs the U.S. Army Corps of Engineers to use authorized funds for compensation for damages caused by the operation of Libby Dam as Congress instructed in P.L. 93-251)

Mr. McCLURE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 383.

On page 64, after line 2, add the following paragraph:

"Funds appropriated to the U.S. Army Corps of Engineers in the 'Energy and Water Development Appropriations Act, 1985', Public Law 98-360, for the purpose of compensating certain landowners who have experienced damages as a result of drawdown operations of the Libby Dam in Montana shall be expended to evaluate and award compensation for damages of leveed and unleveed tracts of land in Kootenai Flats, Boundary County, Idaho resulting from power or flood control drawdown operations at Libby Dam, Montana: Provided, That such evaluation and compensation of claims shall be made without regard to historic and expected patterns of erosion which otherwise might have occurred without the dam: Provided further, That all pertinent claims which have been previously denied shall be reinstated and reevaluated in accordance with this standard: Provided further, that compensation paid pursuant to this provision shall not exceed $1,500,000."

Mr. McCLURE. Madam President, this amendment on Libby Dam is being offered to retain in Congress that power guaranteed by the Constitution to it to make the laws. There are times, and this appears to be one of them, when the administration chooses to flout the will of Congress by choosing to carry out its delegated powers as it sees fit, rather than as instructed by Congress.

To restore the balance the Constitution demands, I am offering this amendment to instruct the U.S. Army Corps of Engineers to carry out Public Law 93-251 as Congress instructed.

Last Congress, we appropriated the remaining $900,000 of the original $1.5 million authorized by Congress to provide compensation for the Kootenai Flats residents in Boundary County, ID, for damages sustained as a result of flood control or power generation operations at Libby Dam.

Despite the fact that Congress agreed that compensation would be provided for project-caused damages due to power generation at the dam, the corps has denied claims by improperly using a compensation evaluation test based on whether or not the landowners are better off now than they would have been without the dam.

This is not what Congress intended when it enacted Public Law 93-251. Simply put, landowners are entitled to compensation if the operation of the dam itself damages their land. When the powerplant was put on the dam as a secondary benefit to make the project more cost-effective, even the Engineers were uncertain what effect the daily fluctuations would have on the riverbanks. The level of the river fluctuates between 3 and 10 feet daily on a seasonal average due to power operations at the dam. In this instance, Congress has not delegated to the U.S. Army Corps of Engineers what the standard for measuring damage would be. Instead, the broad-based elements of the standard are set out in the statute and in the legislative history of Public Law 93-251.

While it is true that every statute is subject to some interpretation, in this instance, the corps is simply overstepping its bounds. This amendment will ensure that the U.S. Army Corps of Engineers will spend money appropriated by this body in the way Congress has directed.

Madam President, I should note again that this amendment has no impact on the budget and merely restates the will of Congress.

I believe the amendment has been cleared on both sides.

Mr. JOHNSTON. Madam President, we have cleared the amendment on this side of the aisle.

Mr. HATFIELD. Madam President, the amendment which has been offered by the Senator from Idaho has been cleared on the majority side.

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

The amendment (No. 383) was agreed to.

AMENDMENT NO. 384

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

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

The motion was agreed to.

(Purpose: To prohibit reductions in the National Defense Stockpile Goals)

Mr. McCLURE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 384.

At the appropriate place in the bill, add the following new section:

"( ) No reductions in stockpile goals may be made below those in effect on October 1, 1984 by the President under authority provided by the Strategic and Critical Materials Stock Piling Revision Act of 1979 (98 Stat. 319), as amended, until October 1, 1986, unless authorized by Act of Congress.

Mr. McCLURE. Madam President, I have consulted with managers on both sides of the aisle. The amendment deals with stockpiling of critical defense materials.

As many of my colleagues know, I have a keen interest in our national defense stockpile of strategic and critical materials. Specifically, I am concerned with using the stockpile as a budgetary tool to reduce the deficit, curb inflation, or for any other purpose not related to national defense.

During the past year, the National Security Council has undertaken a study to reexamine stockpile goals of the 61 groups of materials now contained in the stockpile. Of these 61 groups of materials, 37 are deficient. The past history of stockpile management is analogous to that of a roller-coaster moving up and down. Goals have been established on the basis of

war scenarios but then abruptly changed due to short-sighted political and economic considerations.

While I have not seen the NSC study nor do I know specifically what the President has decided to do as a result of that study, I am concerned that, once again, there will be an effort by this President to drastically reduce existing stockpile goals for economic considerations. I say this because of articles that have appeared in the American Metal Market magazine over the past several months which refer to the NSC study recommending that radical changes be made to existing stockpile goals. An American Metal Market article of February 1, 1985, indicated that the NSC study was motivated almost solely by budgetary considerations, as part of the administration's preoccupation with ways to reduce the Federal budget deficit. While I wholeheartedly agree with reducing the Federal deficit, I cannot agree with using the national defense stockpile for that purpose. As many of my colleagues will recall, President Nixon reduced stockpile goals in 1973 from a 3-year war effort to a 1-year effort and declared the remaining materials excess. Such excess materials were subsequently sold. However in 1976 these goals were reestablished by President Ford at the 3-year war scenario. The cost to the taxpayer associated with the rollercoaster effects of acquiring, selling, and reacquiring has been considerable. In each case, the movitation has been economic.

Madam President, the amendment I am offering today would prohibit the President from reducing national defense stockpile goals that were in effect on October 1, 1984, unless such reductions are authorized by Congress. I urge my colleagues to support my amendment to maintain current stockpile goals until the administration can demonstrate that its proposed changes are based primarily on national security considerations and not economic considerations.

Mr. JOHNSTON. Madam President, the amendment has been cleared on this side.

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

The amendment (No. 384) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is ordered.

AMENDMENT NO. 385

(Purpose: To oppose financing by international financial institutions for the production of copper, and for other purposes)

Mr. GARN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah [Mr. GARN], for himself, Mr. DOMENICI, Mr. LAXALT, and Mr. BINGAMAN proposes an amendment numbered 385.

On page 88, after line 22, insert the following:

GENERAL PROVISIONS

SEC. 501. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act or any other Act, for the production of any copper commodity for export or for the financing of the expansion, improvement, or modernization of copper mining, smelting, and refining capacity.

Mr. GARN. Madam President, this is a very simple amendment that I believe has been cleared on both sides. I think many people in this body are well aware of the problem of copper production in this country. In my own State, Kennecott Copper Corp., which used to operate the largest open-pit copper mine in the world, is now totally closed down, with the loss of 7,500 jobs.

We are losing our domestic copper industry, mainly because of the overproduction in Third World countries who are flooding the market. Interestingly enough, our multilateral development banks have made loans for the development of these mines and processing facilities which have contributed to the overproduction and the reduction in price on a worldwide basis. This is an amendment which simply states we would like the administration to use all of their power and their votes in these various multilateral banks to say we do not want any more of those loans made.

We do need a domestic copper industry in this country, not just because some of it is in my State and Nevada and Arizona and other States, but we will simply become virtually totally dependent for another strategic metal on outside sources. So there is more than a parochial interest in the domestic copper industry.

Madam President, I know of no opposition to this amendment and I know the majority and minority are prepared to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JOHNSTON. Madam President, we have cleared the amendment on this side of the aisle.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 385) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 386

(Purpose: To make changes in the Administration Provision in Chapter VII of the bill)

Mr. HATFIELD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 386.

On page 106, line 16, after the words "which is" insert the words "defaulted, or which is"

On page 106, line 25, after the sentence ending with the word "injunctions." insert the following new sentence: "The Secretary shall give priority to resale of timber which is determined to have the least risk for environmental degradation to streams or other bodies of water."

Mr. HATFIELD. Madam President, the committee has included bill language to assist in resolving a very difficult situation arising out of litigation brought against the U.S. Forest Service in the Mapleton district of the Siuslaw National Forest in Oregon. Nearly 2 years ago, the National Wildlife Federation filed a suit against the Department of Agriculture, challenging future timber sales to be offered by the Government on the grounds that they violated the so-called Church clearcutting guidelines, the Multiple Use-Sustained Yield Act, the National Forest Management Act, and the National Environmental Policy Act. The U.S. district court ruled that an environmental impact statement, including a worst case analysis, must be written. He did not find for the plaintiffs on the other issues, but did agree with their contention that NEPA had not been appropriately applied. The court has enjoined the Forest Service from offering any more timber for sale in the Mapleton district until an EIS has been written. As

a result, the Forest Service has announced that it has withdrawn its timber sale plan, and that the EIS will be completed as a part of the forest plan currently being written for the entire Siuslaw National Forest. That plan will not be completed until the fall of 1986 at the earliest.

Madam President, there is already over 300 million board feet of timber under contract which is unaffected by the injunction, so on the surface the court ruling appears to have no short-term impact upon the communities whose lumber mills rely largely on timber from the Mapleton district. However, almost all of the timber under contract was purchased several years ago at prices which now render it impossible to harvest. A good share of that timber will be bought out under the terms of the Federal Timber Contract Payment Modification Act, which was passed by the Congress last year in an effort to deal with the high-priced timber issue. That act also provided for the resale of timber which is bought out by the timber purchasers. However, because of the wording of the court's injunction in the Mapleton case, timber that is now under contract and which is bought out in the Mapleton district cannot be resold as contemplated in that act. These older timber sales were not a part of the litigation bought by the National Wildlife Federation and the other groups which supported that litigation. If it were not for current economic circumstances, these sales would already have been logged. Without action however, there will be no commercial timber sales in the area, and about 2,000 direct and indirect jobs will be lost until an adequate EIS is written.

This is an untenable situation for the affected communities, which are located in western Lane County on the Oregon coast and rely heavily upon the forest products industry for their economic livelihood.

The committee's language will provide some near-term aid by allowing the Forest Service to resell those timber sales which are returned to the Government, as the Federal Timber Contract Payment Modification Act provides. The Forest Service anticipates that about 245 million board feet of timber will be bought out in the district and, based upon historical sales levels, that about 2½ years of supply for the Mapleton district, where not a stick of commercial saw timber has been sold since the fall of 1983.

This will provide the communities with a source of supply for their lumber mills to operate until the Forest Service complies with the judge's directive to complete an environmental impact statement and forest planning process. The groups which brought the suit did not challenge the sales which will be resold under the language in this bill and, in fact, they have stated on numerous occasions their desire that timber sales be allowed in the Mapleton district while the EIS process moves forward.

As the author of the language included by the committee, and as the chairman of the Committee on Appropriations, I would like to explain clearly the intent of the language.

This language authorizes the Secretary of Agriculture to resell all timber which is returned under the Federal Timber Contract Payment Modification Act. However, it is not the committee's intention that this be construed as a directive to the agency to resell all of the returned timber at any one time. The committee's intention is that the timber be resold as part of the normal timber sale program in the district, based upon historical sales levels which are about 90 million board feet per year. Thus, not all of the timber will necessarily be resold under the authority granted by this legislation. The language also allows the agency to modify the sales prior to reoffering them. In some cases, sales which are returned to the Government for resale will have been partially operated, and will require some reworking in order to formulate a viable timber sale meeting the current standards of the agency. In other cases, the Forest Service may wish to modify the sales so that they will comply with standards which may not have existed at the time they were originally sold. It may be necessary, in some instances, to include minor portions of timber not included in the original sales, and the language accommodates this need, but I wish to make absolutely clear the committee's intention that this authority is limited and should not be utilized if it results in adverse impacts upon fish habitat.

It is not the committee's intention that sales reoffered under this limited authority be exempted from the normal forestry practices which are a part of the Government's timber sale program. These sales have been through that process before and any modifications which result should constitute improvements in terms of impacts upon other resources. Likewise, timber contracts offered as a result of this authority would include the same requirements and offer the same rights to purchasers as other sales offered by the Forest Service. The grant of authority included in the bill is simply intended to overcome the injunction issued in this case and to insure that the decision to resell timber can be made and not be subject to judicial review. It would not, of course, limit judicial review under the Contract Disputes Act, or other statutes governing contracts with the Government.

Madam President, I believe the Department of Agriculture and the Forest Service can utilize the authority granted by the committee language to act quickly and responsibly to get timber back on the market in Mapleton district. The agency has the opportunity and flexibility to determine which sales are offered for resale, and it is my strong feeling that it should be attentive to the concerns which brought litigation, even though it did not seek to halt the sales in question. Since not all sales need be offered for resale in order to accomplish a sales program based upon historic levels, priority can and should be given to sales with the least impact upon other resource values.

I believe the language offered provides a fair and equitable solution to a difficult problem. It does not affect the issues brought in the Mapleton case which are still the subject of litigation. When the injunctions were issued, there was adequate timber under contract and the Congress had not passed the Federal Timber Contract Payment Modification Act. The committee language simply recognizes that Congress did act and will allow the resale of timber as contemplated by its action last year.

The plight of communities which depend upon the forest products industry has been well documented. Congress has recognized the problems they face. This week, the regulations required by the Federal Timber Contract Payment Modification Act should be published and the process of buyout of economical unharvestable timber sales can begin. There has been some improvement in the forest products market, although the industry's problems are far from over. For the people who live and work in western Lane County, however, any improvements in markets and any relief which Congress has attempted to provide will be lost unless we act to straighten out the situation I have outlined.

Finally, Madam President, I would like to note that we are making two small modifications to the committee language which, at the request of the National Wildlife Federation, will help enforce existing environmental practices as they might apply to any potential timber sales. Specifically, the first change directs the Secretary to give priority to resales that present "the least risk for environmental degradation to streams or other bodies of water." The second change will provide that any timber which is returned "or defaulted" may be resold under the provisions of this language. Excluding "defaulted sales" from the original committee language was a technical error that, if not included, may encourage timber operators to default from current contracts as a means of avoiding paying Government penalties.

In conclusion, I ask unanimous consent to have printed in the RECORD a

letter from the U.S. Forest Service on this subject which explains and clarifies their proposed plans to implement this committee provision.

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

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, DC, June 20, 1985.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are responding to your request for clarification as to how we would implement the administrative provision of the 1985 Supplemental Appropriations Act regarding resale of timber on the Mapleton Ranger District.

It is our intent that timber sales will be designed to meet current substantive standards and guidelines that normally apply to timber sales on the Siuslaw National Forest, such as limitations on size of clearcut, watershed and stream protection, and wildlife habitat coordination requirements.

Sincerely,

F. DALE ROBERTSON.

Mr. HATFIELD. Madam President, my amendment at this time would give the Forest Service additional instructions. It would be in effect to say:

The Secretary shall give priority to resale of timber which is determined to have the least risk for environmental degradation to streams or other bodies of water.

This has been suggested by the Wildlife Federation and other interested groups that are concerned about this. It has been cleared by Senator MCCLURE's subcommittee and Senator BYRD, ranking minority member on that committee. It is just an additional qualification.

Mr. JOHNSTON. Madam President, the Senator is correct. This has been cleared on this side of the aisle.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GLENN. Madam President, I ask unanimous consent that the pending amendment be set aside to permit submission of another amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Madam President, reserving the right to object, I will yield to the chairman.

Mr. HATFIELD. Madam President, I have no objection.

AMENDMENT NO. 387

Mr. GLENN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 387.

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

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

The amendment is as follows:

On page 50, line 7, strike "$10,000,000" and insert in lieu thereof "$25,000,000".

Mr. GLENN. Madam President, I rise today as cochairman of the Senate Great Lakes Task Force to offer an amendment to the 1985 supplemental approrpriations which will supply adequate funding for the Army Corps of Engineers' emergency fund, Public Law 84-99. The House of Representatives included $25 million for this program in the 1985 supplemental appropriations. My colleagues on the Senate Appropriations Committee reduced this amount to $10 million. I believe this reduction is a very serious mistake. We do have very major problems today on the Great Lakes.

Many of my colleagues may not be aware that the Great Lakes are experiencing extremely high water levels. This is due to above average rainfall in the Great Lakes region for nearly 18 years. It has gone beyond just a 1- or 2-year phenomenon. While every Great Lake State is aware of this problem and taking steps to address it, there is very little that can be done to lower these levels. The International Joint Commission has already acted by reducing the flow of water from Lake Superior to the lower lakes. This will only have a slight impact on water levels in the lower lakes and runs the risk of increasing Lake Superior water levels. The only other action that can be taken is to prepare for possible floods by building and rehabilitating flood control structures.

The Army Corps of Engineers' emergency fund was established for this purpose. However, if the Senate does not supply adequate funds for Public Law 84-99, we may experience some very severe consequences in the near future.

So I request that my colleagues join with me by supporting this amendment to increase funds for the Army Corps of Engineers' emergency fund to $25 million as recommended by the House of Representatives.

The PRESIDING OFFICER. Is there any further debate?

Mr. HATFIELD. Madam President, the Senator from Ohio and I have had a discussion on this matter. I know of his intense interest in it. I want to assure the Senator from Ohio, since this is a matter that is in the House bill—and we will be going to conference with the House on this matter—I would very much like to be able to have this matter resolved in conference. We will have sympathy for this because I know it is a valid issue that the Senator raises, but if we could keep this as a conferenceable item, it does assist the Senate in working out a package that would resolve the entire bill. And we need a little marking chip here and there, to put it bluntly.

Mr. GLENN. Madam President, I appreciate the expression of the distinguished floor manager of the bill. While I certainly prefer to have a vote on this amendment, since it is already in the House bill—and from my private discussions with the distinguished chairman of the committee I know he will do everything he possibly can to see that this matter is taken care of because it is very serious—I withdraw the amendment.

Mr. HATFIELD. Madam President, I thank the Senator from Ohio. I assure him that we will follow through on the matter in conference.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 386

Mr. HATFIELD. Madam President, I believe now the question is on the amendment that I have offered. The Senator from Ohio [Mr. METZENBAUM], who had asked that it be delayed for a moment, has now cleared it, and the Senator from Louisiana has cleared it on his side. It is clear on our side, and I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

So the amendment (No. 386) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AMENDMENT NO. 388

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

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

Mr. HELMS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 388:

On page 74, line 22, strike the period, and insert in lieu thereof the following: "or involuntary sterilization.".

Mr. HELMS. Madam President, H.R. 2577, as the Senate received it from the House, adds a further restriction to the 1985 continuing resolution,

Public Law 98-473, with respect to U.S. population assistance and coercive abortion. I of course have no problem with this restriction and commend Congressman JACK KEMP for his initiative.

Madam President, I do think it is important for the United States to distance itself not only from indirect support of coercive abortion but also for such support of involuntary sterilization. That is why I am proposing addition of the language "or involuntary sterilization" to the language already in the bill.

Madam President, no one familiar with recent history in Communist China can fail to recognize the tremendous injustice that has been inflicted on the people there under the guise of population control. Among other human rights abuses, involuntary sterilization has played a prominent role.

On this point, I will shortly put in the RECORD a portion of a report by China expert John S. Aird of the U.S. Bureau of the Census. The full text of this report, appears in the CONGRESSIONAL RECORD of June 7, 1985, at page S7576 and following. The portion of the report which I now want to call to the attention of my colleagues involves involuntary sterilization.

Madam President, I ask unanimous consent that part of the Aird report, entitled "Coercion in Family Planning: Causes, Methods, and Consequences," dealing with involuntary sterilization in China be printed at this point in the RECORD.

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

MANDATORY BIRTH CONTROL SURGERY IN 1983

On December 6, 1982, a circular issued jointly by the State Family Planning Commission, the Party Central Committee Propaganda Department, and several other organizations announced that a national family planning "propaganda" month would begin on New Year's Day and last until after Spring Festival. It called for sterilization of couples with two children and the prompt abortion of unauthorized pregnancies. After the start of the new year, it became clear that sterilization was the "key measure" under the new policy, and in March an unnamed "central leadership comrade" said that the success of the propaganda month must be affirmed and the effective measures continued. In May, a provincial source revealed that these measures had been approved by the Party Central Committee and the State Council. Responsibility for them clearly rested with the highest authority in the land.

The reason for making sterilization the "key measure" was not just to eliminate third and higher parity births but because the threat of sterilization "spurred on the adoption of other birth control measures." How it did so was explained by the Vice-Governor of Guangdong Province, who said that "the basic purpose of (sterilization) is to absolutely prohibit married couples from bearing a second child," implying that fear of being sterilized would suffice to make one-child couples avoid further pregnancies. This strategem clearly assumed that people did not want to be sterilzed and could thus be intimadated by the certainty that if they had a second child they would be sterilized against their will. Of course, sterilization also had the advantage of eliminating any further need for "persuading" people, monitoring their pregnancy status, and "mobilizing" them for abortions. Once sterilized, their compliance was assured!

Accordingly, childbearing age couples with two or more children were designated as persons "who should be sterilized," and the provincial authorities estimated their number and made plans to complete the surgeries over the next several years. Initial reports indicated a massive sterilization drive under way. Pleased with these results, the central authorities directed that "the success of the propaganda month must be fully affirmed and the effective measures carried out must be continued. It was later reported that in 1983 along 20.8 million sterilizations had been performed. The mandatory sterilization, IUD insertion, and abortion policy of 1983, with its quotas and "high tides" was a violation of previous admonitions against "rigid rules," "crash jobs," and "forcing everybody to do the same thing," but in 1983 these were no longer part of what the central authorities chose to regard as coercion. In fact, in the domestic media of China in 1983, coercion was hardly mentioned.

SLIGHT MODERATION AND AMBIVALENCE IN 1984

The human costs of the mandatory surgeries in 1983 may never be known in full, but the political costs must also have been significant. Although several provinces planned to stage another propaganda month in January 1984 to continue and even to intensify the sterilization drive, these plans were interrupted soon afterward by another change in policy. The first hint of a change was the fact that in December 1983 Qian Xinzhong was removed without explanation from his post as head of the State Family Planning Commission. At the end of January 1984, the new director, Wang Wei, said that family planning work must be "based on local conditions" and carried out "reasonably to win the support of the broad masses" and urged the cadres to find ways of doing family planning work effectively and at the same time "building a close relationship between the Party and the people." The last phrase clearly indicated that, as in the past, the coercive measures of 1983 had caused such a negative popular reaction that they now had to be disavowed once more.

Provincial family planning leaders attending a 10-day conference in Beijing that concluded on March 7, 1984 were told that family planning measures should be "more realistic," supported by the masses, and easy for the cadres to carry out, that it was necessary to improve their "work style," and that they should "refrain from coercion" and "strictly forbid any illegal and disorderly action." While the one child policy was still to be promoted, the circumstances under which couples could be allowed to have a second child were slightly enlarged, provided that the national, provincial, and local target population totals for the year 2000 were not exceeded, which meant that very few second births could be permitted. In May 1984, the family planning edition of the journal *Health Gazette* explained that family planning work was to be "subordinated to and serve the general tasks and goals of the Party," and in June it warned against coercion, being "doctrinaire" about punishments, indiscriminate sterilization, scheduling too many surgeries, and letting unqualified persons perform them, and forbade the setting of surgical quotas for lower levels. The excesses of 1983 were, as usual, ascribed to local "misunderstanding" of central policies, which the central authorities pretended had never changed.

Soon after the March conference, the new policy was spelled out in a directive referred to as "Party Central Committee Document No. 7," the text of which has not been made public. From exigeres given in the Chinese media, it is evident that the directive called for moderation and flexibility in implementing policies and avoidance of coercion to repair relations with the masses but at the same time demanded that the cadres maintain "a tight rein" on family planning, strengthen their leadership, and continue to fulfill the assigned targets. The mixed signals plunged the cadres into confusion, and in some places they reportedly lost faith in the resolutions of the central authorities and stopped enforcing family planning requirements. Rumors began to circulate that the policy had changed and that all families were now allowed two children. In May, Wang Wei attempted to clarify the intent of Party Document No. 7, and throughout the summer and fall of 1984 warnings were issued against complacency, passivity, and laxness. The 1983 policies on sterilization, IUD insertion, and abortion were reinstated, and, at least in some places, sterilization quotas were resumed. This somewhat hardened line was still in force at the start of 1985.

The on-again-off-again anti-coercion campaigns and the alternate escalations and remissions in family planning demands make it quite clear that the central authorities approve and encourage the use of coercive methods and welcome the results gained through them but will not accept responsibility for them. The local cadres alone are held accountable for policy failures, whether due to excessive compulsion or not enough. Since the central authorities control the media at all levels, they can reinterpret policies and events to suit their own convenience. The local cadres seldom get to tell their side of the story.

The PRESIDING OFFICER. Is there any further debate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. METZENBAUM. Madam President, I am frank to say to my colleague from North Carolina that I have grave reservations about this amendment; but, having been assured by the distinguished Senator from Hawaii that he is satisfied that it is all right, so to speak, I will not raise any further question in connection with it. But I still have tongue in cheek.

Mr. HELMS. I thank the Senator.

Mr. INOUYE. Madam President, this amendment has been discussed with members of the committee, and we find no objection to it.

Madam President, I think that all who are familiar with the so-called Kemp amendment recognize that it seeks to curb U.S. contributions to the United Nations Fund for Population Activities [UNFPA] because of the alleged participation by the UNFPA in what is alleged to be a program of coercive abortion under the direction of the Government of the Peoples Republic of China.

CHINA'S STATEMENTS

The Government of the Peoples Republic of China has given specific assurances to the Government of the United States that it does not condone either forced abortion, or forced sterilization, or the crime of infanticide.

China readily admits that its one-child-per-couple population policy—brought on by the realization that rapid population growth is exhausting China's resource base, including arable land—may have led some minor officials to engage in coercion. But the Government of China has unequivocally denounced this practice and has said that it has taken measures to prevent further excesses.

Madam President, China has said directly and without evasion that it does not have, nor will it countenance, a population-planning program or a population-planning policy which includes coercive or forced abortions.

UNFPA POSITION

Madam President, the U.N. Fund for Population Activities has, in a formal declaration to our Government, stated without reservation that it does not support abortion—coerced or otherwise—in any of its programs, either in the Peoples Republic of China or the rest of the world. This valued U.N. organization has, unlike some other U.N. agencies, avoided ideological and political entanglements. It has functioned as its countributors intended it to function—as a provider of technical assistance.

In August 1984, at the U.N. International Conference on Population, the United States issued a policy statement which informed all of the assembled nations that,

With regard to the UNFPA, the United States will insist that no part of its contribution be used for abortion. The United States will also call for concrete assurances that the UNFPA is not engaged in, or does not provide funding for, abortion or coercive family planning programs.

That was the statement of the U.S. delegation to the International Conference on Population. The delegation was led by former U.S. Senator James Buckley, and it had the full backing of the Reagan administration.

On August 11, 1984, Ambassador Buckley, head of the U.S. delegation, and M. Peter McPherson, Administrator of the Agency for International Development, announced that the United States was releasing $19 million in assistance to the UNFPA. This funding had been withheld, in accordance with the policy announced at Mexico City, until the UNFPA gave its concrete assurances.

Madam President, the UNFPA has given its concrete assurances to the U.S. Government that the fund "Does not support abortion as a method of family planning nor does it sanction—nor has it ever sanctioned—coercion in the implementation of family planning programs." These assurances were accepted by the U.S. Government in releasing funds last year. The UNFPA has made the same assurances this year. Nonetheless, in contravention of a congressional earmarking of $46 million in fiscal year 1985 contributions to the UNFPA, the administration has withheld $10 million.

AID FINDINGS

Madam President, as I noted, in its action on the fiscal year 1985 continuing resolution, the Congress earmarked $46 million as a contribution to the UNFPA and its programs.

In its efforts to implement this congressional directive, the Agency for International Development came under countervailing pressures from individual Senators and Congressmen who are associated in the public mind with the antiabortion movement. In response to these pressures, the Agency for International Development [AID] wrongly, I believe, withheld $10 million of the funds earmarked for the U.S. contribution to UNFPA.

AID conducted an internal review of China's population-planning programs and found that "UNFPA was not, itself, involved in forcible abortions—or forcible sterilizations for that matter." The AID general counsel, in his review of the legal options open to the administrator, noted that "AID's independent review has concluded that UNFPA's program in China does not include involuntary abortion as part of its population planning programs." His conclusion—"under such circumstances, AID has no alternative under the law other than to provide the full $46 million to UNFPA, unless the Congress takes affirmative action to change the requirement of the earmark."

Madam President, this is where we stand:

China has said that it does not have a population-planning program which includes coercive abortion.

The UNFPA has said that it does not include abortion of any sort in its programs, and the United States has accepted these concrete assurances.

The Agency for International Development has conducted an independent review which found that UNFPA's program in China does not include involuntary abortion.

Despite this positive record of compliance with stated U.S. objectives, $10 million in funds earmarked for a U.S. contribution to the UNFPA has been withheld, and the Kemp amendment seeks to rescind those funds.

THE INOUYE AMENDMENT

Madam President, apparently there are those who are not prepared to accept the assurance of the Government of the People's Republic of China; nor are they willing to accept the concrete assurance of the UNFPA; nor the findings of the independent review conducted by the Agency for International Development.

I believe that the full amount earmarked by the Congress ought to be released to the UNFPA. I believe that, were this question to be resolved at a level in our Government where political pressures do not exert an undue influence, it would be found that the Government of the People's Republic has not falsified its assurances to our Government; it would be found that the UNFPA has not engaged in prevarication but has accurately described its program; and it would be found that AID's internal review did not distort UNFPA's role in the population-planning programs of the People's Republic of China.

Accordingly, the committee has recommended that the Senate accept a simple and direct change in language to require that the President of the United States make the determination implicit in the Kemp amendment. The committee believes that this issue is of great significance, not only in relation to continued U.S. participation in population-planning programs, but also in terms of its potential impact on the growing bilateral relationship between the People's Republic of China and the United States. Consequently, the committee has directed that the President of the United States or, if he chooses to delegate this responsibility, the Secretary of State make this determination.

If the President determines that: One, the People's Republic of China does have a population-planning program which includes coercive abortion; and two, that the UNFPA supports or participates in the management of that program, funding to the UNFPA would be cut off. If the President does not reach that determination, funding which has been withheld would, under the law, be released to the UNFPA.

Madam President, the committee amendment is an insertion which quite simply reads as follows: "as determined by the President of the United States." The President is not required to make any certification to the Congress, nor is he required to make any report to the Congress. The President is simply—and clearly—required to make the determination implicit in the Kemp amendment.

51-059 O-86-27 (Pt. 12)

Clearly, this is an issue which must be resolved at the highest levels of our Government. Perhaps it is an issue which ought to be on the agenda for discussions when the President of the People's Republic visits the United States next month. Perhaps, if the President determines that China has a coercive abortion policy, the Kemp amendment prohibition ought to be expanded to include all forms of assistance, including cooperation in science and technology. These are matters which the Senate may have to address in the future, but for the moment, I hope Members will agree that this issue is so important it must be the President of the United States who makes this determination.

Mr. HATFIELD. Madam President, the amendment has been cleared by the subcommittee chairman of jurisdiction on the majority side.

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

The amendment (No. 388) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, the House version of the pending bill, H.R. 2577, on the initiative of Congressman JACK KEMP, made the following amendment to existing law:

BILATERAL ECONOMIC ASSISTANCE AGENCY FOR INTERNATIONAL DEVELOPMENT POPULATION, DEVELOPMENT ASSISTANCE

The Foreign Assistance and Related Programs Appropriations Act of 1985, as enacted in Public Law 98-473, is amended by adding at the end of the "paragraph entitled "Population, Development Assistance":

None of the funds made available in this bill nor any unobligated balances from prior appropriations may be made available to any organization or program which supports or participates in the management of a program of coercive abortion.

Mr. President, the Senate Appropriations Committee made only one small change in this Kemp language; it added the words "as determined by the President of the United States." With the Senate language, the new provision in Public Law 98-473 would read as follows:

None of the funds made available in this bill nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion.

My floor amendment, which was adopted earlier, adds "or involuntary sterilization" to "coercive abortion."

In commenting on the original House language, the report of the Senate Appropriations Committee on H.R. 3577 said this:

The House has included language which has the effect of prohibiting any further U.S. assistance in fiscal year 1985 to the U.N. Fund for Population Activities (UNFPA). (Report 99-82, page 107).

This statement by the committee in its report evidently carries with it the determination that, as far as the committee is concerned, UNFPA does indeed support or participate in the management of a program of coercive abortion. If the committee had not made this determination for itself, it could not have logically said that the House language would have "the effect of prohibiting any further U.S. assistance in fiscal year 1985 to the U.N. Fund for Population Activities."

Mr. President, this report language is particularly interesting because so many people in recent months—including the distinguished Senator from Hawaii [Mr. INOUYE]. today—have tried so hard, despite the evidence, to absolve UNFPA from any culpability in the horrible crimes committed by the People's Republic of China under the guise of population control. These crimes have included not only coercive abortion but also infanticide, involuntary sterilization, and other human rights abuses on a massive scale. Apparently, the Senate Appropriations Committee has been convinced, as I was long ago, that UNFPA is heavily implicated in the draconian depopulation efforts of the Chinese Government.

Moreover, Mr. President, the recognition of this fact by the committee raises the disturbing question of indirect U.S. support for the Chinese crimes through our past support of UNFPA. During the years 1982, 1983, and 1984, for example, the United States provided a total of $105.6 million to UNFPA. UNFPA in turn provided, during those same years, approximately $24.9 million to the People's Republic of China.

There is little need to review at this time the public reports about coercion in the Chinese population control program. They have been extensive and well-documented.

The more important question is why our Government, particularly the Administrator of the U.S. Agency for International Development [AID], M. Peter McPherson, has not vigorously enforced existing law. Public Law 98-473 provides that no U.S. population funds may be made available to "any organization which includes as part of its population planning programs involuntary abortion." Despite this prohibition and despite UNFPA's involvement in the coercive China program, AID made $36 million available to UNFPA in late March of this year.

Mr. President, this AID action was an outrage, and other Members of Congress and I have written President Reagan about it. We have yet to receive a reply, but I am hopeful one will be forthcoming shortly.

Mr. President, I ask unanimous consent that the letter from Senator HUMPHREY, Congressmen HYDE, KEMP, and SMITH of New Jersey, and myself, dated April 2, 1985, to the President, be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, DC, April 2, 1985.

The PRESIDENT,
The White House,
Washington, DC

DEAR MR. PRESIDENT: The U.S. Agency for International Development announced Saturday that it will reduce support for the United Nations Fund for Population Activities by $10 million because of the UNFPA role in China's brutally coercive population control program.

Unfortunately, AID's decision obscures an issue far more serious than the level of U.S. funding: It seems obvious that Administration officials at AID apparently are unwilling to obey existing law as to providing any funding at all for UNFPA.

Mr. President, here's the point: Current law provides that no U.S. population funds may be made available to any country or any organization "which includes as part of its populations planning programs involuntary abortion." (Public Law 98-473, 98 Stat. 1887-88, October 12, 1984). Since UNFPA will continue to support China's heinous policies, U.S. law explicitly forbids AID's support of UNFPA at all. Unlike section 104(f) of the Foreign Assistance Act, this provision is more than a restriction on direct U.S. funding of abortion. It is a flat prohibition on assisting any organization which supports, even with its own funds, programs involving involuntary abortion.

Certainly this provision is broad enough to preclude U.S. funding of an organization that has made the involuntary abortion program of another country its own through extensive, systematic, and intimate association with and support of it. If it does not preclude such funding, then the provision is meaningless.

As you know, there have been numerous reports in recent years that China's one-child policy includes forced abortion and other coercive practices. These reports have come from eyewitness accounts which have been confirmed by the news media and verified by independent scholars. AID has never offered evidence to contradict these reports, and according to at least one press account, an unpublished AID review confirms them. Under these circumstances, the obligation of AID is clear: It must halt funding of any grantee which subgrants to China, including UNFPA.

Over the weekend, however, AID took action not authorized by law. It recognized, on the one hand, that coercion exists in China, but it only asked, on the other, that UNFPA segregate U.S. funds and promise not to use them in China. Congress has not authorized such a scheme, and under constitutional principles of separation of powers no official in the Executive Branch is empowered to rewrite the existing law in this manner.

Further, it is our understanding that the unusual Saturday transfer of U.S. funds was accomplished under expedited procedures by AID officials in an attempt to make their decision irreversible. Despite this action, however, we are confident that prompt

action by our UN representatives can retrieve the tax dollars illegally assigned to UNFPA.

During your tenure, Mr. President, you have rebuilt respect for the Presidency, restored comity to presidential relations with Congress, and reestablished respect for law and the legislative process. With great admiration for those accomplishments and equally great determination that they not be eroded, we ask you to assure compliance with the law by AID.

Thank you for your consideration of this matter.

Sincerely,

GORDON J. HUMPHREY,
JESSE HELMS,
U.S. Senators.
HENRY J. HYDE,
JACK KEMP,
CHRIS SMITH,
U.S. Representatives.

Mr. HELMS. Mr. President, as further evidence of the UNFPA role in China and the indirect U.S. support of that role, I want to call my colleagues' attention to an article by Steven W. Mosher which appeared in the May 13, 1985 edition of the Wall Street Journal. Mr. Mosher spent a year in China in 1980, and has written two books on his experiences. Broken Earth: The Rural Chinese and Journey into the Forbidden China. This Mosher article demonstrates quite clearly that UNFPA is culpable as to the coercive practices in China, and I particularly call this article to the attention of my colleague from Hawaii [Mr. INOUYE]

Mr. President, I ask unanimous consent that the Mosher article entitled "How China Uses U.N. Aid for Forced Abortions" be printed in the RECORD at this point.

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

HOW CHINA USES U.N. AID FOR FORCED ABORTIONS

(By Stephen W. Mosher)

By Peking's own calculation, a staggering 53 million abortions have been performed in China over the past five years as part of a rigorous campaign to limit population growth. Through money provided to the United Nations Fund for Population Activities (UNFPA), the U.S. government has supported this campaign.

The Chinese government claims that the guiding principle of this abortion program is "voluntarism," but there was not thing voluntary about the process I observed when living in a Chinese village in 1980. It involved subjecting pregnant women, many very close to term, to exhausting morning-to-night "study sessions," levying heavy penalties on them and their families and the actual incarceration of those who still proved recalcitrant. Nor does the description "voluntary" adequately encompass the reports that have come out of China in the years since then of pregnant women being handcuffed, thrown into hog cages and taken to the operating tables of rural clinics.

I estimate that 90% of the abortions performed in China are forced upon women who, if they were truly free to choose, would bear the children. Under the "one child per family" law, abortion in China is for all practical purposes mandatory for women who become pregnant outside the state-assigned quota. Not only are the pregnancies of married women who already have one child terminated under this law, so are the pregnancies of many who do not yet have a child.

Many of these abortions are done late in term and in a way that can only be described as brutal. Induced stillbirth and murders of newborns are common. I observed full-term unborn children being injected with a Western drug the Chinese called Rivalor, which causes the unborn child's death within 24 to 48 hours and in most cases its post-mortem ejection from the womb.

In other cases the child is killed at the time of parturition, sometimes by using forceps to crush the child's skull when it is still in the birth canal, other times by injecting formaldehyde into the soft spot of the head or by strangling as the child emerges. Since the baby is still partly in the womb at this time, this is not considered to be infanticide but merely abortion. Moreover, late or full-term abortions are carried out despite a regulation forbidding the termination of pregnancy after the sixth month. Officials anxious to meet the strict birth quotas set by higher-ups order doctors to ignore this proscription.

The Chinese government has loudly and repeatedly protested that these "excesses" are not government policy and that those who take part in them will be punished according to law. In fact, however, aside from a handful of halfhearted prosecutions of peasant parents for killing their infant daughters, no official in China to date has been publicly punished for mandating late abortions, for using coercion or for ordering doctors to kill infants at birth.

The only conclusion that can be drawn from these appalling facts is that Peking's assurances are merely a smoke screen. It is the birth quotas that officials enforce, not the written guideline advising no abortions after six months. And it is this quota the officials are held accountable for, not paper exhortations for "voluntarism." The Chinese officials who say the opposite are, at best, naive. At worst, they are consciously duplicitous.

To date, UNFPA seems to have taken at face value these Chinese assurances. A recent UNFPA report on its aid quotes official Chinese denials of government coercion and infanticide. Because of the unsatisfactory UNFPA response, the U.S. Agency for International Development recently asked Congress to rescind $10 million of the $46 million earmarked for that organization this year. The remaining $36 million would be put in a separate account, for projects in other countries.

An investigation is under way in Congress to determine what further action, if any, should be taken. In this review, particular care should be given to examining UNFPA's admission that "the bulk of our program is provided for inputs requiring foreign currency" and "the provision of modern technology." Clearly, among the "inputs requiring foreign currency" would be drugs such as Rivalor and the latest in abortion technology.

It is, of course, highly unlikely that any investigation would be able to uncover evidence that U.S. funds were or are being used for infanticide and forced abortions in China. Nor should this be made precondition of further cutting back of aid. Not only has UNFPA admitted that it has been "instrumental in setting up the infrastructure of the Chinese program," it has unconditionally committed $50 million in aid over the next four years to the program's continuance. The fact that U.S. aid continues to go to an organization that supports a program so tainted with abuses makes Americans silent accomplices to that program. The U.S. ought to distance itself from forced abortion and infanticide completely, morally and monetarily.

A total cutoff of indirect U.S. aid would not end the Chinese population-control program. But there is a good chance such a move would goad Peking into correcting the worst abuses of its program.

Mr. HELMS. Mr. President, the sad fact is that current law is not being enforced, inasmuch as U.S. population money has been flowing into UNFPA despite its intimate involvement with the China program. I am hopeful that this current problem will soon be remedied by the President and that, should this additional language on coercive abortion and involuntary sterilization in H.R. 2577 become law, it will be vigorously enforced notwithstanding AID's recent past history in this area.

AMENDMENT NO. 389

(Purpose: To direct United States representatives to international financial institutions to oppose financing certain projects)

Mr. DOMENICI. Madam President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. GARN, Mr. DECONCINI, Mr. BINGAMAN, and Mr. LAXALT, proposes an amendment numbered 389.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Add the following at the end of chapter 5:

SEC. 502. (a) United States active participation in international financial institution activity is based on our national objective of furthering the economic and social development of the nations of the world, in particular the developing nations. The attainment of this national objective is most effectively realized through a world economic and financial system which is both free and stable. Therefore, it is the intent of the United States Congress that United States financial assistance to the international financial institutions should be primarily directed to those projects that would not generate excess commodity supplies in world markets, displace private investment initiatives or foster departures from a market-oriented economy.

(b) The Secretary of the Treasury shall intruct the representatives of the United States to the international financial institutions described in subsection (d) to take into account in their review of loans, credits, or other utilization of the resources of their respective institutions, the effect that country adjustment programs would have upon individual industry sectors and international commodity markets in order to—

(1) minimize any projected adverse impacts on such sector or markets of making such loans, credits, or utilization of resources; and

(2) avoid wherever possible government subsidization of production and exports of international commodities without regard to economic conditions in the markets for such commodities.

(c) More specifically, the following criteria should be considered as a basis for a vote by the respective United States Executive Director to each of the international financial institutions described in subsection (d) against a project proposal involving the creation of new capacity or the expansion, improvement, or modification of mining, smelting, refining, and fabricating or minerals and metal products:

(1) Analysis shows that the risks, returns, and incentives of a project are such that is could be financed at reasonable terms by commercial lending services.

(2) Analysis by the Bureau of Mines indicates that surplus capacity in the industry for the primary product of the defined project would exist over half the period of the economic life of the project because of projected world demand and capacity conditions.

(3) United States imports of the commodity constitute less than 50 percent of the domestic production of the primary product in those cases where the United States is the substantial producer of such commodities.

(d) The international financial institutions referred to in subsections (a) and (b) are the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

Mr. DOMENICI. Madam President, the Senator from Utah [Mr. GARN] and the Senator from New Mexico had an amendment adopted earlier today that would instruct the U.S. representatives to the World Bank and other international financial institutions to vote in opposition to further loans to finance expanded copper production abroad.

I now offer an amendment that establishes an American policy statement to be taken into account when considering the use of funds for international development assistance. If international banks have a choice between financing a product such as copper, which is in excess supply, and another product which is not, they must choose the latter.

This amendment suggests that we could better use our international funding for situations where there is a real economic need, instead of fostering the production of glut commodities.

Madam President, this amendment is designed to stop wasting money. The world has excess surplus copper capacity. There can be no economic development for these countries when they use World Bank or the Inter-American Development Bank resources to expand into an already saturated market.

This practice defeats the World Bank's purpose of raising the standards of living in developing countries by channeling financial resources from developed countries to the developing world. The result is that the projects financed aren't needed in the world marketplace.

It does not help them and in the case of copper, the practice has put one-third of the copper miners in my State out of work.

The first amendment simply requires the United States to vote no on any copper loan before the various multilateral banks.

The second amendment consists of a policy statement. It reaffirms our commitment to economic and social development in the world. Our reason for spending money for the World Bank and other development banks is reemphasized, that is, that we are committed to a free and stable global economy. We believe that these funds should be primarily directed to projects that rely on market forces to survive.

We believe that funds shouldn't be spent for projects that increase the world capacity for commodities that are already in surplus.

We believe that funds should not be spent on projects that could be financed by private banks. The reason for this is if you have two good projects, for example copper, and one is financed with World Bank or Inter-American Development Bank money at terms that are below market rates, and one project is financed at market rates, the project that the World Bank funds has an advantage. In 1983 the InterAmerican Development Bank made a loan to Codelco for $268 million at 8 percent interest. Over the term of this loan, this preferential rate of interest will save Codelco $168 million. It is not fair to Phelps Dodge or Kennecott. It's not fair to U.S. workers.

Chile will tell you that they are the lowest cost producer and that they have some of the best ore in the world. If that is the case, then they should finance their expansions and modernizations in the commercial markets just like our companies do.

The amendment set forth some considerations for the U.S. representatives to these banks to take into account when reviewing loans:

These are: Effect that country adjustment programs have on individual industry sectors—like copper.

When you have countries depending on one commodity for between 59 percent to 97 percent of their export income, country adjustment programs have a very real impact on industry sectors—like copper.

This is why the amendment gives these instructions to the U.S. representatives to the various banks.

Madam President, this amendment has been submitted to the managers of the bill, and to the chairman and ranking minority member of the appropriate subcommittee. I understand that there is no objection to the amendment.

Mr. JOHNSTON. Madam President, I am not familiar with this amendment.

Mr. DOMENICI. I have checked it with Senator INOUYE and with his staff.

Mr. JOHNSTON. Madam President, the amendment has been cleared on this side of the aisle.

Mr. DOMENICI. I thank the Senator.

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

The amendment (No. 389) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT 390

(Purpose: To permit States to retain or "carry over" 5 percent of their allocations for the WIC program to the following fiscal year)

Mr. HELMS. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER (Mr. GOLDWATER). The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 390.

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

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

The amendment is as follows:

On p. 11, after line 9, insert the following: "None of the funds provided under this Act for the special supplemental food program for women, infants, and children shall be reallocated except to the extent that unspent funds within any State exceed 5 per centum of the amount of funds allocated to a State agency under subsection (i) of section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i))."

Mr. HELMS. Mr. President, this amendment is designed to improve the orderly administration of the Special Supplemental Food Program for women, infants, and children [WIC]. This proposal incorporates the suggestion of State administrators and reflects a recommendation being made by the General Accounting Office.

Current policy requires that State agencies expend all of their WIC allocations during the fiscal year for which appropriations are made. Toward the end of the fiscal year, if all funds are not likely to be expended by the State agency, the Department of Agriculture reapportions, or reallo-

cates, unexpended funds to other States.

The result of the policy is tremendous instability at the end of the fiscal year. This is especially true when additional appropriations are made late in the fiscal year—such as in fiscal year 1985. The recent release by the Department of Agriculture of $76 million in additional WIC funding for fiscal year 1985 is already causing States to panic, and adopt a "use-it-or-lose-it" philosophy in program management.

This is an understandable reaction under the present system because State agencies will otherwise forfeit their allocations. The system causes instability. Sometimes, States overshoot the mark and spend more than their allocation, resulting in State or local expenditures to compensate for the overage. Or, conversely, the State may have to make reductions in caseloads to stay within the federally funded allocation.

The amendment establishes for fiscal year 1985 the same principle which applies with respect to most other Federal health programs, that is, that States may expend appropriations in the following fiscal year. States would be permitted to retain, or carry over, up to 5 percent of their WIC allocations which remain unobligated to the following fiscal year (fiscal year 1986). The amendment applies only to fiscal year 1985 appropriations. A permanent change is being considered by the Committee on Agriculture, Nutrition, and Forestry to the authorizing legislation to accomplish the same flexibility for future fiscal years.

By providing this flexibility, States will not have to worry about losing their allocations to other States. Only those States that spend less than 95 percent of their allocations would forfeit some of their allocation—that is, all unobligated funds except for the 5 percent of the allocation which may be carried over.

It is the intent of the amendment that the funds carried over would be available to the State in the subsequent fiscal year (1986) without affecting the State's allocation for fiscal year 1986. Thus, this amendment should provide greater stability in State management of WIC program caseloads and avoid disruptive, end-of-the-year fluctuation.

A forthcoming report by the General Accounting Office focuses on this and other managerial functions that need to be improved.

Mr. COCHRAN. Mr. President, I reluctantly oppose the amendment offered by the distinguished Senator from North Carolina. I do so with no criticism at all for the effort he is making to ensure that the funds we appropriate for this program, as for all other Nutrition and Feeding Programs, be used in the most efficient way possible. I support that effort very enthusiastically, and I commend the distinguished Senator, who is chairman of the Committee on Agriculture, Nutrition, and Forestry, for his leadership in helping to make sure that the funds that are appropriated for these purposes are used wisely and that the money goes to provide food and benefits for those who are sought to be served by the program.

We do not like to see money wasted through administrative mismanagement of these programs, and I know that that is the motivating force behind the Senator which leads him to make this suggestion to the Senate at this time.

We do not have in this bill any supplemental appropriations for the Women, Infants, and Children Feeding Program. Last fall, when we approved the appropriation level for the WIC program for this fiscal year, the administration had not requested the full amount of funds that were projected to be needed to fund the existing caseload of the program. In addition, the February budget request from the administration showed that the allocation of funds for this fiscal year would result in a projected shortfall of some $76,417,000. The only reason that the other body even considered the inclusion of language relating to this program in connection with this supplemental appropriations bill was to remove a restriction imposed on the availability of funds which conditioned the release of a portion of these moneys on the receipt from the administration of a supplemental budget request.

In the time between the passage of the House bill and the markup here in the Senate, the administration agreed to request the release of the $76,417,000 to fully fund this program for the remainder of this fiscal year.

Therefore, in our committee we have no request for a supplemental appropriation. There is no language in our bill relating to the WIC Program, so there is really no provision in our bill to which this amendment would relate. The provision in the amendment relating to the funds provided for in this act for the Special Supplemental Food Program, to me, would be ineffective and would not reallocate funds, because there are no funds provided in this supplemental appropriations bill. The appropriation was really made as a part of the regular 1985 appropriations bill that has previously been enacted and signed into law.

The House language simply purported to delete the restriction on the availability of funds and the condition of that restriction which required a budget request from the President to Congress.

That request was transmitted from the President to Congress on June 7, 1985, and therefore makes the House language unnecessary.

Let me also say this, Mr. President. This program has to be reauthorized this year. Hearings are being held in the legislative committee. There are proposals for requiring a different way of allocating funds to the State—different from the procedure now used, which is the subject of the discussion of the proponents of this amendment. As a matter of fact, the chairman of the Nutrition Subcommittee, Mr. DOLE, has a proposal that will change the way these funds are allocated so that if there is going to be a shortage in one State or a surplus in another, that situation could be handled in a different way from current practice.

I personally talked with some State WIC directors just recently who were meeting in Washington about the very problem, that is addressed in this amendment. I got the impression from my talking with them that a change in current procedure at this time would be very disruptive and that it would not be easy to accomplish the purpose sought in the amendment before the Senate.

What we are seeing, then, is a suggestion that we change a procedure for handling these funds, and that we change it right at the tail end of the fiscal year. We are hoping that the Senate will not agree to the amendment. We think the current procedure for redistribution to other States where there are greater needs for the use of the funds is a better way than changing the procedure right at this point in the fiscal year.

Again, we are at a point in the legislative process where if the procedure does need to be revised, it should be done by the legislative committee. They have that under review now, and I hope that we will refrain from making a decision on this proposal today and defer to the judgment of the Agriculture Committee.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, just for the RECORD, I will say that there is no Senator in this body for whom I have greater respect than the able Senator from Mississippi. He is a valuable member of the Committee on Agriculture, Nutrition and Forestry and he does an enormous amount of work.

Where the cheese binds on this is that there are nine States that benefit from the existing situation and 41 States which do not, and a list of the States has been placed on each Senator's desk, and I ask unanimous consent that two tables outlining those States that have previously forfeited unspent WIC funds be printed at this point in the RECORD.

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

FISCAL YEAR 1984 YEAREND FUNDS

41 STATES WITH WIC FUNDS UNSPENT IN FISCAL YEAR 1984; UNSPENT FUNDS FORFEITED

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

9 STATES WITH NO UNSPENT WIC FUND FOR FISCAL YEAR 1984

Maryland, Washington, Massachusetts, Michigan, Mississippi, Missouri, New York, Vermont, and Wisconsin.

Source: U.S. Department of Agriculture.

UNSPENT WIC FUNDS

State agency	Fiscal year 1983				Fiscal year 1984			
	Unspent food funds	Unspent administration funds	Total unspent funds	Fiscal year 1983 percent unspent	Unspent food funds	Unspent administration funds	Total unspent funds	Fiscal year 1984 percent unspent
Connecticut	542,863	188,344	731,207	3.66	444,286	153,084	597,370	2.64
Maine	176,935	68,895	245,830	3.83	448,168	56,333	504,501	6.66
Massachusetts	700,814	190,869	891,683	4.43	0	0	0	0.00
New Hampshire	142,992	56,663	199,655	3.79	145,174	10,819	155,993	2.60
New York	2,530,392	1,588,774	4,119,166	4.02	0	0	0	0.00
Rhode Island	46,973	0	46,973	0.80	41,630	79	41,709	0.62
Vermont	0	0	0	0.00	0	0	0	0.00
Indian Twns	7,839	0	7,839	12.44	0	0	0	0.00
P. Point	8,073	3,443	11,156	15.99	701	949	1,650	2.50
Penobscot	4,970	0	4,970	14.68	4,173	0	4,173	12.46
Semeca Nati	3,497	0	3,497	1.62	0	0	0	0.00
Subtotal	4,165,348	2,096,988	6,262,336	3.74	1,084,132	221,264	1,305,396	0.66
Delaware	187,465	0	187,465	7.79	33,433	17,270	50,703	1.68
Maryland	631,173	11,406	642,579	3.60	0	0	0	0.00
New Jersey	1,540,504	361,696	1,902,200	7.91	590,753	551,816	1,142,569	3.89
Pennsylvania	2,322,253	322,908	2,645,161	6.09	924,583	482,279	1,406,862	2.68
Puerto Rico	89,909	40,274	130,183	0.39	0	497,584	497,584	0.96
Virginia	975,385	0	975,385	3.88	978,376	0	978,376	3.65
Virgin Islands	156,351	127,178	283,529	8.33	39,767	0	39,767	1.06
West Virginia	248,532	9,883	258,415	2.24	95,082	20,273	115,355	0.95
District of Columbia	0	0	0	0.00	0	20,145	20,145	0.39
Subtotal	6,151,572	873,345	7,024,917	4.25	2,661,994	1,589,367	4,251,361	2.08
Alabama	1,351,213	429,433	1,780,646	7.36	0	74,962	74,962	0.25
Florida	1,666,686	476,344	2,143,030	5.91	1,484,734	329,060	1,813,794	4.37
Georgia	536,168	4,521	540,689	1.45	1,010,973	146,316	1,157,289	2.35
Kentucky	939,112	269,441	1,208,553	4.52	575,737	69,168	644,905	2.08
Mississippi	834,204	435,685	1,269,889	4.63	0	5	5	0.00
North Carolina	3,205,202	1,038,842	4,244,044	10.61	1,923,535	461,031	2,384,566	5.43
South Carolina	799,557	298,160	1,097,717	3.85	1,042,660	112,487	1,155,147	3.51
Tennessee	1,671,193	238,294	1,909,487	6.70	544,641	32,321	576,962	1.90
Seminoles	33,199	1,732	34,931	36.47	52,511	4,303	56,814	39.63
Miccosukee	7,134	1,397	8,531	21.15	2,296	997	3,293	9.43
Choctaw, MS	53,336	3,084	56,420	16.86	14,622	7,960	22,582	7.16
E. Cherokee	32,788	1,660	34,448	8.27	38,235	0	38,235	8.91
Subtotal	11,129,792	3,198,593	14,328,385	5.74	6,689,944	1,238,610	7,928,554	2.73
Illinois	2,217,799	341,377	2,559,176	5.66	508,673	0	508,673	0.94
Indiana	1,131,983	3,154	1,135,137	6.15	1,011,603	190,708	1,202,311	5.23
Michigan	1,031,496	34,092	1,065,588	2.77	0	0	0	0.00
Minnesota	888,974	250,174	1,139,148	5.79	315,937	229,784	545,721	2.37
Ohio	2,789,036	1,262,690	4,051,726	8.44	50,637	1,027,305	1,077,942	1.66
Wisconsin	1,313,601	124,834	1,438,435	6.33	0	0	0	0.00
Subtotal	9,372,889	2,016,321	11,389,210	5.91	1,886,850	1,447,797	3,334,647	1.37
Arkansas	408,524	0	408,524	3.31	105,529	0	105,529	0.65
Louisiana	798,516	1,287,042	2,085,558	5.22	0	188,050	188,050	0.42
New Mexico	81,172	0	81,172	1.23	0	1,939	1,939	0.02
Oklahoma	143,516	0	143,516	0.84	218,971	0	218,971	1.22
Texas	623,741	0	623,741	0.97	0	93,381	93,381	0.11
Acoma	0	1,012	1,012	5.79	N/O	N/O	N/O	N/O
Acl	19,951	18,231	38,182	16.56	17,967	0	17,967	7.47
Bn Pueblo	31,574	5,628	37,202	14.66	23,954	0	23,954	9.09
Isleta	6,221	0	6,221	2.77	4,771	0	4,771	1.94
Santo Domin	10,242	0	10,242	5.49	0	20	20	0.01
5 Sandoval	28,852	0	28,852	10.12	3,444	0	3,444	1.37
San Felipe	4,098	0	4,098	3.06	0	2,892	2,892	1.83
Wcd	46,742	13,497	60,239	7.52	17,429	0	17,429	2.30
Choctaw, OK	0	5	5	0.00	0	2,575	2,575	0.27
Cherokee, OK	151,297	22,260	173,557	8.56	14,935	0	14,935	0.71
Chickasaw	53,246	0	53,246	10.94	9,016	885	9,901	1.84
Tunkawa	24,986	0	24,986	10.33	12,514	0	12,514	4.45
Potawatomi	11,833	0	11,833	2.70	17,635	1	17,636	3.13
Zuni	1,184	52	1,236	0.64	1,490	0	1,490	0.60
Subtotal	2,445,695	1,347,727	3,793,422	2.59	447,655	289,743	737,398	0.41
Colorado	427,234	61,797	489,031	4.23	336,825	67,641	404,466	2.99
Iowa	742,777	135,733	878,510	7.16	390,622	148,014	538,636	4.20
Kansas	469,275	76,431	545,706	6.35	572,128	274,857	846,985	8.21
Missouri	932,169	81,980	1,014,149	4.06	0	0	0	0.00
Montana	180,407	14,834	195,241	3.95	86,729	34,753	121,482	2.23
Nebraska	349,007	110,191	459,198	7.87	363,918	53,808	417,726	5.95
North Dakota	47,878	0	47,878	1.06	61,789	63,155	124,944	2.51
South Dakota	72,000	0	72,000	1.85	32,789	180,929	213,718	4.80
Utah	163,706	99,256	262,962	3.27	189,396	162,962	352,358	3.24
Shus/Ara	0	0	0	0.00	2,061	8,548	10,609	2.84
Ute Mountain	2,227	0	2,227	4.39	0	0	0	0.00
Minnebago	79,498	65	79,563	23.70	0	0	0	0.00
Cheyenne Rv	9,943	7,732	17,675	4.78	15,147	11,314	26,461	6.48
Rosebud	17,080	0	17,080	2.37	4,096	5,814	9,910	1.42
Stand Rock	0	0	0	0.00	0	0	0	0.00
Ft. Berthold	19,527	808	20,335	8.52	0	4,016	4,016	1.61

UNSPENT WIC FUNDS—Continued

State agency	Fiscal year 1983				Fiscal year 1984			
	Unspent food funds	Unspent administration funds	Total unspent funds	Fiscal year 1983 percent unspent	Unspent food funds	Unspent administration funds	Total unspent funds	Fiscal year 1984 percent unspent
Wyoming	184,245	20,767	205,012	7.17	132,343	7,615	139,958	4.40
Subtotal	3,696,973	609,594	4,306,567	4.79	2,187,843	1,023,426	3,211,269	3.11
Alaska	14,299	46,112	60,411	3.13	0	49,862	49,862	1.82
Arizona	197,923	190,748	388,671	3.32	234,609	117,831	352,440	2.57
California	2,854,877	2,067,560	4,922,437	4.88	3,419,418	1,358,285	4,777,703	4.10
Hawaii	42,084	0	42,084	1.42	98,439	114,921	213,360	5.30
Idaho	138,625	10,948	149,573	2.64	293,549	21,418	314,967	4.77
Nevada	234,759	33,973	268,732	5.42	120,188	25,778	145,966	2.74
Oregon	156,548	33,172	189,720	1.45	0	185,421	185,421	1.25
Washington	692,182	202,631	894,813	6.04	0	0	0	0.00
***	12,764	13,536	26,300	5.06	10,880	128	11,008	1.94
***	41,251	9,161	50,412	18.05	0	0	0	0.00
Navajo National	302,505	7,600	310,105	3.63	251,077	101,478	352,555	3.64
Guam	331,716	22,128	353,844	60.08	0	9,221	9,221	0.74
Subtotal	5,019,533	2,637,569	7,657,102	4.61	4,428,160	1,984,343	6,412,503	3.33
National	41,981,802	12,780,137	54,761,939	4.65	19,386,578	7,794,550	27,181,128	1.92

*Note.—Includes Indian tribes which serve as State agencies.

Source: U.S. Department of Agriculture.

Mr. HELMS. Second, the administration strongly supports this amendment as do administrators all around the country. I noted in my prepared remarks, which I did not deliver in the interest of time, that there appeared before the Committee on Agriculture this week a representative of the General Accounting Office who focused on this and other managerial functions that in the words of the GAO need to be improved.

Mr. Brian Crowley testified, on June 17, outlining the findings from the report that is forthcoming from the GAO. Let me quote him.

He said:

Local agency staff told us that when substantial growth funds become available and/or when fund reallocation provide additional funds, WIC frequently becomes "a numbers game" where the number of applicants enrolled becomes more important than their relative vulnerability and need for WIC. State and local officials who were talked with said that states should be permitted to carry over their unspent WIC funds (up to a certain limit) from one year to the next.

That is precisely what this amendment does, Mr. President. I continue to quote from Mr. Crowley. He said:

Several (Food and Nutrition) Service management initiatives regarding how WIC funds are allocated to, and managed by, state and local agencies hold promise for improving the funding process and bringing more stability to the program's management.

As a way to bring greater stability and predictability to WIC program funding, our draft report points out the need for the Secretary (of Agriculture) to propose legislation to eliminate the requirement for periodic recapture and reallocation of unused WIC funds, and to authorized state agencies to carry over their unspent WIC funds (up to a certain limit) to the next year.

The draft report describes the result of the existing system in undermining the targeting of benefits to those groups among the potentially eligible population that are the most vulnerable and thus likely to benefit most from program participation.

The . . . practice of recovering and reallocating funds previously allocated among states has . . . conditioned the operating incentives of WIC managers and in some cases has placed a premium on obtaining and spending funds to increase caseloads quickly as opposed to the measured and deliberate building of caseloads through targeting.

The GAO notes that "the composition of WIC caseloads and the degree of effort being made by state and local WIC agencies to target benefits to higher risk categories of potential eligibles" have to been factors considered in past reallocations.

The GAO reported:

. . . Local agency officials often told us that at times they came under pressure from state agency officials to meet or exceed caseload assignments made by the state agency and to do all they could to avoid having an unexpended administrative fund at the end of the program year . . . Local agency officials told us that, during periods of rapid caseload buildup (which generally occur during the latter months of a program year), they often have been told to do whatever is necessary to facilitate enrollment of new participants and expedite the expenditure of available funds. Such steps might include paying overtime to clinic staff, hiring additional staff, extending hours of clinic operation, and aggressively advertising the availability of WIC benefits. Some officials also suggested that purchases of supplies, equipment, and other goods and services under these circumstances could help ensure maximum use of available funds and preclude the return of unexpended funds to the Service after the end of the program year."

Officials in the five States surveyed by the GAO—California, Illinois, Nevada, Minnesota, and Pennsylvania—cited the need for carryover authority.

According to the GAO report:

Citing the difficulty of precisely projecting and managing participation and expenditure levels from month to month while attempting to avoid overspending or underspending, some state and local officials have suggested that a limited carryover authority of 3 to 5 percent of a state's yearly allocation would give them increased management flexibility and would promote more effective use of funds.

Now, there is much more which Senators may find in the printed record, but I will not take the time of the Senate to go into that. But we checked with administrators, Mr. President, around the country and let me give you just a couple of brief typical statements. The WIC director from the State of Florida, Miss Anne Rhodes said:

"Carryover" authority would be very helpful to us, but only if it would not affect the next year's allocation.

This amendment does not. She says:

Florida is one of those states that has always exercised fiscal responsibility for WIC funds and as a result has been penalized every year when the program received additional funds late in the fiscal year. This provision would be especially important to us this year considering the recent release of full FY 85 funding . . .

We feel that 5% would be an appropriate percentage. This amount would allow us some flexibility in planning WIC program operations and result in more efficient utilization of funds."

Ms. Audrey Koehn, Wisconsin's WIC director, writing before OMB's release of the $76 million, responded:

The Wisconsin WIC Program supports legislation that would permit the carryover of funds from one fiscal year to the next in order to maximize allocations. Five percent would be the appropriate percentage for carryover.

Carryover authority would be helpful to all WIC Programs in the present fiscal year given the current impoundment situation and uncertainties for the upcoming year.

Ms. Alice Lenihan of North Carolina responded:

The North Carolina WIC program would welcome your support for a change in legislation which would enable states to carry forward 5% of unexpended funds into the next fiscal year. . . . The proposed change

in the legislation would be helpful in the present fiscal year.

We have had any number of comments from the people who are on the ground in the field administering these programs and I think without exception—I may be wrong, but I do not know of anybody who has not advocated precisely what this amendment does.

In any case, Mr. President, I think this is essential. I think it is fair. It certainly is approved by 41 States out of the 50. So I urge its adoption.

I will defer to the distinguished manager of the bill as to whether I should seek the yeas and nays on the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina.

Mr. HATFIELD. I appreciate the Senator's suggestion. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceed to call the roll.

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

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

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

I further announce that the Senator from New York [Mr. MOYNIHAN] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—40

Abdnor	Heflin	Quayle
Bentsen	Helms	Roth
Bingaman	Hollings	Rudman
Denton	Humphrey	Simpson
Domenici	Kassebaum	Specter
East	Laxalt	Stevens
Exon	Long	Symms
Garn	Lugar	Thurmond
Gramm	Mattingly	Trible
Grassley	McClure	Wallop
Harkin	McConnell	Warner
Hatch	Murkowski	Wilson
Hawkins	Nickles	
Hecht	Pressler	

NAYS—58

Andrews	Durenberger	Matsunaga
Armstrong	Eagleton	Melcher
Baucus	Evans	Metzenbaum
Biden	Ford	Mitchell
Boschwitz	Glenn	Nunn
Bradley	Goldwater	Packwood
Bumpers	Gore	Pell
Burdick	Gorton	Proxmire
Byrd	Hart	Pryor
Chafee	Hatfield	Riegle
Chiles	Heinz	Rockefeller
Cochran	Inouye	Sarbanes
Cohen	Johnston	Sasser
Cranston	Kasten	Simon
D'Amato	Kennedy	Stafford
Danforth	Kerry	Stennis
DeConcini	Lautenberg	Weicker
Dixon	Leahy	Zorinsky
Dodd	Levin	
Dole	Mathias	

NOT VOTING—2

Boren	Moynihan

So the amendment (No. 390) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 391

(Purpose: To authorize the U.S. Army Corps of Engineers to construct, operate, and maintain a single retention structure for controlling sediment flowing from eruptions of Mount St. Helens)

Mr. EVANS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. EVANS], for himself and Mr. GORTON, proposes an amendment numbered 391.

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

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

The amendment is as follows:

On page 60, strike lines 9-25, on page 61, strike lines 1-25, on page 62, strike lines 1-23; and insert the following in lieu thereof:

"The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to construct, operate and maintain a sediment retention structure near the confluence of the Toutle and Green Rivers, Washington, with such design features and associated downstream actions as are necessary".

Mr. EVANS. Mr. President, this is an amendment, on behalf of myself and Senator GORTON, that directs the U.S. Army Corps of Engineers to move forward on a single retention structure to control sediment flowing from eruptions of Mount St. Helens.

It has been over 5 years since the May 18, 1980, eruption. The corps has spent over $350 million to date for emergency dredging and levee protection. Yet, the communities along the Cowlitz River still live with the threat of flooding. A long-term solution on Mount St. Helens needs to be authorized and put into place.

Mr. President, the eruptions of Mount St. Helens deposited 3 billion cubic yards of unconsolidated sediment in the North Fork Toutle River. Erosion has increased the threat of flooding along the Cowlitz River and endangered navigation in the Columbia River. The most effective method for providing Cowlitz River flood protection and uninterrupted Columbia River navigation, I believe, is to trap sediment in the upper Toutle by means of a single retention structure at the Green River site.

Let me explain this legislation.

First, it would authorize the corps to construct a single retention structure and begin land acquisition. I would also like to emphasize that this is a project in which uncertainties associated with both annual and total erosion rates exist. But this should not preclude a definitive decision now as to whether we construct or dredge.

I have studied the dredging option carefully, and I remain convinced that dredging does not provide the consistent flood protection necessary to provide relief to the communities along the Cowlitz River.

It is important to stress that one storm event can change flood protection numbers dramatically. So a margin of safety must be consistently maintained. Dredging does not offer a safeguard against back-to-back storm events or mudflows. Water conditions under these circumstances would prevent dredging equipment from even entering the river. Consequently, there would be insufficient time between storms, particularly during winter months, to dredge sufficiently to reestablish storm protection.

Furthermore, dredging would require filling all possible sites with dredge spoils. The consequences would be severe. It would be necessary to fill most sites beyond a beneficial use elevation. Hundreds of acres of wetlands would be filled, and fisheries and riparian areas would be disturbed. Miles of stream bank would have to be riprapped or erosion would continue. Ground water tables and drainage patterns would be disrupted. The costs of these impacts would continue for many years.

Second, it would authorize dredging to remove material that is either downstream of the site or has passed downstream during construction. There is an immediate and continuing problem of dealing with volcanic sediment that builds up in the Toutle and Cowlitz Rivers. The corps is already authorized, I believe, to consistently maintain 100-year protection until permanent solutions are fully implemented. So, with regard to dredging, the

amendment we are offering today could be construed as merely replacing existing authority.

Third, it would authorize the corps to operate and maintain this unique project in which there are no established policies or procedures.

Mr. President, we must act now to assure that the communities located along the Cowlitz River—such as Longview-Kelso, Castle Rock, and Lexington—do not live any longer under the threat of flooding.

This authorization allows the preferred solution to be carried forward in line with the Corps of Engineers report.

I understand this amendment has been cleared on both sides of the aisle.

Mr. JOHNSTON. Mr. President, the matter has been approved on this side of the aisle.

Mr. GORTON. Mr. President, I am pleased to join my friend and colleague from the State of Washington in sponsoring this amendment.

Mr. HATFIELD. Mr. President, would the Senator from Washington State who offered the amendment yield for a question?

Mr. EVANS. I am pleased to yield, Mr. President.

Mr. HATFIELD. The Senator, as I understand it, did splice the last sentence to an original amendment he had on this subject?

Mr. EVANS. That is correct.

Mr. GORTON. Mr. President, I am pleased today to join my friend and colleague Senator EVANS in requesting authorization in the 1985 supplemental appropriations bill for the Army Corps of Engineers to construct, operate, and maintain a sediment retaining structure made necessary by the eruption of the Mount St. Helens volcano.

On May 18, 1985, after nearly 2 months of tremors and seismic activity, Mount St. Helens exploded in a cataclysmic volcanic eruption that displaced an estimated 4 billion cubic yards of material onto the land and into the atmosphere. More than 235 square miles of national forest and private lands were devastated by the explosion, hot gasses, pumice, mud flows, and ash.

The eruption and resulting mud flows deposited an estimated 3 billion cubic yards of mud, ash, and debris in the watershed above the Green and Toutle Rivers, tributaries to the Columbia. One billion cubic yards of this material is expected to reach the Columbia.

This unconsolidated mass of debris hangs like the Sword of Damocles over the people living below and threatens the very existence of all industry which relies on the Columbia/Snake River system.

That is why I am supporting this amendment and urge my colleagues to do so.

Mr. HATFIELD. Mr. President, we have no objection to the amendment of the Senator from Washington State. We are pleased to accept it.

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

The amendment (No. 391) was agreed to.

Mr. WEICKER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 392

(Purpose: To require the distribution of payments equal to 75 percent of the entitlement of local educational agencies under section 2 of the Act of September 30, 1950, relating to impact aid)

Mr. WEICKER. Mr. President, on behalf of the distinguished Senator from New York [Mr. MOYNIHAN], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER], for Mr. MOYNIHAN, proposes an amendment numbered 392.

On page 118, between lines 12 and 13, insert the following:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

The Secretary of Education shall distribute funds appropriated under title III of Public Law 98-619 under the heading "School Assistance in Federally Affected Areas" for entitlements under section 2 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) to local educational agencies having such entitlements in order to assure that such agencies receive 75 percent of the amount to which such agencies were entitled in fiscal year 1984. The distribution required by this paragraph shall take effect 30 days after the date of enactment of this Act.

The name of Mr. ABDNOR was added as a cosponsor.

● Mr. MOYNIHAN. Mr. President, I rise to offer an amendment to H.R. 2577, the supplemental appropriations bill, that would ensure that all school districts entitled to payments under section 2 of the Federal Impact Aid Program (P.L. 81-874) receive their allocations in a timely manner.

In the Labor, Health and Human Services and Education Appropriations bill for fiscal year 1985 (P.L. 98-619), Congress appropriated $22 million for section 2. Moneys awarded under this section compensate approximately 100 school districts across the Nation in which the Federal Government owns a disproportionate amount of property. Section 2 funding helps to offset the loss of tax revenues from these properties.

I recently learned that the Department of Education has unnecessarily delayed the payment of section 2 entitlements for the current fiscal year. School districts eligible for section 2 funding, such as the Highland Falls-Fort Montgomery School District in New York State, cannot afford to have these payments withheld.

I thank my good friend and distinguished colleague, Senator WEICKER, for his assistance with this matter.●

Mr. WEICKER Mr. President, the Senator from New York [Mr. MOYNIHAN] who is necessarily absent due to a death in his immediate family, has offered this amendment, which is acceptable, regarding school district payments under section 2 of the Federal Impact Aid Program. I am offering the amendment in his behalf and have already submitted his statement for the Record. This amendment merely ensures that local education agencies receive the payments to which they are entitled within 30 days after enactment of the supplemental. I urge passage of the amendment.

Mr. PROXMIRE. Mr. President, will the distinguished Senator from Connecticut yield to me briefly?

Mr. WEICKER. I yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I commend my good friend from Connecticut on this amendment. He is chairman of the subcommittee on this subject. I am ranking member. It is an amendment that requires no money, it makes sense, and I am happy to support it.

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

The amendment (No. 392) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 393

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 393.

At the end of the bill, insert the following:

The State Department shall take all necessary steps to protect the rights and safety of John Lincoln Tamboer during his extradition to the country of Colombia for trial in that country and subsequent actions of the courts or government of Colombia.

Mr. MELCHER. Mr. President, we have a treaty of extradition with the country of Colombia. This is the first instance when Colombia will have used the treaty to ask for the extradition of an American citizen. This citizen, Mr. Tamboer, is accused by officials in Colombia of having participated in a marijuana shipment from Colombia in 1978.

Due process in this country had been followed and the courts have found that there is probable cause and that extradition should follow. However, because of the state of siege declared by Colombia from 1981 to 1984 and the actions that have occurred in Colombia that have been attributed to drug traffickers, Mr. Tamboer is in fear of his life. He is not so much in fear of the trial and the findings of the courts of Colombia as he is in fear of attempts on his life while he is in Colombia.

For that reason, I offer this amendment, to direct the State Department to use all possible means of protecting his rights and his safety during the extradition period, the extradition procedure, and during the time of standing trial and whatever subsequent actions may be taken that stem from that trial in Colombia.

Mr. President, I ask unanimous consent that there be printed in the RECORD a statement by Mr. Tamboer; also a letter from the law firm representing him.

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

STATEMENT OF JOHN LINCOLN TAMBOER

Until April, 1978, I had been living permanently in Montana and had been for about fifteen (15) years, and working as a Cattle Rancher. At that time, after some business problems, I left the ranching operation in Montana and moved to Florida. I became associated with a man named Norman Wolfson (now deceased) on a project re-building a dozen incompleted new homes in a Black neighborhood of Fort Lauderdale. Throughout that summer, I had constantly sought a way to return to the Ranch and Cattle business in this country or another country.

Early in September or late August, Mr. Wolfson informed me that he had the name of a person in Colombia who owned a large farm and cattle operation and if I wanted to, he would try to get me an introduction to see if there were any opportunities in a ranch in South America. Colombia is known as a large cattle raising country.

I flew to Barranquilla, Colombia on Avianca Airlines and called the man, Jorge Mejica, the name given to me by Mr. Wolfson. Mr. Mejica invited me to visit his large farm operation which was located near the town of Valladupar. During this short period in Barranquilla, I also met several other people, including Savio Rodriguez and others whose names I cannot recall. I spoke virtually no Spanish, although the above mentioned spoke some English.

After a couple of days in the hotel in Baranquilla, I traveled with Mr. Mejica to his farm at Valladupar where I was invited to stay for a few days. This was a large farm and cattle operation. While I was there, there were always other Colombians in the area. They spoke very little or no English. During this period, I had shown a small interest in airplanes since there was a small crop spraying business near the farm. Also, Mejica and I talked a lot about various subjects; one fact being that I had a pilot's license and experience sailing in the Bahamas.

After a couple of days on the farm, Majica informed me they were flying a load of marijuana to an island in the Bahamas and told me that they would like me to go on the airplane since I spoke English, had an understanding of air navigation, and some limited experience sailing in various areas of the Bahamas. I told him I did not want to be involved and that I had never been to that part of the Bahamas. But that seemed to matter little, since they seemed to need an English speaking person on the plane to, I suppose, communicate with the Bahamians.

I was now extremely nervous since I did not know where I was located in the Country specifically. I had no contact other than the people on the farm, and I was never alone. Since I now knew about the operation, I became very fearful for my safety. The Colombians assured me that this type of operation was normal in Colombia and done all the time, and that all of the proper authorities had been paid off to prevent problems to the people involved.

At this point, I did not want to go on the operation and I was afraid to speak out against it.

One morning, I was awakened very early and several of us, including Mejica, got into a jeep. I don't know the other names. A couple were young Colombians who evidently were to go on the plane for reasons unknown to me.

I was told to bring my bags and belongings and the others had the baggage they brought. We drove several hours to a remote air strip in the bush country. No plane was there and no marijuana was apparent, although there were many people in the area, possibly twenty (20) or twenty-five (25).

I was kept away from the others for several hours and although I was not under armed guard, I was never alone. I felt that I was in grave danger and did not know what to do. This was a very remote area and I had no idea where I was or how to get back to civilization or what would happen if I tried.

The people I saw near me acted very nervous and I became more frightened for my safety, feeling that I was not only under a serious threat from this group of people, but also from the Colombian authorities.

My bag which contained my passport, some travel money and my return ticket to the United States had been taken with the other luggage someplace else. At some period during the day, I felt that I would be in certain danger if I stayed any longer. I saw an opportunity to get away from the area and I took off into the bush with only some money I had in my pocket.

I left the area, became lost and later found a road where I was able to get a ride in a truck and then on some buses. Eventually making my way back to the Barranquilla area. I reported my passport lost at a Police Station and received a paper from the Police Station which permitted me to travel. I spent several more days in the Barranquilla area and then boarded an Avianca Airplane and flew back to Miami. Arriving, I proceeded through Immigrations and Customs, showing them the document stating the loss of my passport and entered the United States unquestioned.

I had no part in the marijuana operation. I formulated no plans and I offered no assistance to further the progress of the operation. Before meeting those people, I knew nothing of the operation or their plans.

The position that the Colombians tried to force me into was only that of a person who could speak English in case of emergency and could determine if they had found the proper island once there.

My part or lack of part would not have had any effect on the outcome of the operation in any way. I was an unwilling hostage who was forced and threatened to comply with their needs.

I felt all along that my life could be seriously in danger, once they had told me about their operation and that I had to use caution and break away.

I believe my baggage was probably placed on the plane at the air strip with the other baggage that was to go with the people making the trip. The bag, money, clothing and airplane ticket were probably stolen by persons unknown during the seizure, leaving only my passport on the plane.

CHILDS, EMERSON, RUNDLETT,
FIFIELD & CHILDS,
Portland, ME, June 14, 1985.

Re: John Lincoln Tamboer.

Senator JOHN MELCHER,
U.S. Senate,
Washington, DC.

DEAR SENATOR MELCHER: This office represents John Lincoln Tamboer who is currently in protective custody in the State of Massachusetts as a Federal Fugitive from Justice. An extradition request from the Republic of Colombia has prompted extradition proceedings against Mr. Tamboer. Colombia has requested him to be returned to their country and face charges that he violated the Colombian Law on drugs and narcotics trafficking. Basically, they alleged that on September 10, 1978, Mr. Tamboer was to take part in the loading and/or flight of a DC-4 aircraft which was to be loaded with marijuana for flight to an unknown destination. Six years later, Colombia made a formal request to the United States for the return of Tamober. It should be noted that the Statute of Limitations under U.S. Law has expired. Mr. Tamboer was arrested on October 2, 1984. Proper documentation must be filed within sixty (60) days in order to conform with the Treaty of Extradition. On the fifty-ninth (59) day, the documentation was forwarded to the United States' Attorney's office in Boston.

From the start, Mr. Tamboer's refusal to waive extradition and return to Colombia to defend himself has been based upon his well-founded fears that a return to Colombia would result in certain death.

It is submitted that these fears are well-founded because:

(1) On April 30, 1984, the Justice Minister of Colombia, Rodrigo Lara Bonilla was assassinated by alleged narcotics traffickers. Until that time, President Betancur of Colombia refused to extradite Colombian nationals to any foreign countries.

(2) On May 1, 1984, a State of Seige was declared in the Republic of Colombia.

(3) On November 15, 1984, Embassy officials received a threat from coke smugglers, "Five Americans would be killed for each Colombian extradited to the United States. . . ."

(4) On November 23, 1984, the United States Embassy in Bogota announced that ten (10) U.S. diplomats and their families had left Colombia because of threats from drug traffickers.

(5) On November 27, 1984, a bomb believed to have been placed by drug traffickers exploded near the United States Embassy, killing a Colombian woman and wounding eight (8) others.

(6) On December 26, 1984, the United States Ambassador Lewis Tambs left Colombia due to threats from drug traffickers.

(7) The New York Times on January 18, 1985, stated that Intelligence reports indicated that Colombia drug traffickers were plotting to kidnap or kill children of American diplomats.

(8) The current Justice Minister declared that a "war to the end" existed between drug traffickers and the United States citizens.

(9) We have been advised by Colombian defense attorneys that a direct threat against Tamboer has been made. It stands to reason that he would be a prime target for the terrorist drug traffickers.

Should John Lincoln Tamboer be "sacrificed" in the United States' efforts in the war against drugs? His death appears a certainty if he is returned and his alleged role was minimal at best, even if he were to be convicted of the crime. It is our belief that the Colombian drug traffickers feel Tamboer's death would act as a deterrent to the United States in honoring the Extradition Treaty, which would, in turn, stop the Colombian government from honoring that treaty. Mr. Tamboer would be the first United States citizen extradited to a country under a "state of seige". The issue the United States must face is whether its duty to protect its citizens from inhumane treatment is outweighed by the benefits that may or may not follow from honoring the Extradition Treaty.

Mr. Tamboer has been involved in a lengthy and thorough legal battle in an attempt to prevent his extradition. I am enclosing a copy of the brief filed by his defense team and urge you to take a moment to review it carefully as it outlines, with supporting documentation, our concerns for Mr. Tamboer's fate should the State Department honor the Extradition Treaty. I believe you will reach the conclusion that we have—Mr. Tamboer's safekeeping will be difficult, if not impossible, to maintain should he be sent to Colombia at this time. And that is the issue. Should Mr. Tamboer be extradited at this time? The obvious conclusion is no. We are not asking that the Extradition Treaty never be honored; rather that it be honored only when the American citizens subjected to its terms can be protected.

The First Circuit Court of Appeals recently upheld the decision of the United States Magistrate in Boston and directed that an extradition order issue. That has been done and the order is in the possession of the State Department. The battle is over in the courts and the courts have uniformly stated that the wellbeing of the person to be extradited is for the consideration of the State Department not the Judiciary.

Therefore, I am appealing to you to protect the rights of Mr. Tamboer. You are not supporting "drug smuggling" by doing so. All you are doing is assuring a United States citizen that his rights will be reasonably protected. Mr. Tamboer did not commit a crime as evidenced by his statement, enclosed herewith. But even if he had engaged in criminal activity, he should still be afforded the basic protection any United States citizen accused of crime should be afforded. That cannot be done at this time if he is returned to Colombia.

Please contact T. Michael Peay, Deputy Assistant Legal Advisor, United States Department of State, Office of Law Enforcement and Intelligence, L-LEI Room 5419-A, Washington, D.C. 20520, and ask that Mr. Tamboer's rights be protected. For him to be sent to Colombia at this time may very well be fatal. If the State Department refuses to keep Mr. Tamboer here, I implore you to urge them to exercise the greatest safety measures available to protect this man.

Brief contact was made with your office previously and it was noted that your office did not wish to interfere while the matter was pending before the courts. That is no longer the case and your influence and assistance is needed and it is needed immediately. Thank you for your compassion and consideration.

I will be contacting your office on Monday, June 17th and would greatly appreciate the opportunity to meet with you or a senior staff member as soon thereafter as is convenient. I will be available in Washington on the 18th and 19th if necessary.

Very truly yours,

RICHARD S. EMERSON, Jr.

The PRESIDING OFFICER. Is there further debate?

Mr. HATFIELD. Mr. President, this amendment has been cleared with the members on this side.

Mr. JOHNSTON. Mr. President, this has also been cleared on this side.

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

The amendment (No. 393) was agreed to.

Mr. PROXMIRE. Mr. President, I planned to offer an amendment striking all unauthorized water projects from this bill. Instead, I have decided against this course of action because the Senate yesterday accepted a compromise Hatfield amendment No. 364, which goes a long way toward reforming the water project process.

While amendment No. 365 is far from perfect, it does inject sound management principles into a water appropriations bill for the very first time.

The amendment requires that any project in the bill, whether Corps of Engineers or Bureau of Reclamation, whether authorized or not, must have an agency-approved cost-sharing plan by June 30, 1986, or its appropriation will expire.

While this so-called fencing language could be improved, notably by the addition of specific language on the minimum acceptable percentage of local share of project costs, the amendment still represents a significant breakthrough.

The bad projects in this bill will now fall of their own weight as local interests reject them. The good projects will still be built since localities will recognize their value and ante up their share. The Senate will also have another look at these projects when the cost-sharing agreements are sent to us for our approval.

I commend all Members who worked on this amendment and hope the principle, and specific cost-sharing percentages, can be applied to all future water projects.

AMENDMENT NO. 394

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 394.

At the appropriate place in the bill, insert the following:

REPORT ON WITHDRAWAL FROM COMPULSORY JURISDICTION OF THE WORLD COURT

SEC. . Sixty days before any notification of the Secretary-General of the United Nations, on or after the date of enactment of this section, of the intent of the United States Government that its declaration of acceptance of the compulsory jurisdiction of the International Court of Justice shall not apply to a certain dispute, the President shall prepare and transmit to the Speaker of the House of Representatives and the President of the Senate a report setting forth his reasons for such notification.

Mr. HATFIELD. Mr. President, this is a matter of directing that Congress receive a report from the President should there be a notification of intent on the part of the United States that its declaration of acceptance of the compulsory jurisdiction of the Court of International Justice shall not apply to a certain dispute. This matter has been cleared with Senator LUGAR, chairman of the Committee on Foreign Relations; Senator PELL, ranking member of the committee; Senator KASTEN of the subcommittee on appropriations; and Senator INOUYE. All it says is that a report be given to Congress should the administration decide in some case that the declaration of compulsory acceptance of the International Court of Justice shall not apply.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

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

The amendment (No. 394) was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the amendment was agreed to.

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

The motion was agreed to.

AMENDMENT NO. 372, FURTHER MODIFICATION

Mr. McCLURE. Mr. President, earlier today, the Senate adopted amendment No. 372, as modified, which was an amendment to an amendment dealing with a proposed land exchange between the States and the Forest Service. The States of Arizona, Montana, New Mexico, and Wyoming were listed by specific name in that amendment and the State of Oregon was added, although I did not mention that in my statement with respect to the modification. It was modified to include the State of Oregon.

The distinguished Senators from Nevada [Mr. LAXALT and Mr. HECHT] have both asked that the State of Nevada be added to that list. I, therefore, ask unanimous consent that the

amendment previously adopted be modified by the addition of the State of Nevada to that specific listing.

If it cannot be modified at this time, I shall be in a position then to have to offer a further amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as further modified, is as follows:

"; *Provided*, That any reprogramming submission under this General Provision shall be referred concurrently to the House and Senate Committees on Appropriations, the Senate Committee on Energy and Natural Resources, and the House Committee on Interior and Insular Affairs; *Provided further*, That such reprogramming submissions shall be submitted to the aforementioned Committees at least thirty days prior to implementation of such reprogramming proposals.

On page 111, line 2, insert before the period the following: "; *Provided further*, That notwithstanding any other Act, none of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1985 by this or any other Act may be used to implement the proposed jurisdictional interchange program within the States of Arizona, Montana, New Mexico, Oregon, Wyoming, and Nevada."

AMENDMENT NO. 395

(Purpose: Provide for a study regarding salmon stock production by hatcheries in the Pacific Northwest)

Mr. GORTON. Mr. President, I have an amendment at the desk regarding a salmon hatchery study in the Pacific Northwest. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. Evans, proposes an amendment numbered 395.

On page 14, line 22, strike "$126,100,000" and insert in lieu thereof "$126,600,000"; and at the appropriate place, insert the following:

SALMON HATCHERIES

SEC. —. In consultation with the Fish and Wildlife Service and the Bureau of Indian Affairs, the National Marine Fisheries Service (hereinafter in this section referred to as the "Service") shall, in accordance with the provisions of this section, enter into a contract within 90 days after the date of enactment of this Act with a private entity for a study of State and Federally funded salmon hatcheries in the States of Washington, Oregon and Idaho which will enable the United States to fulfill its obligations under Article V of the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985. The purpose of such study is to develop information to assist in evaluating the production and effectiveness of such hatcheries in increasing salmon stock levels as expeditiously and cost-effectively as possible, and in providing for a more effective system of disseminating the information necessary to improve future enhancement activities for salmon stock at such hatcheries.

(b) In carrying out subsection (a) of this section, the Service shall enter into such a contract only with an entity whose personnel—

(1) possess expertise in (A) salmon production and management in the Pacific Northwest, (B) mathematical and statistical data systems used by the Federal, State and tribal governments, and (C) international interception problems;

(2) are not presently employees of (A) any entity involved in the operation, management or development of hatcheries or (B) any entity engaged in hydropower production; and

(3) do not represent any organized salmon recreational or commercial fishing activity.

(A) evaluate existing salmon stock production activities at such hatcheries, including consideration of such factors regarding survival of hatchery-produced salmon stocks as management practices and environmental constraints;

(B) consider the operations of and plans for existing and new salmon production activities in the United States, in order that the United States may better evaluate existing and new salmon stock production activities and their adequacy in fulfilling obligations of the United States under the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985;

(C) evaluate the salmon enhancement projects of Canada, in order that the United States may comply with its obligations under Article V of such Treaty;

(D) formulate recommendations for any necessary changes in salmon stock production, alternative strategies for major production units, and small-scale experiments; and

(E) develop objective criteria, including cost criteria, to assess proposals for the improvement of existing hatcheries and the development of new hatcheries.

(2) Such study shall also consider the consequences of the interaction of salmon stock production activities and international salmon interception problems, including effects on the ability of the United States to fulfill its obligations under the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

(3) The study to be conducted under this subsection shall also devise a system to—

(A) develop expedited methods for assessing difficulties in increasing salmon stock production at such hatcheries; and

(B) collect, organize and analyze information on any changes in salmon stock production due to the implementation of recommendations formulated under this section.

(4) Such study shall also consider and analyze other studies to assess wild and natural salmon stocks and the potential for natural salmon production, and shall include recommendations to enhance natural salmon production in conjunction with or in lieu of hatchery production.

(d)(1) The Service shall establish an Advisory Committee to assist in carrying out the purposes of this section. The Advisory Committee shall be composed of representatives of—

(A) agencies within the Federal Government and the governments of the States of Washington, Oregon and Idaho which have responsibilities for the management and enhancement of salmon;

(B) Treaty Indian tribes;

(C) the Northwest Power Planning Council; and

(D) the Salmon and Steelhead Advisory Committee established pursuant to the Salmon and Steelhead Conservation and Enhancement Act of 1980 (16 U.S.C. 3301 et seq.).

(2) The Advisory Committee shall conduct an ongoing review of the study to be conducted under this section, and shall submit to the Service its recommendations for issues to be included as part of such study, methodologies to be employed in such study, and any preliminary and final drafts of the study required to be submitted under this section. Neither the Service nor the entity conducting the study under this section shall be bound by such recommendations.

(3) The Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C. 1 et seq.), and members shall not receive compensation for their participation in Advisory Committee activities.

(e) The study required by subsection (c) of this section shall be submitted to the Service not later than 18 months after the date on which the contact is entered into under this section. The Service shall immediately transmit such study to the Congress without change.

(f) The Comptroller General of the United States, and any of the Comptroller General's duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the entity conducting the study required by this subsection that are pertinent to the funds received under this section.

(g) Employees of such entity shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

Mr. GORTON. Mr. President, I offer this amendment to initiate what we think is a much needed step to address the critical issues regarding salmon stock production in Canada and the Pacific Northwest.

On behalf of myself and my colleague from Washington State, I have offered this amendment to initiate a much needed study regarding salmon stock production of hatcheries in the Pacific Northwest. This study will provide the United States with an important technical tool that will enable us to fulfill our obligations under Article V of our treaty with the government of Canada Concerning Pacific Salmon, signed at Ottawa, on January 28, 1985 and ratified by the Senate on March 7, 1985.

Pacific salmon have a unique role in the economic, cultural, and recreational activities of the Pacific Northwest. The commercial and recreational fishing industries as well as Northwest Indian tribes are heavily dependent on the preservation and restoration of the salmon resource. Today, approximately 50 percent of the salmon in the Northwest are produced in hatcheries. Since 1960, the output from hatcheries in the Columbia River basin has increased dramatically in response to public demand, hydropower mitigation and other factors. Over $40 million a year is spent by Federal and State gov-

ernments on hatchery operations and related research, which demonstrates how vital this resource is to our region. In addition the Northwest Power Planning Council, in conjunction with the Bonneville Power Administration [BPA], has committed $800 million to salmon enhancement and mitigation over the next 20 years.

Hatchery returns and salmon catches by fishermen haven't reflected the enhancement efforts of the past 25 years. What is even more distressing is that productivity of wild salmon stocks has also decreased. Fishery managers in the Pacific Northwest do not know how the various hatchery stocks interact and or interfere with each other. One of the most serious problems facing the managers is how hatchery fish affect natural salmon stocks. This study will bring the necessary information together to address these complex issues.

The amendment we are offering will provide $500,000 for an 18-month study on salmon stock production of hatcheries in the States of Washington, Oregon, and Idaho. The purpose of the study is to develop information to help evaluate the production effectiveness of existing Pacific Northwest hatcheries. It will examine options for increasing salmon stock levels in as expeditious and cost effective manner as possible. The study will also find ways to help disseminate the information necessary to improve, coordinate and control future salmon enhancement activities.

It is important that the study not reflect any particular view point or interest. Therefore, the individuals preparing the study must possess experties in: First, Pacific Northwest hatchery production systems; second, mathematical and statistical aspects of State/Federal/tribal data systems; third, international salmon interception problems; and fourth, multiple State/Federal/tribal managment structures. This group of experts will be independent of any entity involved in the operation, managment or development of hatcheries. Furthermore, they may not represent any organized recreational or commercial salmon activity.

Major investments in salmon enhancement are being proposed in order to meet our obligations under the recently ratified United States-Canada Salmon Treaty. I strongly believe that this study will provide Congress, the U.S. Salmon Treaty Commission, and Federal and State fishery managers information needed to make proper resource and policy decisions regarding salmon enhancement projects. I urge the support of my colleagues on this important matter.

Mr. EVANS. Mr. President, I join my good friend and colleague Senator GORTON in offering this amendment. It deals with a matter of great importance to me and to the people of the Pacific Northwest. That is, the continued sruvival and enhancement of the salmon resources of our region.

This amendment provides appropriations of $500,000 for the U.S. Fish and Wildlife Service to conduct a study of salmon stock production by hatcheries in the Pacific Northwest. The hatchery study would be conducted by a private consultant, but would help meet the obligations of the U.S. Government under article V of the United States-Canada Salmon Interception Treaty. The study would develop information to assist in evaluating the production and effectiveness of hatcheries in the Pacific Northwest in increasing salmon stock levels as expeditiously and cost effectively as possible. In addition, the study would provide a more effective system of disseminating the information necessary to improve future enhancement activities for this vital fishery resource. This kind of information is essential if Congress is to make intelligent decisions regarding enhancement efforts required under the treaty with Canada.

Mr. President, the people of the Pacific Northwest are committed to preserving and restoring the Pacific salmon resource. They are willing to pay, and to pay dearly, to restore this integral part of our regional economy and natural resource heritage. Their commitment deserves the continued support of this body. I urge my colleagues to support this amendment.

Mr. STEVENS. Mr. President, I would like to support my colleagues from Washington State on this amendment, but would first like to review their intentions as to this provision. It is my understanding that the study that you propose would be limited to the hatcheries of the States of Washington, Oregon, and Idaho, and would not be directed to Alaska.

Mr. GORTON. The Senator is correct. As he is aware, we have many hatchery programs underway in the Pacific Northwest that contribute to the fishery resources that are regulated under the recently ratified treaty with the Government of Canada concerning Pacific salmon. My amendment is designed to study the effectiveness of these to go forward under the new treaty. I fully recognize the need for enhancement in the Senator's home State of Alaska, and will support his efforts to address the treaty needs in his State. However, we must take a very careful and objective look at the multiplicity of facilities in the Pacific Northwest to determine what the best course will be for us.

Mr. STEVENS. As the Senator may be aware, we hope to address the enhancement issue for Alaska in the fiscal year 1986 appropriations bill. Our Governor has earmarked $4 million on a dollar-for-dollar matching basis for fiscal year 1986. I hope that the Senate will understand that we will need to go forward in Alaska on the fiscal year 1986 bill, and that no further study of our facilities will be required. I fully understand the Senator's desire to see that funds which are allocated for enhancement in the Pacific Northwest are used in the most effective manner, and I support his effort.

Mr. President, we have a huge potential in Alaska to contribute to the salmon resources which are covered under the treaty. My State will be working on an aggressive basis to see that the potential is realized. We have a program which will be ready for implementation during fiscal year 1986, and will be seeking funding to get that program moving. Alaska does not have Federal hatcheries, unlike Oregon, Washington, and Idaho. Our State has shouldered the load itself, and the Alaska Department of Fish and Game has already submitted its data to the National Marine Fishery Service. The Federal Government has an obligation under the treaty to assist Alaska with its enhancement efforts, and it can do so in a highly cost-effective manner if it works with the State of Alaska within the existing State system.

Mr. GORTON. I thank the Senator, and appreciate his cooperation on this matter. We have worked closely together to address the hard problems facing our salmon fisheries. This provision will further assist us as we move forward on the implementation of the treaty. I am hopeful that the information this study will provide in making proper resource and policy decisions on salmon enhancement projects will be in place for the fiscal year 1986 supplemental appropriations process.

Mr. STEVENS. I appreciate the effort my distinguished colleague has made in making this treaty a reality. We will be happy to continue working with him when the results of this study are finalized.

Mr. JOHNSTON. Mr. President, this amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

So the amendment (No. 395) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 396

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, and Mr. MOYNIHAN, proposes an amendment numbered 396.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following:

None of the monies appropriated in this act can be used to fund directly, or indirectly, activities against the government of Nicaragua which have not been authorized by, or pursuant to, law and which would place the United States in violation of our obligations under the Charter of the Organization of American States, to which the United States is a signatory, or under international law as defined by treaty commitments agreed to, and ratified by, the government of the United States.

Mr. KERRY. Mr. President, this is the exact amendment which was passed by voice vote by the Senate on the State Department authorization bill. It has been cleared by the managers of the bill, as well as the Senator from Alaska and the majority leader.

I also ask unanimous consent that it be shown in the RECORD as introduced on behalf of Senator HATFIELD.

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

Mr. KERRY. Mr. President, I ask unanimous consent to have printed in the RECORD the remarks of the distinguished Senator from New York [Mr. MOYNIHAN] before the American Bar Association Conference on Restoring Bipartisanship in Foreign Affairs.

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

THE ROLE OF INTERNATIONAL LAW IN RESTORING BIPARTISANSHIP IN FOREIGN AFFAIRS

(Address by Senator Daniel Patrick Moynihan)

I propose the thesis that adherence to the idea of international law as the foundation of foreign policy was in turn the basis for bipartisanship in foreign policy.

The idea is simple enough, and I think there is at least a reasonable match with experience. When policies, especially those requiring the use of force, are seen to be based on rights and responsibilities under international law, an opposing party can support the policy without necessarily supporting its proponents. This is the first principle of civil order, and the international analogy is valid, or so it appears to me.

From the late 1970's I have been suggesting that the erosion of our commitment to international law, at times even our awareness of it, was making foreign policy ever more problemmatic, even erratic. I believe we can see this today with respect to Central America.

Lest what I say appear partisan itself, may I repeat that this is an impression that formed some time ago, during the previous administration, and has only strengthened with time.

The bipartisanship we recall with nostalgia, and whose disappearance we seemingly regret, emerged from the debris of World War II, an extension of wartime arrangements. More precisely, bipartisanship was the result of a judgment made—by President Roosevelt—that the failure of President Wilson to pursue such arrangement after World War I had been calamitous. Failure to pursue bipartisanship at home had made it impossible to arrange international order abroad.

In 1919 Woodrow Wilson, a Democrat, had brought a package of treaties back to Washington, where they were submitted to a Republican-controlled Senate. The Senate said no. Wilson was so convinced that his League of Nations scheme was the correct one, (and that only lack of awareness among the people and mean-spiritedness in the Capital caused the Senate to balk) that he went directly to the people, travelling the country by rail until the effort brought him to physical collapse. And to no avail.

The United States thereupon entered the postwar world quite outside the institutions we ourselves had helped to contrive in order to preserve principles of international law—the violation of which (by the Central Powers) had been the grounds on which we had entered that war in the first place.

Twenty-five years later, in the aftermath of a second war which many thought had been brought about by the earlier failure of the U.S. to join in the management of the international order, Franklin D. Roosevelt (who had been in Wilson's subcabinet, as Assistant Secretary of the Navy) undertook to avoid Wilson's mistake. He set out to construct an international order almost identical to that which Wilson had envisioned: an international assembly, with special provision for great powers; an international court; specialized agencies (for health, labor, education . . .). Like Wilson, what FDR envisioned, and what many of us who came of age at the end of the war expected, was the emergence of a world resembling nothing so much as the United States enlarged.

But he did one wholly different thing: Roosevelt saw to it that Republican legislators were involved in the planning and negotiation, and that the U.N. Charter was presented to the Senate as a bipartisan expression of an American commitment to the rule of law in international affairs.

The American leaders of 1944, 1945, 1946 attempted a world order of extraordinary sweep, with systems in place for the orderly conduct of world trade and finance, and for democratization (which in those days meant decolonialization). The use of force would assume a collective aspect. And all these arrangements would derive their authority from a great charter that began: "We, the Peoples of the United Nations . . ."

Our own Constitution, of course, begins: "We the people of the United States . . ."

The Charter was not the only document on which world order would rest. It was a statement of contractual law—voluntarily entered into by those countries that desired so to do—derived from a larger common law: international law. (The parallels with the American system recur.) The connection between law and organization is demonstrated by the cover of the standard edition of the Charter distributed by the Office of Public Information of the U.N. The document is titled: "Charter of the United Nations and Statute of the International Court of Justice." They are two parts of one system.

The era that followed—when we believed so ardently in the utility of international law as a guide for how we would try to shape the world, and how we would conduct ourselves (and expect others to conduct themselves)—was also the period when bipartisanship reigned in American foreign policy.

The United States was so optimistic about international organization that we offered the atomic bomb to the U.N., when we alone in the world were a nuclear power. We fought in Korea under the U.N. flag. We say to decolonialization, established a world bank, put a trade system into effect (not the full-fledged trade organization some contemplated, but the less formal General Agreement on Tariffs and Trade, which may have been the better idea anyway).

Bipartisanship in foreign affairs was so firmly established that at the Senate Committee on Foreign Relations, from the time professional staffs were created (in the Legislative Reorganization Act of 1946), there was but one staff—neither Democratic nor Republican; neither majority nor minority; just the one set of professional staff members, available equally to assist and advise senators of either party. The first staff director, Francis O. Wilcox (later to be Assistant Secretary of State for International Organization Affairs), served under four chairmen; two Democrats, two Republicans.

And then of course it all went to hell. We lost faith in the future of many of the institutions we had created; especially in the General Assembly, where we had lost our majority by the middle of the 1960s. More recently, though, we seem to be giving up on something far more fundamental: The idea of international law, which the U.N. Charter merely reflected. And with it, or so it seems to me, we lost our bipartisanship.

Though they began to fade in the 1960's, it was really during the 1970s that both so thoroughly disappeared. By the end of the last decade, America had altogether forgotten that we had once even envisioned a world ruled by law.

I suppose it was due to the Vietnam experience: everything seems attributable to that; perhaps these, too, are casualties of the war. Many could not see our involvement there as lawful; others saw the pursuit of legality as the fateful commitment that had led us there in the first place. Throughout the lengthy history of our involvement in southeast Asia, as far as I know, the United States never considered taking the matter of the Communist aggression there to the U.N. or to the World Court.

I came to the Senate in January 1977, along with a new president of my own party. I arrived in a Senate very different from the one in which Vandenberg and Connally debated the U.N. Participation Act in 1946. Certainly bipartisanship was no longer a word heard very often. (Things happen in steps: it was 1971 when the first minority staff member was appointed informally at the Foreign Relations Committee; by 1977, the Senate had written into its rules that there would be two partisan staffs.)

I have now served in the Senate during two different presidencies, from as close and interested a perch as can a senator who has not been a particular favorite of either. There are not very many ways in which Presidents Carter and Reagan can be said to be similar, but they have been, to my mind, equally parties to (for having presided over) the continuing dissolution of America's commitment to international law. Both have seen their policies suffer from an accompa-

nying divisiveness in our foreign policy deliberations, division that occurs increasingly on the basis of party, and that has become so pervasive that it becomes difficult to remember that it ever was any other way.

There are two strains to this slow but steady disengagement from the idea of law. On the one hand, there are those who do not think we are good enough for the world. On the other hand, there are some who think the world is not good enough for us. For all I know, both schools are correct. But each ignores the question of whether international law exists regardless of how erring nations may be, and regardless of which ones err the most.

In the aftermath of the Vietnam experience some seem to have decided that there is no room in our foreign policy for normative considerations such as law as a basis for relations among nations. We will no longer pretend to tell the world—urge the world—how to organize itself. How far a cry from 1945, from Inauguration Day 1961!

A noteable renunciation was that of George Kennan, who said in an interview published in Encounter in 1976:

"My main reason for advocating a gradual and qualified withdrawal from far-flung foreign involvements is that we have nothing to teach the world. We have to confess that we have not got the answers to the problems of human society in the modern age. Moreover, every society has specific qualities of its own that we in America do not understand very well; therefore I don't want to see us put in a position of taking responsibility for the affairs of people we do not understand."

Note the retreat from the idea of international toward relative standards.

The alternative perspective—I am not seeking anything here more than illustrations of these general opposites—may be found in a recent statement by my distinguished colleague from Idaho, Senator Steve Symms. In a letter to The New York Times opposing ratification of the Genocide Treaty, he writes:

"If an international penal tribunal is established, you can expect it to be as anti-American and anti-Israel as the World Court and the U.N. are today."

That the U.N. may be so characterized is surely a defensible position. But the Court? I do not know any action by the Court that could be described as "anti-American." It stood solidly with us after the seizure of our embassy in Iran; a Special Chamber handed down a major decision settling the Gulf of Maine dispute between United States and Canada to our mutual satisfaction.

But there is a contrary perception, and in the Senate it is widespread and deeply felt.

In 1979 I took these musings to the Council on Foreign Relations. I put the matter as simply as I could in an address at the Harold Pratt House. It seemed to me, I said:

"That the United States has moved . . . away from an earlier conception of a world order, which if arguable was nonetheless coherent, and not replaced it with any other conception. No normative conception, that is. If we don't believe in law, then what do we believe in?"

Increasingly, it seems that we are settling into a normless Realpolitik that ignores law, demolishes consensus, embarrasses the United States abroad—and makes it difficult for our friends and allies to join us when we need them.

Central America provides an illustration. The United States recently imposed an economic boycott on Nicaragua for reasons we consider sufficient, and appropriate under law. Yet none of our allies has joined us, nor indeed any friendly nation. A great range of concerns could explain this abstention, but I dare to think that one factor is that our conduct towards Nicaragua is not seen as sufficiently informed by considerations of law.

That is a convolute statement, but, well, it is a convolute situation. Let me suggest that the legislative record establishes a clear determination by Congress that we should keep well within the confines of law in our dealing with Nicaragua, and that we could do just that.

On November 18, 1983 it fell to me as Vice Chairman of the Senate Select Committee on Intelligence to bring to the floor of the Senate (Senator Goldwater being necessarily absent) he wrote to the Director of the CIA stating that "this is an act violating international law".

Is it too much to claim from this record that the Congress was concerned and the executive either didn't understand or didn't think it mattered? This seems to me to reflect the erosion of our awareness of international law which began to concern me in the late 1970's.

The Administration was evidently stunned to learn in April last year that Nicaragua was planning to go to the World Court to complain about the CIA mining of its harbors. (One hears that the Sandinistas were planning to go to the Court anyway, and simply added the mining charge. But we had helped them to make a seemingly better case.)

The State Department thereupon cobbled together a series of evasions and avoidances, and announced that the U.S. would not accept the compulsory jurisdiction of that court with respect to "any dispute with any Central American state" for two years. No one seemed to know or wish to acknowledge that when the U.S. accepted the compulsory jurisdiction of the Court in 1946, we explicitly committed ourselves, by the six month notice provision not to do precisely what the Administration now sought, which was to evade the jurisdiction of the court when a suit was about to be filed against us.

The U.S. argued at The Hague that we were not bound to reply to Nicaragua. The Court considered this and ruled, on November 24, 1984—by vote of 16 to 0—that Nicaragua's claims were admissible, according to the terms of the acceptance the U.S had originally filed with the Court.

In January, as the Court was drafting the terms and timetable according to which it would hear the merits of Nicaragua's complaint against the U.S., the Administration announced that it would simply not participate further. That we would do, in effect, what Iran had done in the hostage case.

As he was bound to do, the President of the Court, on January 22 issued an Order outlining a timetable for the proceedings of the case ". . . on the merits":

". . . The time limits fixed are as follows:

"30 April 1985 for the Memorial of the Repubic of Nicaragua;

"31 May 1985 for the Counter-Memorial of the United States of America."

Oral arguments will be scheduled for later in the year. The United States does not plan to participate.

The policy seems to me to risk assuming a position of moral equivalence with those very nations who are least abiding of international law. The idea has been summed up by one of the architects of the Administration policy in a recent op-ed in the Wall Street Journal titled: "Why Bow to the World Court When Few Others Do?"

This is a long way from the position of political leadership the United States assumed for itself 40 years ago. Are we now to be content to measure the acceptability of our policies according to whether they are equally acceptable to the likes of the Soviet Union, or Iran. Or Nicaragua.

I would hope not. But most of all I would hope that we not lose the sense that our national interests reside in upholding a regime of law in international affairs. Jon Van Dyke has recently written that the scuttling of the law of the sea pact jeopardizes U.S. passage through strategic straits, and sends up a flare signaling American reluctance to participate in multinational resolution of disputes.

I tend to agree. At minimum it seems to me this question needs to be addressed. I have enough of the Navy left in me to think it a matter of great consequence whether the right of free passage in the narrows of the ocean seas is recognized and upheld. Of course there is the separate and troublesome issue of mineral and mining rights. But need we simply withdraw from the process?

Are we to be content with this posture?

The American Society of International Law has involved itself. Responding to the U.S. announcement of refusal to participate in the Court proceedings, the Society has adopted only the second 'political' resolution in its 80-year existence.

I quote a portion of that resolution:

"The Society . . . deplores, and strongly favors rescission of, the recent action of the United States Government in attempting to withdraw from the jurisdiction of the International Court of Justice 'disputes with any Central American state.' "

Can the American Bar Association help encourage a greater sensitivity to considerations of law, too?

I believe it is the only way back to a consensus approach to foreign policy—a bipartisan approach to foreign affairs, if you will.

To the degree that law—the Law of the Charter included—is seen to be, and is, the basis of our international conduct, a bipartisan foreign policy does not require a party out of office to agree with policies of the party in power, but rather simply to agree with the principles of law on which those policies are based. Principles prior, as you might say, to whatever is the present emergency, the incumbent president, the prospects for the next election. The same principle applies to allied and non-aligned nations, who can for more readily support (or at least accept) American policies if our conduct is seen to be based on law that binds them as well as us.

It also encourages, I dare say, a certain litigiousness to which the American bar is especially suited or at least much inclined. It would seem to me that we should welcome the chance to meet Nicaragua in Court. It would be our kind of forum. And there is lots we have to talk about. How I would love to see William P. Rogers at The Hague leading an American team of international lawyers—John Norton Moore, Alfred P. Rubin, L.F.E. Goldie. with plain instructions, from the Secretary of State to the former: "Win."

It may be too late (31 May 1985 is a week from tomorrow), but there are signs that our recent losing streak has not been universally approved. Not long ago our respected Secretary of State, George P. Shultz, announced that he had asked Federal District Court Judge Abraham D. Sofaer to leave

the bench in the Southern District of New York to become the Legal Adviser to the Department of State. I had the honor to recommend Judge Sofaer's appointment to the Judiciary in the first instance and, much as he will be missed in New York, he will certainly be welcome in Washington.

Just a month ago I addressed the annual meeting of the American Society of International Law, and spoke to the more general question of our continued adherence to those ideas which seemed so settled a generation ago, and even more so three generations ago. The law is there, I said. In 1900 the Supreme Court put the matter plainly enough in Pacquette Habana: "International law is part of our law . . . It does not cease to become law because it is disobeyed, nor yet if it has been forgotten, to conservatives and liberal alike, ignorance of the law is no excuse.

Now clearly the World Court is no longer an ideal instrument for the adjudication of law. As I count, some nine of its fifteen members come from countries where there is an independent judiciary and a secure legal system. As this is true for perhaps a third, at most half of the members of the United Nations, we may judge that the Court is not all that imbalanced. Still, obviously, we cannot accept that legal judgement will be passed on us by persons who, whatever their individual dispositions, come from and unavoidably represent societies where legality has a wholly different meaning from that which we assume. We have to think of new terms of submission to the court's jurisdiction. The Court's statute provides for Special Chambers, wherein the parties to the dispute pick the judges: a viable arrangement. Obviously however we cannot indefinitely prolong the situation which Nicaragua is now exploiting, which is to say that of a near-as-makes-no-matter Marxist-Leninist regime dragging the United States before the world tribunal, with the United States unprepared, unwilling, almost uncomprehending. There is a remedy for this, however. It is called, attention, and that is what I hope the subject will receive.

Mr. HATFIELD. Mr. President, this amendment has been cleared on the majority side by the committees of jurisdiction.

Mr. JOHNSTON. Mr. President, this amendment has been cleared on this side of the aisle.

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

So the amendment (No. 396) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 397

(Purpose: To provide supplemental appropriations to train United States and foreign law enforcement personnel to prevent international aircraft piracy, and for research and development in aviation security technologies)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 397.

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

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

The amendment is as follows:

On page 17, insert between lines 14 and 15 the following:

FEDERAL AVIATION ADMINISTRATION OPERATIONS

For an additional amount for the Civil Aviation Security Office of the Department of Transportation for the training of United States and foreign law enforcement personnel to prevent aircraft piracy, $2,000,000 to remain available until expended.

For an additional amount for the Associate Administrator for Development and Logistics, Office of Engineering and Maintenance Service, Aircraft Safety Program 18 (Aviation Security) for additional research and development in aviation security technologies, $1,500,000 to remain available until expended.

Mr. SIMON. Mr. President, I have checked this amendment with the Senator from North Dakota [Mr. ANDREWS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Florida [Mr. CHILES]. This is a problem that is of major concern to the people in my State right now. We have 26 hostages. Fortunately, a majority of them are now free.

In talking to personnel of the FAA—because we have been interested in what do you do in a concrete way to help rather than making speeches—they say that what we really need are two things: one, personnel for inspection and for training. Right now there are 120 personnel totally for all the airports in the United States and abroad for inspection purposes.

The second is research on explosives that are nonmetallic. Here again it seems to me the need is very, very clear. That need exists not only in airports like Athens—and Athens is No. 15 in international airports with problems—but in airports in our country.

Mr. President, the disturbing events in Beirut have again brought home the consequences of failing to grapple with the phenomenon of terrorism. This is an international problem and clearly deserves an international solution. But there are a number of steps we can take at home to reduce the likelihood of hijackings.

I have sent to the desk an amendment to the Federal Aviation Administration [FAA] budget for fiscal year 1985 covering the areas of civil aviation security training programs and R&D related to aviation security. I have asked for an immediate increase of $2 million for training, and another $1.5 million for research and development relating to explosive and vapor detection techniques, and other technologies as deemed appropriate by the Office of Civil Aviation Security and the Office of Engineering and Maintenance Service, to improve our airport and air carrier security both at home and abroad.

These supplemental increases are urgently required if we are to begin a sustained commitment to combatting air piracy. We Americans are often given to crisis management and crisis reponse, but all too often the commitment sparked by the immediacy of crisis fades away in the aftermath of our initial action. This can no longer be the case with our involvement in fighting terrorism. It is only a matter of time before air terrorism, and indeed terrorism in all its ugly manifestations, becomes a more frequent occurrence within our borders.

I say this not as a scare tactic, nor as a message of impending disaster. I say this rather as a careful reading of international events over the past 10 to 15 years. More and more extremists groups have vowed to carry their fight to American shores, while they have also redoubled their efforts to strike at our interests and our citizens overseas. These people are not just "madmen," although there are maniacal people among them; they are more importantly self-proclaimed warriors leading the anti-American and anti-Western fight wherever and however they can. We need to recognize this and respond appropriately.

I am also concerned about the alarming situation here in the United States, where there have been 20 attempted hijackings—some successful, some not—since 1981 originating from six of our largest and busiest airports in New York, Florida, Illinois, and California. We must, in short, reorder our priorities so that we take adequate account of the damage done to our national security when hostages are seized as a result of lax airport security. We need to pay more attention to this element of international politics, and start spending money and creating effective programs that go beyond the scope of our traditional defense budget concerns.

At the present moment, our attention, and that of the rest of the world, is focused on the hostage crisis in Beirut. Our immediate and most pressing concern must be the quick and safe release of all the hostages still held by the terrorists. At the same time, there are long-term issues involving the security of our citizens, here and outside our borders, that we cannot afford to neglect. A number of solid proposals have been offered in recent days to ensure the security of U.S. citizens traveling abroad. But, while we consider options to increase security at foreign airports, we must be sure our own house is in order. And, I must say,

based on research my staff has pulled together, there is reason for concern about security at some of our own airports.

My staff has just completed a review of all domestic and international hijackings since 1938. The record indicates that most major airports in the United States have experienced an alarmingly high number of hijackings. In the past 25 years, there have been 28 hijackings in Miami, 27 in New York, 16 in Los Angeles and 12 in Chicago. To their credit, none of these airports have experienced an attempted hijacking since the end of 1983, an indication that we are serious about security measures at our own airports. But the results of this research do indicate that almost every one of our major airports has experienced at least one hijacking. It is easy to demand that security measures be strengthened abroad, yet I believe we must ensure that our own security technology is effective and that our security personnel are fully trained before we can demand that these procedures be followed by foreign governments.

Under the present administration, the FAA has suffered budget cutbacks which have resulted in a decrease in the number of Government airport inspectors. Currently, there are about 120 FAA inspectors to conduct worldwide airport checks. This number becomes even more inadequate when you consider that this small group of people must conduct at least one and up to four inspections on U.S. airports and at least one inspection of foreign airports every 2 years. While the biennial check of foreign airports is woefully inadequate, and I hope will be changed in light of the recent crisis, there is no way the present number of FAA inspectors could increase their oversight of foreign, and domestic airports.

The security of our people, and our property, should be viewed as a critical component of our defense and national security. Several weeks ago the Senate approved a defense budget of over $300 billion. We spent hours debating the construction of new weapons, without ever addressing some of the essential security issues which have come to the forefront over the past week. In many instances, the cost of hiring more FAA inspectors and providing adequate training to those people enforcing security measures at our airports is a more effective way to ensure the security of our citizens than the building of another MX missile. Let us use this crisis to accomplish some very practical and positive effects to protect our citizens and our foreign visitors traveling in the United States.

Mr. President, I am optimistic that we will be able to resolve this crisis fully with the safe release of all those still being held in Beirut. But, after this resolution, let us not sink back into a false sense of complacency. Terrorism is far from a new phenomenon; in fact, we are seeing an increase in terrorism directed at Americans. It is time for us to start fighting and fighting effectively. Part of that effort must include ensuring that our own airports are safe and secure and I urge my colleagues to give the FAA what it needs to enhance and enforce airport security here at home.

I ask for unanimous consent to include in the RECORD a list of hijackings at major U.S. airports for the past 15 years. For those who are interested, my staff does have a complete list of all hijackings at all U.S. airports since 1938.

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

ATTEMPTED HIJACKINGS 1970–85

City/airport	Date	Carrier
U.S. AIRPORTS		
New York: JFK and LaGuardia	9/22/83	American.
	7/19/83	Eastern.
	4/18/81	Eastern.
	2/5/81	Eastern.
	9/8/80	Eastern.
	8/26/80	Eastern.
	6/20/79	American.
	6/11/79	Delta.
	12/26/78	United.
	12/14/78	National.
	8/25/78	TWA.
	1/11/77	TWA.
	9/10/76	TWA.
	9/4/74	Eastern.
	5/23/74	Wall Street Helicopter.
	10/25/71	American.
	7/23/71	TWA.
	3/31/71	Eastern.
	8/2/70	Pan American.
Florida:		
Miami	8/18/83	Delta.
	8/2/83	Pan American.
	7/17/83	Delta.
	7/2/83	Pan American.
	6/14/83	Eastern.
	5/19/83	Eastern.
	7/22/82	Mario Islands Airways.
	2/2/82	Air Florida.
	10/25/80	Continental.
	8/14/80	National.
	8/16/80	Eastern.
	8/16/80	Republic.
	7/22/80	Delta.
	8/10/80	Air Florida.
	12/25/77	Eastern.
	3/7/72	Chuck's Flying Service.
	7/24/71	National.
	5/28/71	Eastern.
	10/30/71	National.
Tampa	7/21/83	North West.
	8/16/82	Dolphin Airways.
	9/14/80	Eastern.
	12/14/74	Tampa Flying Service.
	3/7/72	National.
Illinois: Chicago-O'Hare	12/30/82	United.
	4/5/82	Delta.
	3/1/82	United.
	7/10/81	Eastern.
	12/26/71	American.
	9/3/71	Eastern.
	6/11/71	United.
	2/4/71	Delta.
	5/25/70	American.
	5/25/70	Delta.
California: Los Angeles	10/27/82	TWA.
	3/5/81	Continental.
	10/30/79	Pacific Southwest.
	3/16/79	Continental.
	1/27/79	United.
	6/2/72	No airline given.
	1/24/72	TWA.
	6/11/71	TWA.
	4/29/71	Avianca.
	1/3/71	National.
	9/15/70	TWA.
FOREIGN COUNTRIES		
1. Lebanon:		
Beirut	6/11/85	Royal Jordania.
	4/1/85	Middle East Airlines.
	2/23/85	Middle East Airlines.
	2/24/82	Kuwait Airways.
	7/24/80	Kuwait Airways.
	1/18/80	Middle East Airlines.
	9/7/79	Alitalia.
	1/16/79	Middle East Airlines.
	6/5/77	Middle East Airlines.
	7/8/77	Kuwait Airways.
2. India:		
Bombay	9/28/77	Japan Airlines.
New Delhi	8/24/84	Indian Airlines.
	8/4/84	Indian Airlines.
	6/30/82	Alitalia.
	9/29/81	Indian Airlines.
	9/10/76	Indian Airlines.
Srinagar	7/5/84	Indian Airlines.
	1/20/71	Indian Airlines.
Manquator	8/10/82	Indian Airlines.
Patna	12/20/78	Indian Airlines.
Toahpur	8/10/82	Indian Airlines.
3. Colombia:		
Bogota	12/15/80	Avianca.
	1/2/82	Avianca.
Barran Carbermeja	12/22/75	SAM.
Buscaramanya	2/6/81	Avianca.
Medellin	2/29/76	ACES.
Monteria	10/21/81	Avianca.
Pereira	4/24/76	Avianca.
Santa Marta	5/11/78	Avianca.
4. Germany:		
Frankfurt	3/27/85	Lufthansa.
	2/27/85	Lufthansa.
	7/31/84	Air France.
	3/7/84	Air France.
	9/12/79	Lufthansa.
	6/28/77	Lufthansa.
Hamburg	3/29/85	Lufthansa.
5. Philippines:		
Davao	5/21/76	Philippine Airlines.
	10/7/75	Philippine Airlines.
Bocolod	5/21/82	Philippine Airlines.
Cagayan de Oro	4/7/76	Philippine Airlines.
Kalayaan	12/29/80	Corporate.
Manila	7/12/80	Philippine Airlines.
Pagadia	2/25/75	Philippine Airlines.
6. Japan:		
Tokyo	5/8/77	Northwest.
	3/17/77	All Nippon Airways.
	7/28/75	All Nippon Airways.
Osaka	11/13/79	Japan Airlines.
Chitose	3/17/77	All Nippon Airways.
Sapporo	4/9/75	Japan Airlines.
7. Iran:		
Tehran	9/12/84	Iran Air.
	8/7/84	Iran Air.
	6/26/84	Iran Air.
Shiraz	8/28/84	Iran Air.
	7/6/83	Iran Air.
Bandar Abbas	9/9/84	Iran Air.
8. Venezuela:		
Caracas	7/24/84	Aeropostal.
	12/7/81	Aeropostal.
	11/6/80	Avensa.
Porlamor	12/5/80	Aeropostal.
Velera	11/6/80	Avensa.
9. France:		
Paris	9/30/77	Air Inter.
	4/30/76	Turkish Airlines.
Nice	8/12/77	Air France.
	9/4/76	KLM.
10. England:		
London	11/5/84	Saudi Arabia.
	6/29/77	Gulf Air.
Manchester	1/7/75	British Airways.
11. Mexico:		
Mexico City	9/1/83	Mexicana.
	6/24/83	Aeromexico.
Torrean	5/16/78	Aeromexico.
12. Ecuador:		
Quito	1/18/78	Saeta Airlines.
Guayoquil	2/29/80	Ecuatorrana de Aviacion.
Tulcan	7/9/79	Condor Aerovias Nacionales.
13. Libya:		
Benghazi	8/24/79	Libyan Arab Airlines.
Hon	10/16/79	Libyan Arab Airlines.
Tripoli	7/6/76	Libyan Arab Airlines.
14. Turkey:		
Istanbul	10/13/80	Turkish Airlines.
	2/13/77	Turkish Airlines.
Diyarbakio	3/19/77	Turkish Airlines.
15. Greece: Athens	6/14/85	TWA.
	9/27/85	Olympic.
16. Argentina:		
Buenos Aires	10/5/75	Aerolineas Argentina.
Mar Del Plato	6/30/80	Aerolineas Argentinas.
17. Netherlands: Amsterdam	8/6/78	KLM.

Mr. SIMON. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. SIMON. Mr. President, let me add that the Senator from Kansas [Mrs. KASSEBAUM] wanted to comment on this amendment, and I do not see her here.

Mr. JOHNSTON. Mr. President, I wonder if the distinguished Senator from Illinois would allow us to temporarily lay aside his amendment to consider a noncontested amendment.

Mr. SIMON. I have no objection to that at all.

The PRESIDING OFFICER. Without objection, the amendment is laid aside.

AMENDMENT NO. 398

Mr. ABDNOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. ABDNOR] proposes an amendment numbered 398.

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

The PRESIDING OFFICER. Without objection, it so ordered.

The amendment is as follows:

On Page 171, Line 12 before the semicolon insert the following: ": *Provided*, That expenses of transportation audit contracts and contract administration shall be in addition to this amount and shall be hereafter financed from overcharges collected from carriers on transportation bills by the Government and other similar type refunds at not to exceed $5,200,000 annually"

Mr. ABDNOR. Mr. President, this amendment has been cleared on both sides. It enhances the ability of the General Services Administration to collect transportation overpayments.

Expenses of transportation audits by contractors, including contract administration, were heretofore financed by the lump sum direct appropriation to this account. Beginning with fiscal year 1986 it is proposed to finance these costs from overcharges collected from carriers on transportation bills already paid by the Government and other similar type refunds, within the limitation specified in the appropriation language. The remaining collections will continue to offset the governmentwide budget deficit.

This type of financing mechanism will result in a more cost-effective program this is self-sustained. In a climate of severely constrained budgets, this financing approach will contribute toward reducing the drain on the Treasury.

Since fiscal year 1983, GSA's Office of Transportation Audits has utilized commercial firms to supplement the efforts of its in-house technical staff to audit transportation bills paid by all Federal agencies, both military and civilian. The contractors are making a positive net contribution to both backlog reduction and overcharge recovery. Almost $32 million in overcharges was detected by GSA in fiscal year 1984, with $6.3 million—almost 20 percent—of that amount identified by five small business concerns under contract.

This program began as a test and is just now beginning to mature. However, budget constraints necessitated a reduction in the appropriated moneys available to pay contractor commissions in fiscal year 1985. While this year's contractors were originally estimated to require $3.75 million in commissions to fully perform under their contracts, only $2.5 million was made available. As such, two of the contractors have exhausted their commission allocations and another will do so within the next 60 days. Moreover, there is no appropriated funding in the fiscal year 1986 budget for the payment of contractor commissions.

The contractors are only paid after the overcharges detected by them have been successfully collected by GSA from the carriers. Since the average commission rate is only 30 percent, the Government loses 70 cents on every dollar overcharged by the carriers that the contractors will not be able to detect because they either are or shortly will be standing idle. Moreover, while some workload reallocations can be made, in-house staff reductions dictate that significant portions of the auditing previously performed by the contractors will simply not get done.

However, there is an obvious funding source available—namely, carrier refunds, but the authority to tap these moneys to pay contractors is needed. As such, no additional funding is being sought, but rather merely the authority to utilize some of the money already expended by the Government that otherwise will remain in the possession of the carriers if not properly claimed.

Given authority to utilize a portion of the refunds to pay contractors, GSA could not only revive the Commercial Audit Program that it took 3 years to nurture, but also expand its coverage. There has been, for example, interest expressed by contractors in auditing air passenger bills. Two previous solicitations produced no responsive bidders for this category of transportation. Since the in-house staff is limited, substantial air passenger overcharges are quite possibly being lost. Support from commercial contractors would remedy this situation, thereby producing a net contribution to the U.S. Treasury.

Since there would be no out-of-pocket cost to the Government for such contract support services, one must question the fiscal prudence of aborting this program just as it is beginning to realize some of the very benefits.

Mr. MATTINGLY. Mr. President, I should like to address a matter of great concern to the people of my State of Georgia and to the Nation as a whole. Exports and imports are growing at a rapid rate, and our ports of entry are trying to accommodate this increased activity. Three facilities in Georgia that are striving to handle this flow of goods are Savannah and Brunswick on the coast, and Hartsfield International Airport in Atlanta.

As has been the case in the past several years, there has been a great deal of talk about consolidating many Customs Service functions and in some instances, the outright elimination of district offices. I am concerned that this bill would delete language prohibiting any consolidation actions by the U.S. Customs Service.

I understand the need to move personnel from less productive administrative positions to frontline operations, and I concur with appropriate actions to accomplish this goal. But it is my opinion this move to delete the House language could possibly prove counterproductive.

I would like the distinguished Senator from South Dakota, who is chairman of this subcommittee, to address this matter of consolidations of Customs districts.

Mr. ABDNOR. I thank my friend from Georgia for bringing up this subject at this time. I can certainly understand his position and appreciate his concern.

The language that is included in the House bill prohibits the use of funds to plan, implement, or administer any reduction in regions and districts and any consolidation or centralization of offices of the Customs Service. This prohibition causes several problems.

There are many offices which can be streamlined to better serve the public. By prohibiting any consolidations or centralizations, there will not exist areas in which staff can be shifted and changed for the benefit of the facilities that are in need of assistance. For instance, there are administrative and office positions that through good management can be converted to frontline positions, which are needed, and can, therefore, better assist in processing increased Customs activities.

While I understand the Senator's concern that some Customs offices that should not be consolidated may very well be, there is a guarantee that no final action will be taken without the involvement of Congress. This guarantee exists in the form of the Tariff and Trade Act of 1984, which prohibits Customs from taking any action on any proposals to change during fiscal year 1985 without first providing written notification to the appropriate oversight committee in Congress. After this formal notifica-

tion occurs, Customs is prohibited from taking action for a period of 90 days.

It is with these in mind that I feel any prohibition in the funding to consolidate Customs services will work to hinder the goals of the Customs Service, that is, to process goods at these ports in the most efficient and effective manner.

Mr. MATTINGLY. I appreciate the remarks from the distinguished Senator from South Dakota.

I have talked with Commissioner von Raab about this matter, and he has responded to my concerns by letter. He assures me that there are no plans to close port facilities in Savannah or to reduce the number of inspectors there or in any other facility in Georgia.

However, he has said that consolidation of the existing Savannah district office into the Charleston office has been considered as an option at the staff level within Customs. However, no final list of locations to be consolidated has been approved.

Due to the great amount of trade going through the Savannah area, it would certainly be counterproductive to consolidate this facility into any other. I wonder if the distinguished Senator from South Dakota has any information on this matter.

Mr. ABDNOR. I have also had communication with the Commissioner, and he has assured me that no action which would adversely affect Savannah will occur in the near future.

Mr. MATTINGLY. I thank the distinguished Senator from South Dakota, and I would ask that he give this matter some further thought before we take this bill to conference. I will visit with him some more and ask that we consider receding to the House provisions.

Mr. DOMENICI. Mr. President, I should like to ask the distinguished chairman of the Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government if he could summarize the staffing levels provided for the U.S. Customs Service in the Senate-reported fiscal year 1985 supplemental appropriations bill.

Mr. ABDNOR. I am happy to respond to the inquiry from the Senator from New Mexico. The Senate Appropriations Committee is very concerned about the staffing problems facing the Customs Service. The Senate committee believes that filling approximately 375 currently authorized, but vacant, positions will help alleviate this situation. The Senate committee has, therefore, restored $6,246,000 for absorption costs associated with the January 1985 pay raise. These funds would enable the Customs Service to achieve the authorized staffing levels in fiscal year 1985.

Mr. DOMENICI. I thank the Senator. As my good friend, Senator ABDNOR, knows, two border crossings in New Mexico have been adversely affected by staffing shortages in the Customs Service. The first crossing, Antelope Wells, was temporarily closed, along with several others, on March 2 because of instability along the southwestern border. The second facility at Columbus, NM has several inadequacies that urgently need to be addressed.

I am pleased to say that the Customs Service has recently advised me that it intends to reopen the Antelope Wells facility within 30 days. It is my understanding that the Customs Service will be able to allocate sufficient personnel and resources for both facilities in New Mexico. In view of the Senate and House action on the supplemental, does the Senator think this is indeed the case?

Mr. ABDNOR. Mr. President, say to my good friend that I believe that is indeed the case. I, too, have been notified that the Customs Service intends to open the Antelope Wells facility soon. I share Senator DOMENICI's concerns about the number of ports of entry which have suffered from decreasing staffing levels and the security problems associated with others. The Senate report accompanying this bill directs the Customs Service to proceed with filling critically needed positions at posts of entry. I am confident that the Customs Service will be able to accommodate the staffing requirements at Antelope Wells, and Columbus, NM, within the overall funding ultimately made available to the Customs Service in fiscal year 1985.

Mr. ABDNOR. Mr. President, as I said, I believe the amendment has been cleared on both sides.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side of the aisle.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

So the amendment (No. 398) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, we do have at the moment pending an amendment from the Senator from Illinois. On behalf of the managers of the bill, I should like to indicate that we are moving toward third reading. We are aware that there may be an amendment offered—in fact, it will be offered, I am told—on the question of economic aid to Jordan. It is very hopeful that we can restrain ourselves enough to make succinct statements and move to a vote on that, which I am sure will be required.

Other than that, I have no other amendment except I believe one more on our side. And so if there are Senators who are planning to offer amendments, I urge they come to the floor. There will be a colloquy which will outline the arrangement made in negotiations with Mr. Stockman vis-a-vis water project cost-sharing policies or formulas that we hope to work out eventually through the authorizing committee. Therefore, I again urge Senators to be present to offer any other amendments which they may have.

I believe the Senator from Louisiana has knowledge of one or two on this side which have yet to be presented. But I know of only one on our side, I believe.

Mr. JOHNSTON. Mr. President, I might say that the only amendment I have been asked to have cleared is one by the distinguished Senator from Montana. I understand that is momentarily ready to be cleared. Other than that, all we have is rumors of amendments. I have had no request to hold up third reading for further amendments. I state that now so that if anyone disagrees they may promptly get in touch with me so as not to move toward third reading.

Mr. HART. Mr. President, I commend the efforts of the leadership of the Senate Appropriations Committee and underscore my continuing support for the Animas-La Plata project in Colorado.

In some respects, this is an historic bill. If passed, it will break a nearly 7-year deadlock in the water project funding debate. Like most westerners, I welcome this wholeheartedly.

Of primary interest to me is new start funding provided for the Animas-La Plata project in southwestern Colorado and northeastern New Mexico. Since originally authorized in 1968 as part of the Colorado River Basin Project Act, both States have aggressively sought funding for the Animas-La Plata. Although that enacting legislation intended that the project be constructed concurrently with the central Arizona project, budget constraints and other factors have prevented this from happening. These constraints have not affected CAP construction, however, a major portion of which is scheduled to come on line later this year.

When complete, the Animas-La Plata project promises substantial benefits to the residents of both Colorado and New Mexico. This multipurpose water storage project will provide municipal and industrial water to local communities and industry, and irrigation water for farmers and Indian

tribes in the La Plata basin. It will also offer recreational opportunities at the main reservoir 3 miles southwest of Durango, CO.

Most important, this project will assist in addressing and fulfilling the longstanding entitlements of the Southern Ute, Ute Mountain Ute, and Navajo Indian Tribes. By proceeding with this project, the U.S. Government has an opportunity to rectify years of social and economic injustice to these tribes. The Federal Government helped create this situation by waiting over a century after the reservations were established before making any attempt to quantify the rights to which the tribes are entitled.

Fulfilling these Indian rights is a national obligation which must be dealt with by the Federal Government. By moving ahead with this project we have a unique opportunity to set a national precedent which will be in everyone's best interest. Moreover, we will remove the shackles which have prevented full economic development on Indian lands in the Southwest.

There is no question that without some progress on this important project, the tribes will continue their efforts to assert their acknowledged legal rights through lengthy and costly, but I suspect ultimately successful litigation. Unfortunately, the result of a successful court battle will mean non-Indians in the San Juan basin will be force to relinquish junior water rights to which they have become dependent for nearly 100 years. The potential costs in terms of litigation on both sides, not to mention the loss of non-Indian water supplies along with all of the facilities already constructed and paid for, will be enormous. By approving this funding Congress can ensure that communities in both States are guaranteed sufficient water to meet their needs.

Mr. President, nearly 7 years have passed since any measurable progress has been recorded on needed multipurpose water projects in Colorado. Although President Reagan campaigned throughout 1980 criticizing the lack of progress on water projects by the previous administration, his promises have proven hollow. He has had nearly 5 years to make good on promises made throughout the country. Unfortunately, as with most issues relating to natural resources the Reagan administration has taken several giant steps backward.

In the wake of the Carter hit list, the Reagan administration trumpeted the merits of reempowering the States with the principle responsibility for water resource development. But in the name of a new Federal/State partnership, the administration has created a water resource planning and funding void which it has had no intention of filling. Again this week we have heard threats of a Presidential veto because of the water project funding in this bill.

Unfortunately, the administration has provided no means by which the States can fill this void either. At a time when our Nation faces a need to find new solutions and to deal with pressing water crises in every region of the country, in ports, waterways, water delivery systems, irrigation, and groundwater pollution, these problems have been met by an administration policy that is on the run—running away from responsibility under the guise of establishing a new Federal/State partnership.

The Reagan administration has touted a new stance on Indian water rights. But this, too, has amounted to nothing more than a step backward. The role of Government as protector of vested Indian rights has now shifted to that of arbitrator. While many Indian water rights claims remain unsolved the administration has walked away, indicating a lack of any sense of fairness to Indians. All that Indians across the country can count on today is an entirely new set of unknowns. Native Americans expect much more and deserve no less. This legislation will permits us to take this important step.

Perhaps the most visible part of an otherwise invisible Reagan water policy is its continued insistence on costsharing. Unfortunately, the administration itself has been divided on this issue. In fact, it took the President nearly 35 months of his first term to report to Congress that administration policy would preserve the status quo: negotiation on a case-by-case basis. And that policy was transmitted to the Congress in January 1984. I need not remind my colleagues that there has been no progress and little administration support since that time.

There are constraints. We have entered a new era of water resource management where, for the most part, many of the critical projects have already been developed. For good reason, water project planning and development are now done within a framework of substantial environmental constraints—constraints which must balance water resource development against environmental impacts. And, a deficit-ridden Federal Government is no longer the financial institution to which project sponsors can freely turn to for funding. Our efforts must now focus on developing innovative solutions and financing alternatives which allow some level of progress to continue.

I am confident that cost-sharing provisions in this bill are a step forward and will allow that necessary progress. I look forward to working with my colleagues at the Senate Committee on Environment and Public Works to further refine nationwide cost sharing.

Mr. President, I would like to express in the strongest terms my concern about the sunsetting provision on funds contained in this bill. It is important that we encourage non-Federal project sponsors to submit cost-sharing proposals. However, should the Bureau of Reclamation or Army Corps linger in their consideration, negotiation and approval of these proposals, we may well find ourselves in this same gridlock on June 30, 1986. I implore these agencies to work expeditiously and in good faith with project sponsors and beneficiaries in order that we move forward. I am certain many of us here today will watch this process closely.

Once again, I congratulate the efforts of the Senate Appropriations Committee leadership in moving funding for the Animas-La Plata project to the Senate floor for consideration and approval.

AMENDMENT NO. 399

Mr. HATFIELD. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment by the Senator from Illinois.

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

Mr. HATFIELD. Mr. President, I sent to the desk two amendments, and I ask unanimous consent that they be considered en bloc.

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

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 399.

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

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

The amendment is as follows:

On page 123, after line 23, insert:

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $10,000 for each such Leader; in all $20,000.

On page 127, after line 7, insert:

SEC. 197. (a) There is hereby established an account, within the Senate, to be known as the "Representation Allowance Account for the Majority and Minority Leaders". Such Allowance Account shall be used by the Majority and Minority Leaders of the Senate to assist them properly to discharge their appropriate responsibilities in the United States to members of foreign legislative bodies and prominent officials of foreign governments and intergovernmental organizations.

(b) Payments authorized to be made under this section shall be paid by the Secretary of the Senate. Of the funds available for expenditure from such Allowance Account for any fiscal year, one-half shall be allotted to the Majority Leader and one-half shall be allotted to the Majority Leader. Amounts paid from such Allowance Account to the Majority or Minority Leader shall be

paid to him from his allotment and shall be paid to him only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses. Amounts paid to the Majority or Minority Leader pursuant to this section shall not be reported as income and shall not be allowed as a deduction under title 26, United States Code.

(c) There are authorized to be appropriated for each fiscal year (commencing with the fiscal year ending September 30, 1985) not more than $20,000 to the Allowance Account established by this section.

Mr. HATFIELD. Mr. President, basically what we are presenting here are two amendments, one setting up a new accounting system for the majority leader and the minority leader on expenses relating to their offices with respect to receiving foreign dignitaries.

The second amendment is the actual appropriated amount to cover that particular account—$10,000 for the minority leader and $10,000 for the majority leader.

This has been cleared on both sides.

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

The amendment (No. 399) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SIMON. Mr. President, the pending business is the amendment that we have that I have offered that would provide $2 million to the FAA for additional personnel services and $1.5 million for research.

While Senator ANDREWS, Senator COCHRAN, and Senator CHILES have agreed to that, Senator KASSEBAUM has some concerns and, frankly, some legitimate concerns about us going off in several directions. I have had some discussions with her, and there is a possibility that we can through hearings get something worked out that will be a little more coordinated.

I am pleased to yield to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I thank the Senator from Illinois.

I know it is of special concern to him regarding airport safety standards because there were 20-some people from Illinois I believe on the TWA flight that was hijacked.

As chairman of the Aviation Subcommittee, I have some concern. While all of us are trying to find measures that could improve international airport safety, we have now, I believe, six or seven bills in the last couple of days that have been brought forward. I think personally, Mr. President—and I have shared this concern with the Senator from Illinois—it is a mistake for us to do sort of patchwork bills addressing a problem here and a problem there and money here and money there without getting on the record a full scope of the way we handle international airports, what safety measures are in effect now, and what could be done that would really improve the situation.

I very much appreciate the willingness of the Senator from Illinois to withhold his amendment until the hearing next Thrusday, at which we will then undertake a very comprehensive evaluation of the situation.

Mr. SIMON. If the Senator will yield, I am willing to do that, I have to confess, with some reluctance. Senator DIXON and I face a situation where we had 26 who were hostages. I am pleased to say that is down to nine who are still hostages.

My concern is the next appropriation bill is likely to be September. The chairman of the Appropriations Committee may correct me, but I assume the next supplemental will be September at the earliest.

But if the Senator from Kansas can assure me that her subcommittee will make a recommendation to us within the next 4 weeks so that we can move on whatever needs to be done as quickly as possible—because, as I indicated earlier on the floor, one of the things that astounded me as I went through this is that we have 120 FAA inspectors who cover the whole Nation and cover the whole world for us in their area—if the Senator can assure me that we will have action within the next 4 weeks from her subcommittee, that would allay some of my fears and we could move in a constructive direction.

Mr. HATFIELD. Will the Senator yield?

Mr. SIMON. I am pleased to yield.

Mr. HATFIELD. I wish to respond to one point. We on the Appropriations Committee expect to have a markup for fiscal year 1986 in July. So that would be another opportunity for a vehicle for the Senator from Illinois to consider. That is our expectation; July.

Mrs. KASSEBAUM. Mr. President, I wish to respond to the Senator from Illinois and assure him that we will report out of not only the subcommittee but the full Commerce Committee, because I know Chairman DANFORTH shares my concern about this issue and there obviously is a great deal of interest in the Senate as a body to try and make sure we put together the most constructive package possible to deal with the question of international aviation safety.

Mr. SIMON. I thank the Senator.

I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment. The amendment No. 397 is considered withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 400

(Purpose: To allow the Secretary to certify that cost-sharing agreements enlisted into before the date of the acts enactment comply with the financing and certification requirements of this section)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 400.

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

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

The amendment is as follows:

On page 66 after line 18 insert the following:

"*Provided further,* That the provision requiring congressional review shall not apply to any binding agreements on cost-sharing entered into before the date of enactment of this Act, upon certification of the Secretary, that the agreements comply with the cost-sharing financing and certification requirements of this section."

Mr. SIMPSON. Mr. President, this is an amendment to exempt a project in Wyoming, which has been pending for literally many years, exempting the cost-sharing agreement from the congressional review process.

The amendment has no other purpose than to assure that the construction season this summer will be able to be a very productive one. This is probably the most extraordinary project in the entire batch because the State of Wyoming, our legislature, and Governor have already appropriated $47 million, over 40 percent of the cost of this project. The agreement was signed on March 29. Further delay would be detrimental to the construction process. My colleague, Senator WALLOP, has

been an extraordinary principal sponsor of this original project. On behalf of Senator WALLOP and myself I submit this to the comanager of the bill for approval.

Mr. HATFIELD. Mr. President, this amendment has been cleared on the majority side.

Mr. JOHNSTON. Mr. President, I think the Senator stated that this exempts the project from cost sharing. I think what it does is exempts the project from congressional review of cost sharing.

Mr. SIMPSON. It exempts the cost-sharing agreement, which has already been signed, from the review process.

Mr. JOHNSTON. That is our understanding, and it has been cleared on this side of the aisle.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 400) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I thank the two comanagers of the bill, especially Senator HATFIELD and Senator JOHNSTON. They have understood this issue from the beginning, and have understood the frustration. I thank them sincerely for their assistance throughout.

AMENDMENT NO. 401

(Purpose: Ensure continued operation of Forest Service Equipment Development Centers in Montana and California)

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER], for himself and Mr. BAUCUS, proposes an amendment numbered 401.

On line 11, page 106, change to "Administrative Provisions".

On line 3, page 107, insert the following new paragraph:

"Notwithstanding any other provision of law, the Forest Service shall continue to operate Equipment Development Facilities in San Dimas, California, and in Missoula, Montana, at least through the end of fiscal year 1986, and funds and personnel to operate these facilities in fiscal years 1985 and 1986 shall not be reduced by more than 10% from currently appropriated levels."

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, at present within the Department of Agriculture, U.S. Forest Service, under the division of engineering there exist two equipment development centers. Directly under the Washington office in organizational structure, these centers are located in Missoula, MT, and San Dimas, CA. The San Dimas facility was built in 1964, the Missoula facility was in existence long before that date, originating some time following World War II.

Briefly, Mr. President, the amendment seeks to make certain that the continuation of the two development centers will remain in effect during the remainder of this fiscal year and the 1986 fiscal year. It will end doubts about one or the other being closed. Both are needed. Both are essential and the amendment seeks to eliminate those doubts about closures.

Many of the projects undertaken by the centers have commercial—nongovernmental—applications of benefit primarily to the timber industry. Prime examples of this would be the Missoula Center's work on various cable logging systems such as the large and small yarders, its current program with chunk wood chippers, and a long list of tree nursery equipment developments.

Much of Missoula Center's work has been in the area of aviation and firefighting equipment. To adapt an aircraft to smokejumper use, specialized equipment must be designed, installed, tested, and passed through an FAA approval program. Each aircraft type requires a different design and specific FAA approval. Missoula Center's close proximity to the aerial fire depot and smokejumper base facilitates this work. Aircraft manufacturing companies are not interested in doing this work themselves due to its limited application, and aviation equipment contractors do not have the facilities nor expertise. The close working relationship with the aerial fire depot and smokejumper base is further necessary in the center's continuing development of parachute, clothing, and accessories used by jumpers and ground based firefighter personnel. Missoula Center's close proximity to the University of Montana, the Forest Science Laboratory and Northern Forest Fire Laboratory complements each other's programs. Three University of Montana professors currently hold temporary positions at the Missoula Center working on center projects.

Currently San Dimas has 12 engineer project leaders on hand. Missoula Center has 18. Sam Dimas is located in the Los Angeles basin in southern California in close proximity to much of the aerospace, high technology industry.

There are a number of important credits to the Missoula facility. Some of the major advantages in general include:

First, the Missoula Center has a good personnel retention record with a commensurate elevation in skills and abilities in personnel.

Second, Missoula has demonstrated a high level of productivity.

Third, Missoula has a facility—mostly old Fort Missoula—that is cheap for the Government to operate.

Fourth, location is an important benefit of the Missoula Center because:

It's surrounded by forest, which is important to all types of forest testing; it's close to the area fire center and allows good research; and it is tied into the University of Montana for research help.

The center presently exists in a very supportive academic environment. The University of Montana supports an excellent school of forestry which itself maintains an ongoing research program and administers an experimental forest. Various academic departments at the university have working relationships with the center for faculty and very effectively cooperate with it in providing student internships. The university, by its very nature and mandate, provides an ideal place for study, discussion, and debate about forest policies and procedures; and its close geography to the users of the development center products and its extensive use by private concerns.

The Missoula Equipment Development Center [MEDC] has provided Montana's citizens with invaluable assistance in many areas, including: The use and support of advanced technology to improve the ability of Montana's industry to compete favorably in today's economy; the development of specialized equipment to implement Montana's mined land reclamation requirements; development and testing of new timber harvesting techniques essential to harvesting smaller timber with minimal environmental damage; and the important development work related to Rocky Mountain and rural area fire conditions.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my senior colleague from Montana, Senator MELCHER, for introducing this amendment and I join him as a cosponsor. There are two Forest Service equipment development centers in the country. One is in San Dimas, CA, and the other in Missoula, MT. The problem is that most of the equipment testing should be done in the part of the country where forest fires are being fought. The center in San Dimas, CA, is not nearly as well situated for the testing of forest fire equipment as the one in Montana.

Mr. President, this amendment will ensure that the high quality, innovative work being done in Missoula, MT, to develop equipment for the U.S. Forest Service will continue. This amendment forbids the Forest Service from implementing an ill-considered plan that would have reduced professional staffing in Missoula.

This amendment stipulates that the Forest Service cannot reduce the funds and personnel to operate the Missoula facility by more than 10 percent.

It is our intention in offering this amendment that the current level of professional staff at the Missoula Center be maintained.

The Missoula Equipment Development Center is a prime location for Forest Service development work. Twelve percent of the Nation's forest land is within 150 miles of Missoula. This means that Forest Service engineers are close to timber lands and the timber industry, and are able to test equipment onsite. Missoula is also the site of the University of Montana School of Forestry and the smokejumpers base.

The Missoula Center also has a great track record. Productivity at Missoula has always been higher than productivity at the Forest Service's other center in California, even though Missoula has more limited space in their physical plant.

In addition, I am impressed by the morale and drive of the Missoula Center employees. Missoula has been able to keep its good professional people, and has built up a good experienced staff of professional engineers and foresters who are committed to their work. In contrast, I am told that many of the professional employees at the Forest Service's other center do not stay long with the Forest Service and do not have forestry backgrounds.

Mr. President, Forest Service employees have a long, proud tradition of dedicated professional service to our Nation's forests. Montana has thousands of acres of national forests, and we have all benefited from the quiet but important work of the Forest Service. I have visited the Missoula Center, and I am impressed by their morale and dedication.

The Forest Service policy manual specifies that whenever possible, Service facilities are to be located in rural areas where they will have the greatest positive impact on the local economy. The Missoula Equipment Development Center is in the heart of our National Forest System, where it belongs. I have been working hard to protect the Center, and I am pleased to ask the Senate today to help in this effort.

I ask unanimous consent that a series of letters exchanged with Forest Service Chief Max Peterson and others be included in the RECORD at this time.

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

[From the Missoulian, May 9, 1985]

FOREST SERVICE CENTER BELONGS IN MISSOULA

The Forest Service has decided to consolidate its two major Equipment Development Centers.

One is in Missoula, the other in San Dimas, Calif. The California center is favored. Exit, Missoula.

The Missoula center employs 46 people on an annual payroll of $1.5 million.

Exactly how many jobs here would be affected is unclear, since some equipment development would continue at Forest Service facilities around and about, including Missoula. In addition, some of the Missoula center's personnel presumably would be unwilling to move to the likes of San Dimas, in California's Silicon Valley.

Sen. Max Baucus plans to confer on the issue in Missoula Saturday with Forest Service officials. He believes the principal Equipment Development Center should be situated here.

This is a matter, of course, of defending a little local gravy. The equipment center means jobs and payroll. It's the kind of employment Missoula most ardently seeks.

But there's more to it than that. Baucus is developing a strong case to support the proposition that Missoula is the logical place for the center. Forest Service officials should heed his pitch.

It boils down to:

The center here is closer to more national forests than the center in San Dimas. In this age of facile communications, that can be pooh-poohed as irrelevant.

It is not. Personal contacts, personal observations, the capacity to work easily with men in the field, and the cost of field experiments all favor having a center that develops equipment close to the places where presumably the equipment will be used by the Forest Service and by industry. The presence of University of Montana Forestry School is another plus for Missoula.

The San Dimas center is favored because it's close to all the high-tech developments of the Silicon Valley.

But that pitch is wrong. The San Dimas center, because it's close to the high-tech companies, has considerable employee turnover. Technicans acquire skills while on the public payroll at the center, then quit and land higher-paying jobs with the high-tech industries.

The Missoula center's turnover is low. Missoula's cost of living is lower than that of San Dimas. Those two factors indicate that Missoula's people would be reluctant at best to move from the beautiful woods and mountains to the uproar that is California.

Baucus cites a letter by John A. Miles, a faculty member of the University of California. Davis, Department of Agricultural Engineering in which Miles notes that, "Outside of their work * * * to some degree with range, the ideas developed in San Dimas have never received any measure of acceptance by the operating forests or by the forest industry." In addition, most of the people who apply for work there ". . . have little or no commitment to forestry, and little or no background in forestry," Miles writes. The big thing with people in Silicon Valley is aerospace, which has little, if anything, to do with forestry.

Baucus has asked Max Peterson, Forest Service chief, to reverse the decision to consolidate the principal Equipment Development Center at San Dimas. He will make his pitch to Forest Service officials here Saturday.

The decision should be opened for reconsideration. Missoula has a lot at stake. Also at stake is the quality of work produced by the principal center—work that is useful to the Forest Service and the forest products industry.

U.S. SENATE,
Washington, DC, March 21, 1985.

Hon. R. MAX PETERSON,
Chief, U.S. Forest Service,
Washington, DC.

DEAR CHIEF PETERSON: I am writing to express my concern about the future of the Forest Service's Equipment Development Center in Missoula, Montana.

I do not quarrel with the Forest Service's decision to consolidate the two existing centers. This is one of many tough decisions that must be made if we are to hold the line on federal spending.

I am, however, convinced that the Missoula Center was not given the consideration it deserves when your engineering division designated the San Dimas, California Equipment Development Center as the prinicipal center in the nation.

I am asking that you intervene in this matter to see that the decision on the Missoula Center's fate be reconsidered. Enclosed is a copy of a report compiled by the personnel of the Missoula Center outlining their plan for consolidation to one center. Among the major factors weighing in Missoula's favor are: a remarkable employee retention record, proximity to the national forestlands and timber industry where the equipment being tested is actually put to use and a low cost of living for the Center's employees. The San Dimas facility boasts none of these advantages.

I would also like to be informed on the specific Forest Service plans for any reductions in force that may result from the consolidation. I was encouraged to learn that employee attrition should result in the necessary cuts in staffing levels. Still, I would greatly appreciate being filled in our your specific intentions in this regard. As Montana's U.S. Senator, I am determined to see that any potential reassignments or layoffs are made with the employee's well being as the first consideration.

Thank you for your assistance. I look forward to reviewing your response in the very near future. Please address correspondence to: Senator Max Baucus, Missoula Bank of Montana Building, 211 North Higgins, Missoula, Montana, 59802.

With warmest personal regards, I am

Sincerely,

MAX BAUCUS.

U.S. SENATE,
Washington, DC, March 27, 1985.

Hon. R. MAX PETERSON,
Chief, U.S. Forest Service,
Washington, DC.

DEAR CHIEF PETERSON: On March 21, 1985 I wrote to you expressing my concern about the future of the Forest Service's Equipment Development Center in Missoula, Montana. At this time, I would like to bring some additional information to your attention.

A letter from John A. Miles, a member of the Agricultural Engineering Department at the University of California-Davis, is enclosed for your review. As you can tell by reading the letter, Mr. Miles is highly critical of the choice of San Dimas, California as the principal equipment development center.

I would hope that you will listen to this criticism of the San Dimas operation as you take a close second look at the decision to designate San Dimas the principal center. Frankly, I was shocked to see how little respect this Southern California agricultural engineer has for the operation at San Dimas.

As I stated in my previous letter, Missoula is the obvious choice for the location of the principal center. I hope that you find this additional information helpful.

Thank you for your consideration. I look forward to reviewing your response in the near future.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

UNIVERSITY OF CALIFORNIA, DAVIS,
DEPARTMENT OF AGRICULTURAL ENGINEERING, DAVIS, CA, FEBRUARY 22, 1985.

SOTERO MUNIZ,
Director, USFS, Engineering,
Washington, DC.

DEAR SOTERO: You probably think the only time I write is when I am upset about something. To some degree, that may be true. In this case, however, I am writing because I have been informally analyzing a situation for several years and feel I have significant insight into the matter.

The issue I want to discuss is your designation of San Dimas as the Principal Equipment Development Center. I am sure there are many reasons why I should applaud such a move. However, even though they are the "home team", let me explain why I think it is a serious mistake.

Outside of their work with fire and, perhaps, to some degree with range, the ideas developed in San Dimas have never received any measure of acceptance by the operating forests or by the forest industry. Indeed, I believe that the industry will be very reluctant to accept anything developed at San Dimas, simply because it comes from southern California. You may think this is a trivial argument, but I assure you that it is very real.

A second major reason for not promoting San Dimas is the people who apply to work there. Most have little or no commitment to forestry, and little or no background in forestry. They are frequently aerospace or defense engineers who see opportunities for promotion or lateral transfer. While some of these people may have good intentions, their physical location "far from the woods" makes assimilation almost impossible. The argument for technology transfer from aerospace also does not hold water. The economics of forestry and aerospace are so different that neither can even speak the other's language—and they don't.

The San Dimas staff, transported to Sacramento, Redding, Portland, Seattle, Spokane, or anywhere outside of southern California, might have a chance for success. We certainly have need for the kind of work such a group could do. A move would also separate out those people who really have a forestry interest from those who simply want to be a part of the "Southern California Scene." Such a move might well accomplish your personnel reduction objective and also result in keeping the people you really want.

The bottom line is that this is none of my business, but since I have been studying it for some years, I feel obligated to speak up.

Sincerely,

JOHN A. MILES.

U.S. SENATE,
Washington, DC, April 15, 1985.

Hon. MAX PETERSON,
Chief, U.S. Department of Agriculture,
Forest Service, Washington, DC.

DEAR MR. PETERSON: I am writing to follow up your response to my letter of March 21, 1985, concerning the future of the Forest Service Equipment Development Center in Missoula, Montana.

Unfortunately, I found your letter unresponsive to my concerns. I asked for an objective re-examination of the Forest Service's decision designating the San Dimas, California Equipment Development Center as the nation's principal center. Instead, I was provided with a rationalization for a decision I find unacceptable.

Your letter implies that proximity to "high tech" industries was a factor working in San Dimas' favor. Yet this is the very reason for San Dimas' dismal employee retention record. High tech firms in California's Silicone Valley will continue to lure professional staff away from the equipment development program if San Dimas becomes the principal center. Last year alone, San Dimas lost approximately a quarter of its professional employees. In contrast, Missoula has no similar problem.

Missoula's location was another factor not adequately considered. I believe it makes sense to locate the principal equipment development center in an area within reasonable proximity to our forest lands and the timber industry. Have you considered the recently announced interchange of lands between the Forest Service and the Bureau of Land Management that will further isolate San Dimas while adding to Forest Service acreage in western Montana? Also, Missoula has the added advantage of being the home of one of the finest schools of forestry in the nation at the University of Montana.

You conservatively estimate the value of the existing San Dimas facility at $10 million. Certainly, the inflated value of property in southern California must account for much of this valuation. If you are serious about saving money without sacrificing the effectiveness of your equipment development program, selling the San Dimas facility and transferring the entire operation to Missoula is an option you should consider. I am certain that a suitable facility could be found in Missoula at a figure well below what it cost at San Dimas. Has this been considered?

On March 27, 1985, I wrote to you again bringing a letter from Professor John Miles of the Agriculture Engineering Department at the University of California-Davis to your attention. Professor Miles is highly critical of the quality of work being done at San Dimas. Your response to me merely encloses a letter from the Chief of the Forest Service's Engineering Division to Professor Miles defending the work at San Dimas. Frankly, I believe that Mr. Munez' defense of his employees' work misses the point. I wrote to you because the letter represents the views of an objective expert that should be taken into account before you make any decision on the overall program's future.

Once again, I request your personal intervention in reconsidering the selection of San Dimas in favor of designating Missoula as the principal center.

I fully intend to seek a legislative remedy for this situation unless you can provide a full justification for this decision. I will be calling you in the near future to discuss this matter in greater detail. Thank you for your consideration.

With best personal regards, I am

Sincerely yours,

MAX BAUCUS.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side of the aisle.

Mr. HATFIELD. Mr. President, the amendment has been cleared on the majority side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question, is on agreeing to the amendment.

The amendment (No. 401) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 402

(Purpose: To provide funds for the Commission on Merchant Marine and Defense.)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 402.

On page 36, between lines 19 and 20, insert the following:

Operation and Maintenance

OPERATION AND MAINTENANCE, NAVY

From funds previously appropriated and made available under this heading in other Appropriation Acts, the Secretary of the Navy may make payments of not to exceed $1,500,000 for expenses of the Commission on Merchant Marine and Defense as authorized in section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525).

Mr. BYRD. Mr. President, when the Senate considered the Department of Defense authorization measure for fiscal year 1985 in June of last year, an amendment which Mr. WARNER and I offered, to establish a National Commission on the Merchant Marine and National Defense, was adopted. The amendment authorized $1.5 million for the establishment and activities of the Commission.

That amendment was as follows, in part:

The Commission shall study problems relating to transportation, cargo, and personnel for national defense purposes in time of war or national emergencies, and the capability of the United States merchant marine to meet the needs for such transportation and the adequacy of the shipbuilding and mobilization base of the United States to meet the needs of naval and merchant ship construction in time of war or national emergency.

Based on the results of the study, the Commission shall make such specific recommendations, including recommendations for legislative action, action by the executive branch and action by the private sector as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements.

Mr. President, the amendment I have now offered would provide the

funds for the commission, and the House, I believe, has included this money in the bill. If this amendment is adopted, it will mean that this item will not be in conference.

Mr. President, I have discussed this amendment with the managers of the bill, and also with the distinguished Senator from Mississippi [Mr. STENNIS]. I believe that those Senators are willing to accept the amendment.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 402) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I wish to thank both managers of the bill, and the distinguished Senator from Mississippi.

AMENDMENT NO. 403

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 403.

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

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

The amendment is as follows:

On page 71 after line 7, insert the following:

GEOTHERMAL RESOURCES DEVELOPMENT FUND
(BY TRANSFER)

For carrying out activities authorized by title II of Public Law 93-410 the Department of Energy is authorized to transfer no more than $15,000,000 to the Geothermal Resources Development Fund from unobligated balances within the Uranium Supply and Enrichment Activities account: *Provided*, That such transfer shall be reported promptly to the Committees on Appropriations of the House and Senate. The amount authorized to be transferred by this provision is in addition to the authority provided in sections 302 and 307 of Public Law 98-360.

Mr. HATFIELD. Mr. President, this amendment is designed to respond to an imminent problem with the Geothermal Resources Loan Guarantee Program.

The Department of Energy has requested additional transfer authority to meet obligations associated with potential loan defaults.

This amendment would authorize the transfer of up to $15 million to the Geothermal Resources Development Fund account from unobligated balances in the Uranium Supply account.

This amendment would not increase the budget, it is transfer authority only.

It has been cleared on both sides and I move adoption of the amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment [No. 403] was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, earlier today we had several conversations concerning the Bureau of Land Management and Forest Service interchange proposal. I have a letter addressed to me as chairman of the subcommittee signed by Robert F. Burford, Director, Bureau of Land Management, and F. Dale Robertson for R. Max Peterson, Chief, Forest Service, which outlines their commitment to work with us in that program. I ask unanimous consent that a copy of that letter be made a part of the RECORD at this point.

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

Hon. JAMES A. MCCLURE,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing in response to Senate Action in the 1985 supplemental concerning the Bureau of Land Management and Forest Service interchange proposal. We are committed to keep you and other members of the Senate and House Committee on Approporiations fully informed as to our progress in developing plans for implementation when appropriate legislation is passed.

We have both stated in public testimony and in letters to the Subcommittees on Interior and Related Agencies that we have no intention to implement the proposal prior to legislation. We are now obtaining public comment through formal hearings and in writing. We will not take action to implement the proposal until legislation has been enacted.

To further demonstrate our commitment to work with the Appropriation Committees on the interchange program, we will provide advance notice to the Committees of actions with a duration of greater than 90 days and that could be interpreted as implementing interchange prior to legislation. This would permit the continuation of already existing working arrangements whereby local managers of BLM and FS assist each other to most efficiently and effectively do project type work such as fighting fires, establishing land lines, managing grazing allotments, and sharing administrative services. This is particularly important in light of declining staffs and tight budgets.

We hope our willingness to submit these activities for the Committee's review will respond to concerns raised by the Committee. Again, we pledge our committment to work closely with you on the interchange proposal.

Sincerely,

ROBERT F. BURFORD,
Director, Bureau of Land Management.
F. DALE ROBERTSON,
(For: R. Max Peterson, Chief, Forest Service.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 404

(Purpose: To provide appropriations for Economic Development Assistance Programs)

Mr. RUDMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN], for himself, Mr. HOLLINGS, and Mr. HATFIELD, proposes an amendment numbered 404.

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

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

The amendment is as follows:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $30,730,000, to remain available until expended, of which $15,000,000 is for a grant to Thayer School of Engineering in Hanover, New Hampshire, for construction, renovation and related costs for facilities for its model interdisciplinary engineering program; $5,730,000 is for a grant to the City of Columbia, South Carolina, to assist in the completion of the relocation and consolidation of railroad tracks; and $10,000,000 is for a grant to the Oregon Health Sciences University Hospital in Portland, Oregon, for the south wing rehabilitation project.

Mr. RUDMAN. Mr. President, this amendment has been cleared on both sides with the subcommittee chairman and ranking member of the Appropriations committee as a package of three separate amendments in the commerce section of the Commerce-State

Subcommittee on Appropriatons. It provides a small amount of money, approximately $30 million, for three separate projects. The amendment has been cleared and I urge its adoption.

Mr. President, this amendment which appropriates $15 million to the Economic Development Administration for the purpose of making a grant to Dartmouth College's Thayer School of Engineering in Hanover, NH, for construction, renovation and related costs for facilities for its programs in four innovative areas: biomedical engineering, biotechnology, cold regions engineering, and computer systems engineering. This appropriation will pay for the bricks and mortar, so to speak, portion of the project, the entire cost of which is estimated to be $25.2 million. Thus, the university is paying for over 40 percent of the cost of this project with its own funds or money raised from the private sector.

At the outset, Mr. President, it should be noted that a significant portion of the new facilities funded by this grant, as well as the faculty and students so supported, will be directly involved in an ongoing cooperative program with the U.S. Army Cold Regions Research and Engineering Laboratory in Hanover. Major research projects now underway and planned, focusing on ice research, are of particular interest to the U.S. military and those corporations who must work in the polar regions. A new geophysics program presently being developed jointly by the Thayer School and Dartmouth's Department of Earth Sciences will further complement this cold regions work which is so vital to our national security.

Thayer School's programs in such areas as signal processing and biomedical engineering also have direct public application. Its work on computer systems indirectly benefits the U.S. Naval Academy, the Coast Guard and Merchant Marine Academies, and the Marine Corps facilities at Quantico, where there are extensive cooperative arrangements in this field.

This project will also be of tremendous benefit to the economy of the hard-pressed Upper Valley region of New Hampshire and Vermont. It is important to note that Dartmouth College intends to tie this project into a research industrial park to be developed without Government support. Land on which the park could be located has been purchased and a feasibility study is underway. A true accounting of the Federal share of this project would take the park into account and would show the Federal share to be well under 50 percent. As a believer in conservative accounting, I have not done this.

Finally, I should note that the Thayer School of Engineering is an exceptional model of engineering education which fosters leadership and innovation. The United States not only has a critical need for more engineers, which this project will help achieve, but for better engineers. The problems that face our Nation and our industries in areas such as productivity will not be solved by narrowly trained specialists, no matter how well trained such specialists are. Over the past 5 years, this problem has become increasingly recognized by leaders in education, industry and government. As Jerrier A. Haddad, former vice president of IBM observed in a 1983 article:

> As we look into the future we can see our present structural problems with engineering education only aggravated by rapidly changing practices and technologies. . . . [I]n a sense, what I am saying is that technology seems to be driving the engineering disciplines back together.

Robert M. White, president of the National Academy of Engineering observed in a 1984 address to the Academy:

> We are all aware of the frequently described and all too real problems associated with faculty salaries, vacancies, [etc.] It seems, however, that more fundamental questions need to be raised. We need to ask whether the fundamental structure of engineering education in the United States is adequate to meet our future needs.

Six months ago, Eric Bloch, the new President of the National Science Foundation, stated that "we need more research centers defined more by problem than by discipline."

In this context, the Thayer School of Engineering is a model program. The Thayer School's program is interdisciplinary—it is not broken down into the departments found at most engineering schools—and problem oriented. The school is focused around several "centers of technological innovation" in which students, in partnership with Government agencies and private companies, work to solve real problems. We need more engineers trained in this manner and more schools need to be encouraged to adopt this sort of approach.

For all these reasons, the amendment I am offering will be of tremendous benefit to the Nation and the region, and I hope my colleagues will agree to it.

Mr. HOLLINGS. Mr. President, on September 25, 1981, the Economic Development Administration approved a $5 million grant to relocate and consolidate many of the tracks of the Seaboard and Southern Railroad, including grade crossing elimination in an area west of the Columbia, S.C. central business district [CBO]. The project was designed to clear a 12,000-acre area for improvements to the central business district, so as to pave the way for construction of a hotel, convention complex and a continuing education center. The completion date is expected to be December 28, 1985.

With phase I near completion, it is now time to consider funding for phase II, which will eliminate the remaining tracks from the downtown area. Completion of this final segment is important because highway traffic in the area is projected to increase as new State facilities, such as a museum and riverfront park, bring additional traffic in the area. This growth in vehicular traffic, coupled with the remaining grade crossings, can only create an increasingly dangerous situation.

Phase II will also make possible the State's construction of a new major connector into the central business district that will utilize existing rail right-of-way. This project has been delayed for quite some time and construction of the connector will improve access to the three interstate highways that come through Columbia (I-20, I-77, I-26). This will greatly reduce congestion in the central business district.

Finally, as the first phase nears completion, significant cost savings can certainly be realized by the immediate implementation of this final segment.

The project would be undertaken as a joint effort of private, State, local, and Federal funds. Along with the EDA grant of $5,730,000, there will be additional funding to the total project cost of $10 million coming from the city of Columbia, State of South Carolina and the railroads.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Oregon [Mr. PACKWOOD] and the senior Senator from Oregon [Mr. HATFIELD] be added at cosponsors to this amendment.

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

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 404) was agreed to.

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

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

The motion to lay on the table is agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

AMENDMENT NO. 405

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I would indicate I understand this amendment has been discussed on each side but I would be happy to explain the purpose of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 405.

On page 5, after line 20, insert the following:

For an additional amount for a grant under the Act of August 4, 1965, as amended (7 U.S.C. 450i) to the University of Kansas for the evaluation and transfer of remote sensing applications to agricultural users, $200,000.

Mr. DOLE. Mr. President, I would hope the amendment is self-explanatory.

The amendment would provide an initial $200,000 in startup funds for the development of a remote sensing project under the Kansas Applied Remote Sensing [KARS] Program which operates through the University of Kansas Space Technology Center. An additional sum of $200,000 would be needed for fiscal year 1986 and fiscal year 1987 to complete the project. This project at the University of Kansas would stimulate a more effective use of remote sensing by business firms, farmers, and government agencies in not only the State of Kansas but in the Midwest and nationally as well. Kansas University would be the catalyst to facilitate application of remote sensing technology and serve as a training center on how to apply existing data from Landsat and other remotely sensed data sources.

Remote sensing technologies have great potential to help collect valuable, often unique information about the Earth's land and water resources through the use of cameras, scanners, and radars mounted aboard aircraft and orbiting satellites. The technology can provide rapid repetitive coverage of large areas (counties, States) at a relatively low cost.

The focus of the research at Kansas University would be agricultural oriented with the potential for delivering accurate and timely information for use in marketing, developmental planning, and resource management. Possible applications for agriculture include: Land use inventories, water management, wildlife evaluation, strip mined land assessment; crop and rangeland resource inventory and evaluation, assessment of crop stress and mapping of major soil boundaries.

Mr. JOHNSTON. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 405) was agreed to.

Mr. DOLE. I thank my colleague from Louisiana and my colleague from Oregon.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 406

(Purpose: To allow Agricultural Stabilization and Conservation county committees to continue to lease office space for their own use or on behalf of other agencies of USDA when the space will be jointly occupied)

Mr. COCHRAN. Mr. President, in behalf of myself and Senators BURDICK and STENNIS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. BURDICK, and Mr. STENNIS, proposes an amendment numbered 406.

On page 8, after line 26, insert the following: None of the funds provided for fiscal year 1985 in this or any other act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

Mr. COCHRAN. Mr. President, this amendment would allow the Agricultural Stabilization and Conservation Service [ASCS] to continue to be the Agency which enters into leasing agreements for office space colocated by ASCS and local field offices of other USDA agencies. ASCS administers the programs under the jurisdiction of the Commodity Credit Corporation.

The Commodity Credit Corporation Charter Act granted authority to ASCS county committees to negotiate and contract for office space used by ASCS county offices. The committees have been using that authority to contract for office space shared by ASCS and other agencies, including county offices of the Farmers Home Administration, the Soil Conservation Service, Federal Crop Insurance Corporation, and Forest Service. This practice has provided, over the years, office space for these agencies at a low cost to the Government.

However, the General Services Administration [GSA] has raised objections to this practice, because the procedure used by the county committees has not conformed to the practices or requirements of the GSA. Because ASCS was the only agency given its own leasing authority in the CCC charter, other USDA agency leases fall under the jurisdiction of the GSA. As a result, GSA has proposed to terminate the authority of ASCS county committees to enter into leases which affect these other agencies.

This decision was made without regard to the actual cost benefits of the GSA leasing procedures in rural areas. These procedures would produce excessive paperwork for only a small amount of space, and would result in greater costs to the Government than the current practices.

This amendment would allow county committees to continue their current practices.

It has been cleared by Senator ABDNOR, chairman, and Senator DECONCINI, ranking minority member, of the Treasury, Postal Service Appropriations Subcommittee, which oversees funding for GSA.

Mr. President, I have discussed this amendment with the distinguished ranking minority member of our subcommittee on agricultural appropriations. He not only supports the inclusion of this language in the bill, but is a cosponsor of the amendment. I understand that it has also been cleared with all other necessary parties on both sides of the aisle and we hope that the amendment can be accepted.

Mr. HATFIELD. Mr. President, the amendment has been cleared on the majority side of the aisle.

Mr. JOHNSTON. Mr. President, this amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 406) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 407

Mr. RUDMAN. Mr. President, I send an amendment to the desk in behalf of Senator KENNEDY.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN], for Mr. KENNEDY, proposes an amendment numbered 407.

At the appropriate place insert the following:

For the Private Sector Exchange Programs, an additional $500,000 is provided, to remain available until expended, for the model Chinese-American Development Student Exchange Program at Tufts University as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 USC 2451 et seq).

Mr. RUDMAN. Mr. President, this amendment is a very small amendment in the amount of $500,000. It provides $500,000 for the Chinese-American Development Student Exchange Program at Tufts University. The program will establish an internship of Chinese students in the American business practices.

The need for establishing such an exchange program with China is becoming more pressing every year. The U.S. Information Agency, which administers many of this country's student exchange programs, stated:

Educational exchanges remain the highest priority item with both the Chinese and the U.S. * * * As political issues have created both heat and coolness in bilateral relations, educational and cultural exchanges become more and more an element of continuity.

Tufts' program will be the first of its kind in this country. Students will undertake academic course work at the Fletcher School and will participate in an internship program with American businesses.

Tufts is uniquely suited to undertake such a venture. With its schools of veterinary medicine, human nutrition, and the Fletcher School of Law and Diplomacy, Tufts has the resources that meet the needs of students from a developing country.

Tufts has shown unusual initiative and leadership in bringing together the needed elements for opening an exchange program with China. The president of Tufts had already traveled to China to lay the groundwork for this program. The university has started to secure commitments from American corporations for internships. Tufts has also begun to raise the additional funds necessary for the program.

Given the importance of educational exchanges with China, the special qualities which Tufts brings to bear on the problem, and the leadership shown by the university, I ask support for this amendment.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side of the aisle.

Mr. JOHNSTON. The amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 407) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. STAFFORD. Mr. President, I am concerned about a provision in the supplemental appropriations bill which affects the Federal-Aid Highway Program and the highway trust fund. I wish to ask the distinguished chairman of the Subcommittee on Interior and Related Agencies, Senator McCLURE, a few questions about the general provision on page 110, beginning on line 21 of H.R. 2577.

Mr. McCLURE. I am pleased to answer any questions the distinguished chairman of the Environment and Public Works Committee has about this provision.

Mr. STAFFORD. The Federal-Aid Highway Program is funded by highway user fees collected into the highway trust fund. Money for the program is limited to the amount of revenues coming into the fund. There can be no deficit spending for the highway program. Since needs far exceed the available revenues for new construction and rehabilitation of the roads and bridges on our highway system, difficult choices must always be made.

Mr. President, the original provision affecting Highway 209 in Pennsylvania and I-287 in New Jersey was not reviewed by the Environment and Public Works Committee. There is a concern that the Federal-State partnership works best when the State also makes a contribution to a project. If 100 percent Federal funding is provided, the leveraging power of Federal dollars is eroded.

I ask my distinguished colleague from Idaho the following:

First, is it the Senator's understanding that the 100-percent Federal funding provided for the construction of I-287 in New York is limited to 0.6 mile between the New Jersey border and the New York Thruway and that additional costs resulting from 100-percent Federal funding for that segment will be limited to approximately $1.7 million or the amount determined eligible in the latest approved interstate cost estimate;

Second, is it the Senator's understanding that the additional 10 percent in Federal funds may be provided out of general revenues or out of the highway trust fund; and

Third, would the distinguished chairman agree that the per trip fee for commercial vehicles on Highway 209 should be reviewed periodically with regard to the need for repair and operation of Highway 209 due to truck traffic and in view of the limited revenues available for park roads?

Mr. McCLURE. I would be happy to respond to the distinguished Senator from Vermont. I understand that there are limited funds available from the highway trust fund and the Senator is correct that it is the intent of the Appropriations Committee to allocate the 100-percent Federal funding from the trust fund or general revenues as described by the Senator from Vermont. I would also concur that the per trip fee should be reviewed.

Mr. STAFFORD. I thank the distinguished chairman of the Interior and Related Agencies Subcommittee for these clarifications and I look forward to working with him on this issue as the Environment and Public Works Committee begins its review of the reauthorization of the highway program.

AMENDMENT NO. 408

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 408.

On page 107, line 13, insert before the period the following: "; *Provided*, That funds hereafter appropriated for demonstration of the magnetohydrodynamics (MHD) technology shall become available for obligation only upon the execution of a cost-sharing agreement between the Department of Energy and the private sector which provides that a minimum of fifty percent of the cost shall be borne by the private sector; *Provided further*, That the determination of allowable private sector contributions in meeting the MHD costsharing agreement shall be the same as in other Clean Coal Technology projects funded under Public Law 98-473.".

On page 107, line 6, strike "$8,350,000" and insert in lieu thereof "$23,350,000".

Mr. McCLURE. Mr. President, the amendment does a number of things. I allowed the clerk to read the amendment so that those who are interested would have just a short while longer to be notified of both the content of the amendment and the opportunity to come to the floor to discuss it if they desire.

The MHD Magnetohydrodynamics Program, is a unique program in several respects, one of which is it has had more funding and more research and development over a longer period of time than most other of these coal burning technologies for the production of electricity in a more environmentally acceptable way. It, however, suffers from its own success in past funding because it now becomes ap-

parent that it is an unlikely near-term prospect for commercialization because of the cost of plants of the size likely to be purchased by utilities in the near future.

We are trying, however, to find a way in which we can best open the door to the continuation of the program rather than see it terminated because of those problems.

This amendment accomplishes two or three things. First, the last lines of the amendment overturn the deferral of money which is contained in the administration's request. It would reinstate the money for the balance of 1985.

Second, it separates the scientific research base and provides for continuation of unconditional funding of the scientific research that goes on as a base of support for the program.

Third, it says that after that research and that activity is paid for, the remainder of the program, which is demonstration in nature, will be funded but will do so only if it meets the kinds of tests which have been established for the clean coal technology program.

The distinguished Senator from West Virginia offered the amendments as a part of the compromise package in dealing with the Synthethic Fuels Corporation to set up a separate fund of money for clean coal technology, and we have a separate piece of legislation dealing with clean coal technology and the development of those technologies. There are a great many who are urging that MHD simply move over and compete for these moneys in that program, as all other technologies would compete.

We have elected in this amendment not to do that, for two reasons. One is that it is not clear to me that MHD, if it moved over and competed for that, would be successful competitors. I believe that the likelihood is quite the contrary, that MHD would not be a successful competitor in straight competition with other clean coal technology.

Second, by doing it in this way, we can give the MHD Program a clear leg up on their opportunity to get private sector funding, because we have separated out the total cost of the scientific-based program. So that the competition in the Clean Coal Fund will not have to bear the burden of either the cost or the competitiveness advantage of the financing of the scientific-based program.

I believe that this combination will give the MHD Program a much better opportunity to survive in a separate category, with the funding divided in this manner, than it would if it were moved over to the clean coal technology and competition for funding under that program.

Without burdening this discussion too long, let me suggest this much, in addition: For several years, we have said in the appropriations process that we expected the private sector to pick up more of the funding.

It is my understanding that, in spite of the continued suggestion from the Appropriations Committee that the private sector should participate more fully than they have been in recent years, the overall life contribution, over the life of the program, the contribution by the private sector, is about 10 percent. In the early years of the program, if my memory serves me correctly, the private sector contribution was a higher percentage of the program; but as we moved into the demonstration or predemonstration phases, where we were buying large pieces of hardware and the total annual cost was increasing, the private sector contribution, as a percentage of the whole, declined precipitately. If it were tested by the same standards that will apply to every other clean coal technology, it would fail.

I believe that this compromise would give it a better than fighting chance, if the private sector will make the contributions they have repeatedly assured us they were prepared to do but somehow just never quite got around to doing.

By segregating it away from the rest of the program, I believe that it is entirely possible that the project sponsors can arrange that private sector contribution and that we will see a successful continuation of the program.

As to those who might wonder what are the chances or prospects for success when I say near term, I do not think we are going to move to near term commercialization of this program, I say with absolute confidence, in less than 10 years, and more likely 20 years.

So we have a program which, if it is to be successful, must be maintained over a number of years in the future. Unless we get it in a better posture than it now is—and it has to be stacked up against the priorities that are inexorably forced upon us in a more stringent budget atmosphere—I think it will fail the test. This, I believe, gives us an opportunity to see that program move forward over the next several years on a more firm, consistent, and predictable basis.

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

Mr. McCLURE. I yield.

Mr. CRANSTON. Mr. President, I believe that the Senator from Idaho has offered a fine amendment, and I would like to be listed as a cosponsor.

Mr. McCLURE. I thank the Senator.

Mr. President, I ask unanimous consent that the name of the Senator from California [Mr. CRANSTON] be added as a cosponsor of the amendment.

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

Mr. CRANSTON. I thank the Senator from Idaho.

Mr. METZENBAUM. Mr. President, I only heard the presentation of this amendment out of the side of my ear, but it sounds to me like this may be legislating on the issue that is contained in the amendment and changing some of the rules as they pertain to allocation of funds that would probably come before the committee of the author of the amendment.

Is the Senator from Ohio incorrect in that? Did I hear the Senator from Idaho incorrectly?

Mr. McCLURE. Only partially, because I would not contend that this does not affect the program. But let me tell the Senator how it is properly before this body on an appropriations measure.

The administration has requested the deferral of all the moneys. The question of the deferral is an Appropriations Committee function, and that deferral would ordinarily be before the body in this committee and in this legislation.

It is a conditional overturning of the deferral and outlining what is likely to occur with respect to the future appropriations. I do not know how you slice that in terms of which is the dominant aspect of it. I say to the Senator from Ohio, however, that it is the opinion of this Senator that if we cannot do something of this nature now, we will not overturn the deferral.

Second, if the Senator is concerned about the substance rather than the procedure, we will have the opportunity to address that question when we deal with the authorization bill and again with the appropriations bill for the 1986 appropriations.

Mr. METZENBAUM. Let me read the amendment, and I have checked with the Parliamentarian, and it is legislation on an appropriation bill.

I am frank to say to the Senator from Idaho that I am not certain whether I agree or disagree with the thrust of his amendment. I am certain that this is not the right way to proceed.

The Senator says in the amendment that the demonstration funds for the magnetohydrodynamic technology shall become available only upon the execution of a cost-sharing agreement between the DOE and the private sector, on the basis of 50 percent of the cost to be provided by the private sector. Then there is a proviso. What would it be without that?

Mr. McCLURE. First, I do not agree that it is legislation on an appropriation bill. It is a limitation of the expenditure of money.

Mr. METZENBAUM. I will make a parliamentary inquiry.

Mr. McCLURE. If the Senator wants it to turn on that subject, let me also suggest that, even if he is successful in making the point of order and the amendment falls, all the money for the program is gone during the balance of 1985.

If that is what the Senator wishes to do, I suggest that he turn to his friend, the Senator from Montana, who is right next to him.

Mr. METZENBAUM. First of all, I pose a parliamentary inquiry to the Chair, and I ask whether this is not legislation on an appropriations bill and therefore subject to a point to order.

Mr. McCLURE. A parliamentary inquiry, Mr. President.

Mr. METZENBAUM. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Chair will try to answer the first inquiry.

Mr. McCLURE. Before the Chair answers that question, may I address an inquiry to the Chair?

Is it appropriate to answer a question with respect to a parliamentary inquiry on a point of order on legislation without the point of order being made—a hypothetical question?

The PRESIDING OFFICER. Any parliamentary inquiry is a hypothetical inquiry.

Mr. McCLURE. So, is the Chair saying, in effect, that it can rule upon the point of order?

Mr. METZENBAUM. I am not asking the Chair to rule on a point of order. I am not raising the point of order. I am pointing out to the Senator from Idaho that it is subject to a point of order, and I hope I will not have to raise it. The Senator took issue with me as to the correctness of the statement I had made previously.

Therefore, I am making the parliamentary inquiry.

The PRESIDING OFFICER. The Chair rules that the amendment contains language of limitation subject to a contingency which is legislation as well as directive language which is also legislation.

Mr. METZENBAUM. I did not hear the Chair. I could not understand the Chair.

The PRESIDING OFFICER. The amendment contains language of limitation subject to a contingency which is legislation as well as directive language which is also legislation.

Mr. METZENBAUM. And therefore would be subject to a point of order?

The PRESIDING OFFICER. It is subject to a point of order.

Mr. McCLURE. Mr. President, will the Senator yield for a moment?

Mr. METZENBAUM. I yield.

Mr. McCLURE. I do not intend to argue a parliamentary point of order at this time, as the Senator has not made the point of order.

Mr. METZENBAUM. That is correct.

Mr. McCLURE. I do not want to take the time of the Senate unnecessarily, but I will do so if the point of order is made.

Mr. METZENBAUM. Let me state further with the manager of the amendment: As I understand it, he is somehow saying that if you do not have this language all of the funds for magnetohydrodynamic technology would fail. Would he be good enough to explain that?

Mr. McCLURE. I will try again: The administration requested and included in their deferral request to the committee that all of the remaining funds for this program be deferred. If we take action on this bill without—let me add one other step there. We asked that they refrain from suspending obligations and expenditures of the funds until we could act, and they agreed to do that. So they have been spending the money. But if we act without overturning the deferral, they will then stop the expenditures of money during 1985. The bill contains in it no action overturning the deferral.

Mr. METZENBAUM. Without this language, as I understand the Senator from Idaho, he is concerned that the administration would defer all of the funds?

Mr. McCLURE. They have already requested that deferral and if we act without overturning it, they will do so.

Mr. METZENBAUM. And under the present arrangements with respect to the expenditures of funds for magnetohydrodynamic technology, what portion of the cost is provided or paid by the private sector?

Mr. McCLURE. Under the current conditions?

Mr. METZENBAUM. Yes.

Mr. McCLURE. The lifetime average of the private sector non-Federal contributions has been about 10 percent of the total. In recent years, however, it is much less than that.

Mr. METZENBAUM. Much what?

Mr. McCLURE. Much less than that.

There is no private sector cost share agreement now with respect to the present activities or the future activities in this program?

Mr. METZENBAUM. So what the Senator is saying, under his amendment, he will provide that the private sector will have to pay at least 50 percent of the demonstration project and that if we do not get the amendment, then nothing in the bill would cause this to occur, but the administration would defer the utilization of any of the funds, and with the amendment possibly the administration would not see fit to move in that direction. Is that the Senator's point?

Mr. McCLURE. The amendment overturns the deferral. That is the effect of the bottom line in the amendment. What the Senator sees there is only a change in figures, but that is what the effect is.

Mr. METZENBAUM. So we are talking about a sum of $15 million.

Mr. McCLURE. Actually because of the agreement I referred to earlier where they had agreed to keep on spending until we had a chance to act on the initial deferral of $15 million, some of that money has been spent, and I think there is something between $6 million and $7 million still left in that fund. But the figure was the original deferral figure.

Mr. METZENBAUM. I understand the Senator's point. I do believe that as the chairman of the Energy Committee he would have had no difficulty in bringing this issue before us. I am aware of the fact that that would not have dealt with the money aspects alone but I think that it is an issue that more properly belongs in the Energy Committee. I think he makes a rather persuasive argument. I am not going to raise the point of order nor am I going to object.

Mr. McCLURE. I thank the Senator.

Mr. METZENBAUM. But I will ask him and I ask the chairman of the committee that we try not to legislate on appropriations bills. We say we will not. The rules do not permit us to do so. And this bill is replete with a number of instances where there is indeed legislation on the appropriations, and I just think it is not fair to the rest of the Members of the Senate who do not have an opportunity to know exactly what is being legislated.

Mr. McCLURE. I understand what the Senator is saying. I do not disagree in large part with the desirability of making legislative decisions in the authorizing committees rather than in the appropriations process. We will have that chance as we look at the Department of Energy authorization bill and as we go through the 1986 appropriation cycle.

There is nothing in this language here that will bind that action of either the committee or Congress in future actions with respect to this particular amendment. But it seemed to me that it was a way for us to move beyond where we now are, which was a simple deferral and termination of the program.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, I ask unanimous consent that we temporarily lay aside the amendment now pend-

ing of the Senator from Idaho so the Senator from Oregon may offer an amendment.

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

AMENDMENT NO. 409

Mr. PACKWOOD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD] for himself and Mr. MATTINGLY proposes an amendment numbered 409.

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

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

The amendment is as follows:

On page 149, strike all beginning at line 5 through line 14, and insert in lieu thereof:

It is the sense of the Senate that the Treasury Department shall examine the question of whether cooperatives subject to section 521 or Subchapter T of the Internal Revenue Code may net earnings and losses between and among any of their purchasing and marketing allocation units in determining the amount of patronage dividends to be issued and in determining their taxable income after the deduction for patronage dividends.

Mr. PACKWOOD. Mr. President, there is a section in the bill on page 149 that relates to the jurisdiction of the Finance Committee that would prohibit the Internal Revenue Service from taking certain actions.

My good friend, the Senator from Ohio, had intended to either raise a point of order against the legislation, and indeed it is legislation, and the Parliamentarian would have ruled it is legislation, or he was going to move to strike it.

The particular section is also of interest to our distinguished colleague from Georgia, Senator MATTINGLY, and Senator MATTINGLY and I have worked out a sense-of-the-Senate resolution which has now been offered as a substitute for the offending language, and I believe it is acceptable to both the Senator from Georgia and the Senator from Ohio.

I hope the Senate will immediately adopt it.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side of the aisle.

Mr. METZENBAUM. Has the amendment been offered?

The PRESIDING OFFICER. The amendment has been offered.

Mr. METZENBAUM. Mr. President, I wonder if the Senator from Oregon will be good enough to yield, for a series of questions, to the Senator from Ohio?

Mr. PACKWOOD. I am happy to yield for that purpose.

Mr. METZENBAUM. Mr. President, under this sense-of-the-Senate resolution, it provides:

It is the sense of the Senate that the Treasury Department shall examine the question of whether cooperatives subject to section 521 or Subchapter T of the Internal Revenue Code may net earnings and losses between and among any of their purchasing and marketing allocation units in determining the amount of patronage dividends to be issued and in determining their taxable income after the deduction for patronage dividends.

Is it not a fact that the Internal Revenue Service has, for a period of many years, been examining this very issue?

Mr. PACKWOOD. Since 1965—do not hold me exactly to the year; but a fair period of time.

Mr. METZENBAUM. And the IRS, in that period of time, has indicated its continued concern about this procedure of netting with respect to cooperatives because, as I understand it, by making adjustments between one cooperative and another, as well as a third or a fourth, even though cooperatives are not subject to tax, that there are significant tax consequences on this whole netting issue to the farmers involved and that the IRS has been concerned and continues to be concerned about the tax impact of this netting procedure.

Mr. PACKWOOD. My good friend from Ohio is correct. There is no question the IRS has a particular opinion on this and in this sense-of-the-Senate resolution we are simply asking the Treasury Department to examine it. We are not prejudging it. We do not ask them to reach a conclusion, nor does the sense-of-the-Senate resolution in any way mean that we are suggesting to the Treasury Department what conclusion they should reach.

Mr. METZENBAUM. And neither by implication nor by language nor by inference nor in any other way is the Senate indicating to the Treasury Department that we suggest they do anything different than that which they have been doing heretofore. Is that correct?

Mr. PACKWOOD. That is correct. We are simply asking them to examine it.

Mr. METZENBAUM. So, is it fair to say that we are, in a sense, stating that which is transpiring anyhow; that Treasury has been examining this and will continue to examine it and that there is not any particular net result or net message that is being sent by the Senate to the Treasury Department by reason of this action, other than we think they should examine it, which they are already doing.

Mr. PACKWOOD. My good friend from Ohio is correct.

I believe the Senator from Georgia has a few words to say.

Mr. METZENBAUM. Before I give up the floor—I believe I have the floor.

Mr. PACKWOOD. I thought I had the floor, but I will yield the floor.

Mr. METZENBAUM. I wish to ask the manager of the bill, Senator HATFIELD, a question. I do not see him on the floor at the moment. Perhaps it would be better if I yielded to the Senator from Georgia and when the manager of the bill returns I would like to make an inquiry of him on this subject.

Mr. JOHNSTON. Will the Senator yield?

Mr. METZENBAUM. I yield.

Mr. JOHNSTON. The Senator is aware that the bill itself, with an adopted Senate amendment, had language in it which required that these things be done—in other words, it would put it into the law—and what the Packwood amendment does is change that from having a legal effect to having a sense of the Senate that they should look at these things. Is the Senator aware of that?

Mr. METZENBAUM. I am aware of that, but I want to make it clear. The language of the Senate bill, which is to be found on page 149 from lines 5 through 14, did, indeed, provide for a change in the law. As the Senator from Oregon, the chairman of the Finance Committee, pointed out, I was prepared to raise a point of order with respect to that, the propriety of that being in the bill, it very properly being a matter for the Finance Committee, not for an appropriation bill. Second, I was prepared to move to strike, which the Senator from Oregon has done in this amendment. I do not want any implication or inference or suggestion made that the sense-of-the-Senate resolution is in any way related to the language that is being deleted, other than they deal with the same subject. But the thrust of each is totally different and I think the Senator from Oregon would totally agree with that.

Mr. PACKWOOD. The Senator from Ohio is correct. We are taking out the language, lines 5 through 14—that is gone—and we are substituting the sense-of-the-Senate resolution. We have already had a colloquy on that as to what the effect of that is.

Mr. METZENBAUM. I thank the Senator from Oregon and I thank the Senator from Louisiana.

Mr. MATTINGLY. Mr. President, may I assure the Senator from Ohio, since it was my amendment in the bill, that it is my intent to do what I can to insure that the sense-of-the-Senate resolution prevails when we go to conference.

My original amendment would have served to prevent the Internal Revenue Service from prohibiting farmer-owned cooperatives from doing what every other business enterprise in this

country does—offsetting any losses in one area of their operations against any gains in another area of business activity when determining their tax liability. This practice is commonly referred to as "netting" the gains and losses of the co-op. The issue here was and is one of fairness and equity. It is one in which we only sought to have farmer cooperatives and their 2 million farmer-members treated in an even-handed manner under the Tax Code.

Now, we have translated that into a sense-of-the-Senate resolution.

On April 2 of this year, Secretary of Agriculture John Block wrote to Treasury Secretary Jim Baker to ask that a recently issued technical advise memorandum prohibiting netting of gains and losses by farmer co-ops be withdrawn. In his letter Secretary Block stated that:

> Farmer cooperatives must have the authority to net gains and losses in their various divisions in order to survive in today's highly volatile agricultural industry. By netting gains and losses among several divisions, a cooperative may spread economic risk and significantly reduce the effect of catastrophic failure in any one of them.

On April 22 I was joined by 25 of our colleagues—including 5 distinguished members of the Senate Finance Committee—in signing a similar letter to Secretary Baker requesting that the IRS netting memorandum be withdrawn pending congressional action on tax reform. There would be no loss of revenue to the Treasury since netting has been allowed in the past and any revenue gains realized by disallowing it are not reflected in our baseline budget figures.

That is just part of the historical background on it.

I say to the distinguished Senator from Oregon that I believe that this sense-of-the-Senate resolution accomplishes the purposes intended by my amendment to this supplemental appropriations bill.

Mr. PACKWOOD. I thank my good friend from Georgia, and I thank the Senator from Ohio.

Mr. METZENBAUM. I thank the Senator from Oregon.

Mr. President, the Senator from Georgia said something in the very beginning of his remarks and I did not quite understand it. I was not sure if he was addressing himself to the conference committee. Will he be kind enough to repeat them?

Mr. MATTINGLY. I thought the question the Senator asked the Senator from Oregon and was waiting to ask the chairman of the Appropriations Committee was: Would the resolution be the substance of the conference agreement or would something closer to the original bill language emerge? It would be my intent to honor my word and do what I can to see that the sense-of-the-Senate resolution prevails.

Mr. METZENBAUM. If I may just repeat that. The Senator is giving his word that the sense-of-the-Senate resolution is that which will come out of the conference committee and there will be no effort to put back in anything like the language that was in the bill when it came to the floor. Am I correct in that?

Mr. MATTINGLY. That is my intention.

Mr. METZENBAUM. I assume that the manager of the bill on this side would have no difficulty in agreeing to that posture as stated by the proponent of the amendment himself.

Mr. JOHNSTON. Mr. President, the Senator from Ohio is correct.

Mr. METZENBAUM. I thank the Senator from Louisiana.

Without wishing to delay this body from proceeding forward, I am assuming that the representation of the Senator from Georgia with respect to the position of the manager of the bill will be that which will prevail and should there be any change that I would be notified of it immediately and prior to disposition of this measure.

With that, I have no objection to proceeding forward with the amendment.

Mr. MATTINGLY. I would be happy to notify the Senator from Ohio of any developments.

Mr. METZENBAUM. I thank the Senator.

Mr. MATTINGLY. I would like to add that even though we have agreed to a sense-of-the-Senate resolution, that when another appropriate vehicle comes forward in the Congress we will probably engage in further discussion and try to remedy this inequity if it still exists.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 409) was agreed to.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 408

Mr. MELCHER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Idaho, No. 408.

Mr. MELCHER. Mr. President, is that the MHD amendment?

The PRESIDING OFFICER. It is.

Mr. MELCHER. I thank the Chair.

Mr. President, a great deal of work has gone into MHD. It is a process to utilize coal in better ways to generate electricity. But we have had a sufficient amount of work. Every year for the past several years the idea has been that perhaps a small amount of R&D money—about $30 million—would be adequate to move the work forward. It moves it forward about that much, but it is still not at a pace that is satisfactory. A number of contractors, of course, are interested in the concept. And I would like to dispel some of the idea that might originally come to mind that perhaps we are just interested in the concept because of the contracting that might flow to them if MHD work continues. But it is a lot more than that, Mr. President. Some of these contractors have been industrious and ambitious for this concept to be practical and applied in a commercial basis for the past 20 years, and more. Some of them have spent sums of their own money initially in small-scale component parts to prove to themselves that they could conceive and could be confident that the technology was good. AVCO, TRW, some of the universities, Mississippi State, the University of Tennessee, Stanford, MIT. They have long been in the work, and have long been disciples of not just proving the concept but making it practical from a commercial standpoint. I have heard some of the explanation of the amendment of the Senator from Idaho. One might conclude from that amendment two different things. One would be that the research and development on MHD has gone far enough now where a demonstration plant of a commercial size is right at hand. I wish that were true. That is not true.

Some might draw the conclusion that the language of the amendment and the colloquy that would follow on would be satisfactory for AVCO, TRW, the University of Tennessee, Stanford, Mississippi State or MIT, Massachusetts Institute of Technology. Well, it is not so, Mr. President, because the work that these contractors do has to be tested as a component working with other components to see whether they can scale up to commercial size. It would be very difficult to utilize any of these funds that would be available by any of these contractors because it does not make much sense to develop a component from one of the contractors at a particular scale, and then not be able to utilize it in the demonstration and testing facility at Butte. For a long time I think it has been believed that perhaps most of the $30 million which has been appropriated for the past several years goes to the testing facility at Butte. No, Mr. President, that is not true. Something less than $10 million actu-

ally of that amount—something less than one-third—supports the testing and integration facility of the various components at Butte.

Last Congress I introduced a bill that would be a program for MHD relating to the actual facility where we are at a commercial-size plant that would require private funding for a portion of it. The bill did not get out of committee. But it should this year because such a program is absolutely essential to give us the longer range blueprint of where we are going with this technology.

I hope we do have all the necessary input, the necessary discussions, and the understanding to pass such a bill this year or early next year. But to at this point in time on a supplemental appropriation change a course in such a manner as the amendment of the Senator from Idaho would do would be tantamount to saying, well, we have a little bit of money left over, we are going to put out a few contracts but we will not be able to really do much with them after the contracts are fulfilled because there will not be any means of actually testing them to see whether they would be integrated, and whether they are making any progress in scaling up the various components that are necessary to reach the commercial size so we can have the demonstration program, which of that type correctly and wisely should be partially funded by the private sources in order for them to share again in the cost of final completion of successful demonstration of this technology.

Mr. President, I am sure there will be others who will want to discuss this matter. I am certain that, if we are to continue for any length of time here this evening, we would want to perhaps modify or substitute the amendment where it could be acceptable.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, let me respond in this way to the remarks of my friend from Montana.

I detected in his remarks some uncertainty as to what I meant to say. I do not want there to be any uncertainty.

It is my opinion that MHD is not a candidate for near-term commercialization. I think we can say, with some certainty, that the developmental difficulty and the course that would have to be followed before we got to the point of commercialization is at least 10 years, and some would argue as much as 20 years.

That fact, coupled with the likely technological results that these plants would have to be very large plants to be commercially competitive with other forms of this technology, do not fit the near-term needs of most utilities. So long as we have relatively flat growth rates for electricity, very few utilities are making any plans to put on line new generating facilities to come on line in increments of 1,200 to 1,300 megawatts. Most are looking for technologies that will allow them to produce something smaller than that and fit it to the growth curve of their utility.

It is only when you get to those very large sizes that it is likely that MHD will be commercially competitive with other technologies.

The question is not, in my mind, whether it is a needed subject for commercialization, because I think it is not, but the question is how do you develop a program that can be legitimately funded for the next 10 to 20 years, and at the same time, allow it to compete for scarce Federal funds in a market in which we are moving in several different directions with other technologies competing for those funds.

My dilemma, as I look at this as chairman of the committee that has to look at the authorizing and funding of these projects, is when we look at other coal technologies and put MHD in direct competition, either in fitting in with a program or for funding, with those constraints, MHD falls off the bottom of the priority list.

I know there are many people who have commitments to MHD, and some, like my friend from Montana who has an installation in his State, have to be concerned that it does get terminated, that somehow we can keep that program alive and moving forward.

My amendment is a good-faith effort to do that in two ways. One is to remove it from direct competition with other coal-burning technologies by setting up a separate, specific line item for it.

I have to be honest in doing that. I have to be able to at least rationalize that in my mind before I can support that effort.

Second, by taking out the scientific component and funding it fully so that the scientific component does not become either a competitor for the demonstration nor add to the difficulty of finding private sector lending funds to match that scientific component, that reduces the cost of the demonstration part of this program.

This is small-scale demonstration. It is not really full-scale demonstration. It is somewhere above the laboratory level and somewhere beyond the research level, which shows the proof of concept, which is beyond subcommercial demonstration. It is a demonstration of the technology and means to build hardware, test that hardware in operation, and test whether or not the research theory works out in practice. Does the hardware work? Does it turn out electricity? What is the cost of that electricity it turns out?

That development program will take some time to come to fruition.

When we initially considered this legislation, it was my judgment and the judgment of the committee that we should not overturn the deferral because we could not see a clear path toward continuing the program on into the next 10 or 20 years, and that if we could not see the path to continue the program, it ought to be terminated.

What is developed in this amendment is what I hope is a path which will yield at least the opportunity for this project if it can meet the same kind of test with respect to non-Federal funding that all other coal technologies must meet under the Clean Coal Act. Then it could be continued.

By separating out the scientific expenditures as separate expenditures, it enhances its capacity to do that and separates it from the necessity of meeting the competition of other clean coal technologies that show real prospect for commercialization in less than the 10 or 20 years that MHD has.

I can understand that this is not all that MHD proponents would want, and I have been a supporter of the MHD program for a good many years.

As the Senator from Montana knows, we have had conversations over the last several years with respect to the continuation of the program and private-sector funding. Every year we have received the assurances that next year there will be private-sector funding, that this consortia or that consortia will step forward. Every year when we got around to it, they did not step forward. They did not put any money in. They did not make the contribution.

We are requiring more non-Federal funding in all of the rest of the coal technologies.

I have to stand here on the floor of the Senate and look the Senator from West Virginia in the eye, the author of the Clean Coal Act, the author of the funding, and tell him, "We are going to let MHD get by without the same requirements as your project."

I look at every coal-State Senator on the floor and say to them, "We have a better deal from MHD, but we are not going to let you fellows in on it."

Mr. MELCHER. Will the Senator yield?

Mr McCLURE. I am happy to.

Mr. MELCHER. The Senator was speaking about getting to commercial size. I just want to clarify that because I think the Senator may be beyond the scope of the MHD concept.

It is the feeling of the scientists, researchers, developers, and engineers who have been plugging away on MHD that a proper application commercially will be for a topping cycle on an existing steam generating plant. All the information they have is that the utilization of coal and MHD technology will be so much more efficient,

51-059 O-86-28 (Pt. 12)

moving the efficiency of coal from 35 or 37 percent up to 50 to 54 percent, somewhere in that range, that probably the MHD topping cycle from the onset will be a cheaper operation facility than the traditional or conventional coal-fired steam generators.

I think perhaps the chairman of the Energy and Natural Resources Committee and the chairman of the subcommittee of the Appropriations Committee handling this appropriation perhaps misspoke when he said, First, large-size commercial plants. That is not in the picture; and second, that it would be fitting into the mold of what size these plants are nowadays and the load base that is necessary for utility plants, that it would be too large.

That is not where we are at all. We are at demonstrating as a topping cycle on an existing steam generating plant, that the topping cycle from the beginning will probably demonstrate a more efficient, therefore a cheaper, way than the steam-generated plant.

Mr. McCLURE. Mr. President, I appreciate the comments of the Senator from Montana. I am aware that some are making that suggestion now. Indeed, some are trying to move in that direction.

Perhaps the Senator from Montana has more information about that than I do.

Mr. DOLE. Mr. President, will the Senator yield for just an observation?

Mr. McCLURE. I am happy to yield to the majority leader.

Mr. DOLE. I do not know how close we are to completing this amendment, but perhaps if we are near where we could move on to the Jordan matter, the Senator from Indiana, the chairman of the Committee on Foreign Relations, would be willing to take it up if we could set this aside and then we could move on. A number of Members have been inquiring about when we might depart this evening. That will be possible once we finish the bill.

Mr. McCLURE. Mr. President, I thank the Senator. If I may continue for just a moment longer, perhaps then we shall be in a position to answer the question.

Mr. DOLE. I thank the Senator.

Mr. McCLURE. The Senator from Montana had indicated that he believes that the topping cycle is a near-term application that is likely to be able to increase the efficiencies and therefore be economically viable earlier as the topping cycle might come out as an independent producer. Let me make this suggestion to the Senator, then.

I would be willing to accept as an alternative to what we are doing a provision that would allow the MHD program in whichever form—topping cycle or otherwise—to move in and compete with clean-coal technology completely. It is my judgment that it could not do so, but if he believes that it could and he would prefer to do it that way, we shall just make it a straightforward competitor with all the rest of the clean-coal technology.

Mr. MELCHER. Mr. President, would the chairman yield?

Mr. McCLURE. I shall be happy to yield.

Mr. MELCHER. I thank him for yielding.

First, Mr. President, I want to make it clear that having a topping cycle is not something new with me or a few people who are interested in MHD. It has been the concept for at least 10 years that it would be a topping cycle. I suspect if we add AVCO and the University of Tennessee and Stanford and MIT and Mississippi State and General Electric and Westinghouse, they would all say that same thing, probably longer than 10 years. That is the first step of the question the Senator poses about being competitive. There is no way of being competitive until we scale up the components to a size that we can put it on such an existing commercial plant as I have previously described. We are not at that point, unfortunately.

We could have been if, instead of appropriating $30 million per year for the past 5 years, we had been appropriating $70 million to $80 million a year. We would be at that point. Because we slowed the program down just to be able to keep plugging away at it, we have only spent less than half as much as we should have during the past 5 years. That is exactly why we are not at the commercial size.

When I say "commercial size," Mr. President, I am speaking directly to a topping cycle to be utilized on an existing plant to demonstrate that indeed, it is.

I am not speaking as some voice in the wilderness, some person, not really crying as John did as one voice in the wilderness, making way for the coming of the Lord, our Savior, but I am speaking as the entire MHD community speaks and the electrical-generating community speaks. I am speaking as they speak. They say this is the proper step and these are the things that have to be done.

Mr. McCLURE. Mr. President, I again will say to the Senator from Montana that if, indeed—that is not my judgment. My own judgment, from the review of the material and the people who have advised me with respect to the likelihood of success, has been less optimistic about that prospect than is being expressed by the Senator from Montana.

I do not suggest that the Senator from Montana does not have people who are suggesting that to him. It is just that I have a different judgment. He may very well be right.

But if I am right, Mr. President, this amendment serves the program better. If he is right, we do not need any crutches and we can meet the competition of the clean-coal program without any crutches.

I offer him the alternative, if this is not the way to do it, if this does not need the help that this amendment gives, let us just put it over into the clean-coal technology competition and it can compete along with all the rest of the clean-coal technologies for available funding. I shall do it either way the Senator from Montana wants.

Mr. MELCHER. Will the Senator yield, Mr. President?

Mr. McCLURE. I shall be happy to yield.

Mr. MELCHER. I suspect I should draft an amendment and I shall be delighted to draft an amendment. But if the chairman is saying that the technology is available for components of scaled-up size to do what we have been describing, I would have to say no, it is not. If the chairman is indicating that, somehow, these universities and these contractors other than the universities can match 50-50 on the development of the components, I would have to say they cannot.

If the chairman is saying that the utility companies can pick up the tab at 50 percent for this R&D work for components that are not to scale—are not to scale—and have not been tested, then I would have to say that they will not, they cannot do it. At the time when they can invest their money, as the chairman knows better than I, and satisfy the laws that they live under on what they can invest insofar as ratemaking laws are concerned, when it is up to scale, I think the funds will be there.

But not being up to scale, what I am saying is that the chairman has prescribed some language that, in the opinion of all the people who are involved in this in the research and development in the private sector, will be unworkable for them, so they will just be out of the picture. I have listed them, but I can repeat them.

I have been told that Mississippi State, AVCO, TRW, Universtiy of Tennessee, Stanford, Massachusetts Institute of Technology, Westinghouse—and I do not have GE on the list, but I have been told that they would be completely out of the program because they are not making components of the right scale yet for utilization in this topping cycle.

(Mr. COCHRAN assumed the chair.)

Mr. McCLURE. Let me say to the Senator, if, indeed, they have advised him of that, they have advised him wrongly, be it based on faulty information as to what the amendment will do or communicated erroneously to him, because much of their activity would fall within the basic research, which is funded fully and is not subject to the 50-percent match.

Many of the entities to which the Senator has made reference just now would find themselves in an entirely different category.

Mr. MELCHER. Does the chairman mean by that that somehow the component they build would not have to be tested, would not have to be integrated with other components that are being built in order to find out whether they are at a proper scale and whether the concept really is correct?

Mr. McCLURE. I say to the Senator that the research program might indeed have to be tailored and retooled and redirected to fall within that context if indeed they found it impossible to find a non-Federal sponsor for the demonstration of those components.

Mr. MELCHER. I might ask the chairman, does that not mean everything falls if there is not a facility that can demonstrate——

Mr. McCLURE. No, it does not.

Mr. MELCHER [continuing]. That at that scale—I am not talking about a demonstrating plant. I am only talking about demonstrating on a smaller scale—they have a component that is worthy of scaling up to get to commercial size?

Mr. McCLURE. The basic research would be funded and could continue, but it might be redirected in some of its respects rather than putting the money into the hardware of demonstration size which is the current program.

Now, I was asked by the majority leader a moment ago if we would be willing to set this matter aside so that the distinguished Senator from Indiana, the chairman of the Foreign Relations Committee, could offer an amendment. Pursuant to the request of the Senator from Kansas, the distinguished majority leader, I ask unanimous consent that the pending amendment be laid aside temporarily so the Senator from Indiana might offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. I object, but only temporarily.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. I would like to ask a question of the Senator from Idaho. It seems to me that a large part of the discussion revolves around whether and to what extent MHD funding is research and development, and to what degree it is phasing into the next stage demonstration.

I ask the Senator from Idaho whether he agrees with the Department of Energy that we are now in a "proof-of-concept" testing program, under DOE's coal technology program; that this proof of concept is expected to continue about 3 or 4 years, maybe 5 or 6 years; and, that at the completion of the proof of concept, the program would then move out of research and development and then into demonstration?

And is it not also the understanding of the Senator from Idaho that the facility in Montana, as well as the facility in Tennessee, are in this proof-of-concept stage, to be finished in about 3 to 5 years and at that stage we then move into the demonstration stage?

Obviously, the intent of my question is, isn't the effort undertaken in Butte, MT, as well as in Tennessee, in the proof-of-concept stage; and therefore, in the research and development stage, and therefore not within the definition of "demonstration" as the term is used in the Senator's amendment?

Mr. McCLURE. Mr. President, the Senator asks a very difficult question and I will try to be as direct and clear as I possibly can be in response. Research and development is in itself made up of different stages of research at different levels of activity and different sizes of activity, and it moves through what some would say was proof of concept but still in a laboratory setting, proof of a concept as a research project inside a university laboratory, or you can move it the next step which is precommercial by building components of larger size and testing them in the field to prove that the concept works in that setting at that size. It is not full commercialization. And in some respects some might say it is not even a full-size demonstration plant; it lies somewhere in between.

Much of the work is being done in Tennessee—not all of it—and most of the work that is done in Montana is dependent on that scale of demonstration of what is theory in the lab. Now, I do not know whether you call that demonstration or not. I would. Within the context of the amendment that I have offered I would expect that it would fall within what is here called demonstration. I would also expect that if there are non-Federal sponsors of that activity to 50 percent of the cost of that activity, you would not see any change in the research program that is now underway to evaluate what they see in the demonstration in Butte. You would see the continuation of those research efforts much as they are constructed today. If, however, the demonstration was terminated for the lack of non-Federal funding, the basic research and the proof of concept would be restructured according to that situation.

Mr. BAUCUS. To what degree, in the opinion of the Senator from Idaho, is the MHD funding in Montana and Tennessee research and development and to what degree is that funding demonstration?

Mr. MELCHER. In Montana or the whole program?

Mr. BAUCUS. In the two States of Montana and Tennessee. What would be the ratio of spending for research on the one hand and demonstration on the other?

Mr. McCLURE. I find that difficult to answer, and rather than hazard a guess and be inaccurate, let me try to answer by saying it is again my belief that the majority of the work now being done in the Butte facility is demonstration and a small, very small proportion of it would not be called demonstration. The proportion of it which is in Tennessee is a little higher proportion research, a little proportion demonstration but still a majority demonstration. And again, if the program continues as it now is and if under the amendment which I have offered non-Federal sponsors for half that cost could do so, I would anticipate that it would go as it now is going. If, however, non-Federal sponsors were not found and that portion of the program were therefore terminated, it would be my expectation that a majority of the activities in Tennessee would be restructured to fit the basic science category and all of the rest of the functions at non-Montana locations would be restructured and continue at current levels of funding. The Montana program, however, being primarily and dominantly demonstration, would be dependent upon 50 percent funding in order to be continued.

Mr. BAUCUS. I thank the Senator.

I say to the Senator from Idaho that this is a murky area, and it is one which, fortunately, is brought before us on this amendment. Frankly, I hope that the basic question, if not resolved, would at least be brought up and discussed at a hearing or some other forum, so that there is more understanding and more certainty on all sides as to what is and what is not research, as opposed to demonstrations, because we are getting hung up on something about which we do not know much.

I just want to express my strong support for the magnetohydrodynamics research and development program, and to urge the rejection of the administration's proposal to defer fiscal year 1985 funds for the program.

MHD technology is an efficient, environmentally sound method of using coal to produce electric power. MHD is close to being commercially viable, as demonstrated by private industry's willingness in recent months to enter into cost-sharing agreements.

EFFICIENCY

MHD technology can increase the energy efficiency of electric powerplants by 50 percent. Water use is minimal in MHD. Emissions of NO_x, SO_2 and particulates are well within any projected EPA new source performance standards.

MHD is the only advanced coal conversion technology that converts coal directly to electricity. MHD can be used for more than generating baseload electric power. It has possible applications in power intensive/high temperature industrial processes and in the defense power source area.

The energy efficiency of MHD powerplants will be 40 to 50 percent. The most advanced coal or oil-fired steam powerplants on line today, in contrast, operate at about 30 to 35 percent efficiency, which is close to their theoretical maximum.

If only a quarter of the new powerplants projected by DOE to go into service by 2010 were MHD plants, the annual savings from increased efficiency alone could total $5 billion.

ACID RAIN

In addition, MHD research is a clean technology. Acid rain is becoming a major concern in this country and around the world.

Much of the acid rain problem is being attributed—correctly or not—to coal-burning plants. Tests at the University of Tennessee have demonstrated that 95 percent of the SO_2 emissions from coal-fired plants can be prevented by using the MHD process without any ancillary equipment. The best flue-gas scrubbers, on the other hand, can remove only 85 to 90 percent of SO_2.

NO_x emission, the other major coal combustion pollutant, can be reduced by 30 to 50 percent below EPA standards with the use of the MHD process.

Thus, because of its exceptionally efficient pollution control, MHD powerplants will be able to use virtually all grades of U.S. coal.

COMMERCIAL VIABILITY

MHD is a mid- to long-term technology, expected to be commercially viable within the next 10 years. Therefore it matches perfectly the research and development funding criteria set out by the Department of Energy.

The Department of Energy last year sent Congress a 4- to 5-year proof-of-concept program. In 1985 alone, private industry's contribution to MHD research will be approximately $4 million.

The next step will be construction and operation of an MHD unit retrofitted to an existing powerplant. Industry has shown its confidence in MHD and its willingness to cooperate with the Government by submitting a 50-50 cost share proposal for an MHD retrofit plant under the clean coal technology initiative.

Industry is serious about MHD technology, but the Federal Government must be a reliable partner in the proof-of-concept development.

Deferring MHD's fiscal year 1985 research funds will reverse the Federal Government's commitment to be such a reliable partner. Deferral would come at a time when DOE has committed to refocus its efforts and has received strong industry support to move beyond a basic engineering program for MHD.

MHD's soundness may be best demonstrated by the strong interest being shown by experts in other countries. A group of U.S. MHD experts are now in China discussing MHD technology. Japan, the U.S.S.R., and other countries are developing MHD using our technology.

If MHD development in the United States is terminated, we may end up buying MHD components from Japan, a development that would not help our trade imbalance.

I urge the Senate to support continuation of this important research program.

MHD offers us the opportunity to burn American coal more efficiently and without expensive pollution-control devices. A recent article in Business Week demonstrates that now is the time to capitalize on the work that has been done to bring MHD into commercial viability.

Mr. McCLURE. I respond to my friend as I have tried to do before:

First, the action which is proposed in my amendment is not final action with respect to this program. This program would require action in the authorization legislation which comes before the Committee on Energy and Natural Resources. I am sure the Senator and others will have an opportunity to discuss these issues as they apply to 1986 and beyond.

It will again come before the Appropriations Committee in the processes with respect to the 1986 appropriation.

I cannot, in good conscience, say to other Members of the Senate that I would urge them to overturn the deferral, without having described some of the direction in which I believe the program must go if it is to be able to continue in the future. Therefore, I would oppose any action to overturn the deferral on the floor of the Senate in this bill today.

As I said to Senator MELCHER a few moments ago, if this program is an able competitor in clean coal technology, I would be willing, as an alternative to what I offered here, to simply offer an amendment to move this whole program into the Clean Coal Technology Program, where it can compete for funds on exactly the same footing as every other clean coal technology and subject to the same rules. But perhaps we could discuss that among ourselves, off the floor, and allow the Senator from Indiana to go forward with his amendment in the meantime.

Therefore, Mr. President, I renew my unanimous consent request that this matter be temporarily laid aside so that the Senator from Indiana may offer an amendment.

The PRESIDING OFFICER (Mr. WARNER). Is there objection?

Mr. MELCHER. Mr. President, reluctantly, I have to object, for the moment.

The PRESIDING OFFICER. Objection is heard.

Mr. MELCHER. Mr. President, I think the impression is being made that this technology is at a stage where we could say to a company, a utility company, "If you put up the 50 percent, we will continue the research and development." Unfortunately, that is not the case.

The chairman has mentioned clean coal technology as if it were some sort of threshold where MHD should be at this time. There are many technologies on which we do research and development in terms of trying to arrive at cheaper, safer, cleaner, and better energy courses. MHD happens to be one of them.

The fact is that the stage of research and development we are now in is a type of research which could be better described as engineering, and the facilities we have for testing the components that are engineered by the various centers are entirely federally funded.

The research and development—and I will again substitute the term "engineering"—that is contracted for and then goes into the components is not at a scale that is commercially sound. For that reason, each and every one of them must be tested with other components to see whether they integrate properly from the standpoint of efficient engineering capability, and that work is done at the University of Tennessee or Butte, MT.

Mr. President, these types of activities cannot be treated in an amendment that was shoved at us 1½ hours ago, which would change the whole concept of what we are doing for this type of energy development.

Reluctantly, I say that I believe the amendment has to be very thoroughly looked at and very thoroughly discussed.

The offerer of the amendment, the Senator from Idaho, is in the unique position of having offered an amendment that would change part of the ongoing activity we have in the jurisdiction of the Senate Energy and Natural Resources Committee, of which he is chairman, and a very fine chairman.

This matter was presented, I think about 6 o'clock this evening, an hour and a quarter ago, and that puts us in the position of having to be very thorough and very careful.

As the amendment is now drawn, it it totally unacceptable, so far as I can determine from anybody who is interested in MHD technology.

Setting it aside accomplishes one thing, but if we are in the position of

setting it aside and then discussing it at midnight or 1 o'clock or 2 o'clock tonight, it is not an enviable position.

Some of the people who should be in on the consultation with respect to this amendment are not even available at this time. I do not like to hold up other Senators and hold up the proceedings here, but we are in a pretty rough bind. Maybe we can work something out.

I suggest the absence of a quorum.

Mr. McCLURE. Mr. President, will the Senator withhold that request?

Mr. MELCHER. Yes.

Mr. McCLURE. I do not mean to take advantage of the Senator, but it is my intention to withdraw the amendment.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 410

(Purpose: To authorize supplemental economic assitance for Jordan, and for other purposes)

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 410.

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

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

The amendment is as follows:

On page 175, after line 21, insert the following new title:

TITLE IV—AUTHORIZATION OF ECONOMIC SUPPORT FUND ASSISTANCE FOR JORDAN

SEC. 401. This title may be cited as the "Jordan Supplemental Economic Assistance Authorization Act of 1985".

ECONOMIC SUPPORT FUND

SEC. 402. (a)(1) In addition to funds otherwise available for such purposes for such fiscal year, there are authorized to be appropriated to the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $250,000,000 for the fiscal year 1985, which amount shall be available only for Jordan.

(2) Of the funds authorized to be appropriated by paragraph (1)—

(A) for the fiscal year 1985, $50,000,000 shall be available only for commodity import programs and $30,000,000 shall be available only for project assistance;

(B) for fiscal year 1986, $50,000,000 shall be available only for commodity import programs and $30,000,000 shall be available only for project assistance; and

(C) for the fiscal year 1987, $60,000,000 shall be available only for commodity import programs and $30,000,000 shall be available only for project assistance.

(b) Amounts appropriated to carry out this section are authorized to remain available until September 30, 1987.

POLICY

SEC. 403. It shall be the policy of the Congress to consider a Jordanian request for major defense articles upon the commencement of direct peace negotiations between Israel and Jordan if Israel is willing to enter into such negotiations.

Mr. LUGAR. Mr. President, this is the first of two Jordan amendments. The amendment I have offered is the authorization of economic support for Jordan. This afternoon, by a vote of 14 to 2, the Foreign Relations Committee reported legislation which has been incorporated in this amendment to the supplemental appropriations bill.

The committee found $250 million of economic assistance shall be made available in this legislation for Jordan. The committee, however, modified the original administration request so that the first fiscal year, the one we are now in 1985, $50 million shall be available only for commodity import programs and $30 million for project assistance; in fiscal year 1986, $50 million for commodity programs, and $30 million for project assistance; and in fiscal year 1987, $60 million for commodity import programs, and $30 million for project assistance, thus adding up to total $250 million.

The committee decided that this should best be expended over 3 fiscal years as opposed to the 2 that the administration has suggested.

Furthermore, the committee added as a section 403 stating that "It shall be the policy of the Congress to consider a Jordanian's request for major defense articles upon the commencement of direct peace negotiation between Israel and Jordan if Israel is willing to enter into such negotiations."

The Foreign Relations Committee had a full debate on the Pell amendment, which is in fact section 403, with respect to future arms sales to Jordan. The committee decided that there should be an expression of congressional opinion with respect to the linkage between arms sales and direct negotiations. However, the committee was sensitive to the argument that some in the Middle East may view this amendment as giving Israel a veto over a possible sale of military equipment by refusing to enter negotiations. We wanted to deal with this concern, as unlikely as it might be.

We are confident that Israel will be prepared to negotiate. If in the unlikely chance Israel should not be prepared to negotiate, this stance would not be a reason for Congress to deny Jordan appropriate consideration for military sales.

Mr. President, we believe that these findings by our committee expressed in this authorization bill incorporate the original request of the administration as presented in the eloquent testimony of our Secretary of State. Section 402, which provides the specific funds, became an amendment from the distinguished senior Senator from California, Senator CRANSTON, who was sensitive to work occurring in the Appropriations Committee at the very time. The sums that we have adopted track, we believe, with the Appropriations Committee consideration.

Finally, the distinguished ranking minority member of the committee, Senator PELL, offered language and with two small modifications, it became our policy section 403.

I am pleased to report there was excellent debate, a good consensus for this authorization legislation. It does in my judgment, boost the peace process substantially, and for this reason, I ask the body to give strong support.

I yield the floor.

Mr. DOLE. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Foreign Relations Committee to provide a total of $250 million in economic assistance to Jordan during this and the next 2 fiscal years.

Jordan, of course, has major economic and developmental problems, and this aid will help its Government cope with those problems. That is one good reason to support the amendment. But, in the final analysis, there is another and even better reason; we should pass this amendment because it is in our own interest to do so.

King Hussein or Jordan has been a friend of our country and, in general, a moderating force in one of the most important and volatile areas of the world. Without his participation, and the participation of the other moderate Arab States, there is no real prospect of a lasting Middle East peace.

Recently, the King again displayed the kind of courage and vision which will be necessary on all sides if we are ever to achieve that kind of peace through a new peace initiative. While some of us may have problems with some details of King Hussein's plan—and I do myself—it does represent an important contribution to efforts to make peace in the region. It does offer real hope of catalyzing new efforts to arrange direct negotiations among Israel, the moderate Arab States, and the Palestinians.

The aid we will provide with this amendment will signal our support for King Hussein and Jordan as a moderate force in the region. It will show our support for the fact of the King's initiative, without compromising our flexibility in responding to it. It will increase, not reduce, our leverage on the backstage process of getting back on track the kind of talks we and the Israelis want. And, perhaps most important of all, it will demonstrate our willingness and ability to respond in a supportive way to those states willing to take the risks necessary for peace.

I should also note that the amendment makes clear that the Congress does not want to consider military sales to Jordan at this time. That is a

wise provision. There is real question whether such sales now would really encourage the peace process. But there is no question that proposing such sales now would raise an intense debate in the Congress and in the country, which would only complicate and detract from what should be our main concern—how to get the peace process started again.

So this is a good amendment, in our national interest, meeting the most important concerns raised on this issue. It has my support, and I urge all of my colleagues to vote for it.

Mr. CRANSTON. Mr. President, as the author of the portion of the measure reported by the committee as relates to the form of economic assistance to Jordan, I speak strongly in favor of the measure as reported from the committee in the form in which it has been reported. Congress exerts greater influence and its own judgment as to how funds should be expended by Jordan. We do provide the amount of money that the administration sought for economic purposes.

I was also a strong proponent of the second part of the measure which was authored by Senator PELL, the ranking Democrat on the committee, and that portion provides that there shall be consideration by Congress of military assistance to Jordan after peace negotiations are entered into with Israel, presuming that Israel is willing to proceed in that fashion.

I believe that the measure reported by the committee constitutes a major step forward in the peace process, will raise hopes for peace in the Middle East, and is consistently basically with the wishes of the administration.

I, therefore, hope it will be speedily adopted by the Senate.

Mr. PELL. Mr. President, I very much wish to join with my chairman and my colleagues in supporting this legislation.

We had, as the chairman said, a thorough discussion of the matter and worked out a compromise. I think it fills the needs of the administration, the need of King Hussein and also the desires of those of us who want to make sure that he continues down the present path with respect to the peace process.

I think the fact that we adopted the Pell amendment which expresses the thought that we will consider military assistance when Israel and Jordan are in direct negotiation with each other, means that there is a certain message we hope to get across to King Hussein. At the same time this provision is formulated in a positive way because we all share a high regard for King Hussein for his bravery, for his good will, and his own desire to bring peace to that part of the world.

Mr. BIDEN. Mr. President, I will be very brief.

I compliment the chairman of the full committee on the way he rapidly and very skillfully marshaled debate in the Foreign Relations Committee.

I think this is a very positive amendment. I think it does two very important things.

First, it makes it clear to Jordan that we, in fact, are willing to help immediately and that we stand ready to help even more.

And the second message it sends, and I hope strengthens Hussein's hand, but perhaps it weakens it, which I truly believe it does, it suggests that the second portion is really contingent upon the increased process of moving forward.

And I again compliment the ranking minority member, Senator PELL, for what was, in my view, the key amendment here, and I compliment the Senator from Indiana for the way in which he marshaled the debate.

Mr. PELL. I thank the Senator.

Mr. LUGAR. I thank the distinguished Senator from Delaware, my colleague.

I know of no objection. I move adoption of the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LUGAR. Mr. President, I move the adoption of the amendment.

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

The amendment (No. 410) was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, let the record show there was no negative vote cast against the amendment.

Mr. HATFIELD. Mr. President, I hope we are ready to move to third reading.

Mr. President, what is the question before the Senate at this point?

The PRESIDING OFFICER. The question before the Senate is H.R. 2577.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 411

Purpose: To oppose within the Inter-American Development Bank the approval of any loan to Nicaragua, and for other purposes

Mr. MATTINGLY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. Mattingly] proposes an amendment numbered 411.

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

Mr. HATFIELD. I object.

The PRESIDING OFFICER. Objection having been heard, the clerk will continue reading the amendment.

The legislative clerk read as follows:

On page 73, line 5, before the period at the end of the line insert the following: *"Provided,* That the Secretary of the Treasury shall direct the United States Executive Director to the Inter-American Development Bank to use the voice and vote of the United States to oppose any loan by the Bank to Nicaragua: *Provided further,* That the Congress hereby expresses its intent to reconsider future appropriations for payment to the Bank if the Bank approves any loan for Nicaragua on or after the date of enactment of this Act".

Mr. MATTINGLY. Mr. President, the purpose of this amendment is to oppose any Inter-American Development Bank approval of any loan to Nicaragua.

Mr. President, I understand that this amendment has been cleared by both the ranking member and chairman of the Appropriations Subcommittee on Foreign Operations.

Mr. INOUYE. Mr. President, the Senator from Georgia has discussed this matter with us. We have no objection on our side.

Mr. HATFIELD. Mr. President, I have just now had an opportunity to read the amendment offered by the Senator from Georgia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. DANFORTH. I object.

Mr. MATHIAS. I object.

Mr. HATFIELD. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will resume the call of the roll.

The legislative clerk resumed the call of the roll.

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

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

Mr. DOLE. Mr. President, I understand the pending business is the amendment of the distinguished Senator from Georgia.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I also understand that he might be willing to withdraw the amendment.

Mr. MATTINGLY. Mr. President, I would like to make a statement about the proposed amendment, if I may, very briefly.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. Mr. President, the purpose of my proposed amendment is to oppose within the Inter-American Development Bank the approval of any loan to Nicaragua. Almost exactly 26 years ago this body passed legislation creating a Latin America regional development bank, the Inter-American Development Bank or the IDB as it is known. In anticipation of the creation of such a bank, then-President Eisenhower claimed that the new institution would "symbolize the special relationship between Latin America and the United States, help the Latin Americans realize their hopes for a better life, and encourage regional cooperation and local responsibility in the effort to meet the region's development needs." I am concerned about this concept of "responsibility" with regard to Nicaragua.

I feel it is the responsibility of the members of international development institutions to act in an economically responsible manner, employing fiscally responsible policies. I do not believe that Nicaragua is acting in an economically responsible manner and I would thus be reluctant to see an institution such as the IDB, of which the United States is a member and donor, loan funds to a country unwilling to employ them in a manner consistent with the goals of the institution. In addition, I share the view that it would be an "expensive contradiction" in policy if the United States were to fund loans to Nicaragua at the same time that we have an embargo on trade with that nation and the Congress has approved support for the Contra forces.

My concerns in this regard are reflected in a letter from Secretary of State Shultz to Antonio Ortiz Mena, president of the Inter-American Development Bank. In his letter Secretary Shultz states that, "The United States opposes a renewal of lending to Nicaragua at this time for several reasons * * * Nicaragua is not creditworthy. It is seriously in arrears to the international financial institutions * * * we are also concerned about the possible misuse by Nicaragua of the proceeds from such a loan * * * that could be used to * * * finance Nicaragua's aggression against its neighbors, who are members in good standing of the bank."

I believe that Secretary Shultz' comments can be taken a step further. In fact, I think that the issue is not whether or not Nicaragua is creditworthy today, but rather that that country is following policies that will insure that Nicaragua will not be creditworthy in the future. On a monetary front Nicaraguans can only receive a maximum of 25 percent interest on a time deposit despite an inflation rate of 60 percent—a negative real interest rate—official exchange rates do not begin to reflect the more realistic blackmarket value of 500 cordobas to the dollar, and price controls are wreaking havoc on consumer supply. Nicaragua used to be a significant exporter of agricultural products—primarily cotton, cattle, and bananas—and it was here that Nicaragua had a strong comparative advantage—an advantage that economic responsibility would dictate should be developed to the fullest extent possible. Today, however, the Sandinista government is basing its economic policy on Marxist central planning. This policy does not favor the long-term investment that would encourage steady development along the lines of comparative advantage. Instead, the Nicaraguan agricultural sector is, in a sense, paying for a forced shift to manufacturing. Much of that country's GNP is being used to support an armed force far in excess of what is needed for legitimate defense purposes.

From a fiscal standpoint, the Nicaraguan Government is the employer of last resort. In the words of one administration official simply "running the printing presses to cover demand."

Mr. President, my amendment would have, first, directed the U.S. Representative to the IDB to oppose any loan by the Bank to Nicaragua. I might point out that the President has already so directed our Representative and I feel it is important that the Congress express its support for this action. Second, the amendment expresses the intent of the Congress to reconsider future U.S. appropriations for payment to the IDB if the IDB approves any loan for Nicaragua.

While supporting IDB loans to Nicaragua would be in direct contradiction of current U.S. policy toward that nation, I want to emphasize that it would also be a poor use of scarce funds to approve loans to a country that is so blatantly uncreditworthy and which has made plain its resistance to any reforms that would lead to sustained economic growth. Should the IDB ignore or dismiss this clear lack of creditworthiness I think that it would be only appropriate for the United States to take such judgment into consideration when debating future contributions to the Bank. It would have been an opportunity for the Congress to express its concerns as we consider legislation appropriating the currently due U.S. contributions to the Inter-American Development Bank and I would have urged my colleagues to support the amendment.

However, Mr. President, I recognize, as my good friend from New Mexico has said, that the situation is extremely delicate. Administration officials have indicated they would like an opportunity to discuss the proposal further to ensure that it clearly reflects the position of Secretary of State Shultz, in his letter to the Bank. For that reason, Mr. President, I shall not pursue the amendment at this time.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 411) was withdrawn.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I believe we have two other rather minor points to be considered. Then we shall be through, following the action of the Senate on the appropriated account for aid to Jordan. I urge the Senator from Wisconsin, if he is ready to move on that, to perhaps offer his amendment.

AMENDMENT NO. 412

Mr. KASTEN. Mr. President, I send an amendment to the desk in behalf of myself and Senator INOUYE, Senator HEINZ, Senator KENNEDY, Senator LUGAR, and Senator PELL, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself, Mr. INOUYE, Mr. HEINZ, Mr. KENNEDY, Mr. LUGAR, and Mr. PELL, proposes an amendment numbered 412.

On page 75, line 3, strike "$2,008,000,000: *Provided*" and insert in lieu thereof the following: $2,258,000,000: *Provided*, That of the funds provided by this paragraph $250,000,000 shall be made available for Jordan only in accordance with the schedule of availability set forth in section 401(a)(1) and section 401(a)(2) of this Act: *Provided further*, That of the funds provided in this paragraph for Jordan, not more than 33⅓ percent may be disbursed before September 30, 1985, not more than 50 percent may be disbursed before March 31, 1986, not more than 66⅔ percent may be disbursed before September 30, 1986, and not more than 85 percent may be disbursed before March 31, 1987: *Provided further*, That notwithstanding any other provision of law, funds provided in this Act for Jordan, if not utilized for programs, projects, or other activities in Jordan, must

be returned to the United States Treasury: *Provided further*

Mr. KASTEN. Mr. President, this amendment responds to an urgent request by the Secretary of State and the President for a demonstration of support for King Hussein of Jordan and the measures he proposes to take on behalf of peace. As such, it is an incentive to further efforts on the part of the King to seek peace and to lead, we hope—we expect—to direct negotiations between Jordan and the State of Israel. There is a linkage. As the people of Israel have made sacrifices for peace, so must the people of Jordan. Our assistance is meant not as compensation, but as a signal of our willingness to share their hardshp in the interests of peace in this critical region of the world.

Mr. President, the cosponsors of the amendment and I are in agreement that this linkage between U.S. assistance and the movement toward peace can best be maintained by the adoption of the schedule of funding as set forth in section 401 (a)(1) and (a)(2), and by the schedule of disbursements set forth in this amendment. Supporters of this amendment are in agreement that the administration must report to the Committee on Appropriations of both Houses, to the Foreign Relations Committee of the Senate, and to the Foreign Affairs Committee of the House 10 days prior to the dates of the scheduled disbursement, indicating to these committees the justifications for the disbursement, having specific reference to progress toward peace in the Middle East. The disbursements are meant to be benchmarks in the U.S. assistance program; they are also to be benchmarks at which point progress toward peace may be measured.

Mr. President, I strongly believe that this is the best course of action for us to take under these circumstances.

I would like also to say that we on the Committee on Appropriations and the ranking member and the chairman of the authorizing committee have worked very closely in developing this consensus. I think we have done well in terms of working together, authorizers and appropriators, on this very, very important amendment and very sensitive issue. I congratulate and thank the chairman and the ranking member of the authorizing committee.

As this time, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, this amendment appropriates $250 million in economic assistance to Jordan. The reasons for which we are acting so expeditiously have already been enumerated by the chairman of the Foreign Relations Committee [Mr. LUGAR]. The Appropriations Committee, if I may speak for my colleagues, shares the view that we should not at this time provide cash grant assistance to Jordan. Nonetheless, we recognize that Jordan does have a need for balance of payments assistance and that this need is urgent. Accordingly, we are proposing that the bulk of this funding, $160 million, shall be made available for a Commodity Import Program. This will ease Jordan's requirement for foreign exchange to finance necessary imports. A side benefit, of course, is that it will finance imports from the United States.

We also recognize that Jordan, while having achieved remarkable economic progress in recent years, now faces a burgeoning unemployment problem. As difficult as it may be to believe, our studies have concluded that Jordan has an unemployment rate in excess of 60 percent in its male labor force. We are, therefore, proposing that a significant portion of our assistance, $90 million, be made available for development assistance projects. The Subcommittee on Foreign Operations will, in the exercise of its oversight responsibilities, monitor the projects which are funded by this assistance to ensure that they focus on job creation activities.

Mr. President, our concern that this economic assistance be related to progress in the search for peace in the Middle East has led us to propose a schedule of disbursements which will enable the committee to examine the progress toward peace prior to the disbursement of funds. We expect the administration to report to the Committees on Appropriations and to the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House on such progress 10 days prior to the dates of each scheduled disbursement. The committee believes that it is important that all parties be reminded on a regular and predictable basis that these funds are proposed and provded as an incentive toward peace.

Mr. President, I hope that my colleagues will recognize the urgency of the moment and accept our good faith efforts to meet the needs of the time and the responsibilities of this body. I hope the amendment is adopted.

Mr. KENNEDY. Mr. President, I want to, first of all, commend the Senator from Wisconsin, Senator KASTEN, and the Senator from Hawaii, Senator INOUYE, for fashioning the basic amendment which we have been discussing here this evening. This proposed package of assistance to Jordan represents a strong statement of support for King Hussein's peace initiative.

The $250 million in economic assistance to Jordan is a massive increase in the level of U.S. aid to that country. But I support this proposal and will vote for it because it will send a strong signal of support for King Hussein's efforts to launch meaningful negotiations between Jordan and Israel. All Americans are hopeful that King Hussein's initiative will lead to a lasting and just peace in the Middle East.

I am pleased that the Senate has again made clear its continuing opposition to the sale of sophisticated weaponry to Jordan so long as no such direct negotiations between Jordan and Israel have occurred. This is a position that I have long supported. And it is a position that was contained in a resolution introduced on June 4 by Senator HEINZ and myself with the support of 70 other Senators. I am pleased to see that both the Senate Foreign Relations Committee and the Senate itself are on record in support of that position.

AMENDMENT NO. 413

Mr. DECONCINI. Mr. President, I know that there has been a great deal of effort put forth by the Foreigh Relations Committee and the distinguished chairman of the Foreign Operations Subcommittee and the ranking member on the issue of supplemental economic assistance to Jordan. I have great reservations about what we are doing here: Even with the restrictions contained in the authorization language—even with the very strictly drawn conditions prohibiting cash transfers—I have great reservations about providing this type of aid to the good nation of Jordan, which is still in declared war against Israel, which has failed to recognize the right of the nation of Israel to exist in peace other than in vague verbal statements, the most recent one regarding U.N. Resolution 242.

What concerns me, Mr. President, is that we are starting the ball rolling toward providing a very hefty amount of foreign assistance and, I suspect eventually, military assistance to Jordan. But, do not really see them taking any bold action except some verbal statements and a trip to the United States.

Israel has made some statements most recently willing to discuss peace with Jordan without conditions and I compliment Mr. Peres for that. But I find it very difficult here to march down the road of what may eventually amount to billions of dollars of aid to Jordan before they exercise at least a willingness to proceed to the peace table.

Mr. President, I am not here to harm the fine work of the numerous Members who are cosponsors of this amendment. But I do at this time send to the desk a second-degree amendment to the amendment of the Senator from Wisconsin and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 413 to amendment No. 412.

At the end of the pending amendment add the following amendment:

That it is the sense of the Congress that no sales of advanced defense articles or defense equipment for Jordan should be proposed by the President until Jordan and Israel agree to a peace treaty.

Mr. DECONCINI. It seems to me, Mr. President, that we are playing a very risky game here. We have seen the success of one Arab bloc nation willing to make that bold step of entering into a peace agreement with Israel—namely, Egypt. We encouraged that. As a matter of fact, President Carter, along with the leaders of Israel and Egypt, deserves great credit for bringing this agreement about.

Now we are asked to launch into appropriating substantial economic aid for Jordan. I think this is the first step toward a goal of peace that could be achieved if indeed Jordan is willing to enter into serious peace negotiations with the Israelis. We can play a constructive role in that process, too, if the administration is willing to do so.

Mr. President, I hope that the Senator from Wisconsin could accept this sense-of-the-Senate amendment as an additional safeguard. It would make this Senator sleep a little better.

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

Mr. DECONCINI. I will be glad to yield.

Mr. RIEGLE. Mr. President, I share the concerns that have been expressed by the Senator from Arizona. I support the action he is taking in offering the second-degree amendment.

I am wondering if there is a way that we also might execute some understanding that any amount of economic assistance that is made available to Jordan, in whatever form, not be used in such a way as to release other resources in Jordan that in turn are spent for military purposes, not necessarily in the United States but buying weapons or other military equipment from other countries.

The thing I am concerned about is that they not use any additional aid we give them in the economic category to in a sense replace spending that they are now doing in that area and take the money that is freed up and spend it on the military side. I would guess that they probably have some of that in mind. So I am just inquiring of the Senator from Arizona if he has any thoughts as to how we might perhaps further express the will of the Senate that it not be our desire that there be any increase in military spending by that country from their own resources which in a sense might be made possible by this economic help from the United States?

Mr. DECONCINI. If the Senator will yield, it appears to me that the able Committee on Forign Relations has done an excellent job in addressing that problem in the amendment which we passed just a few minutes ago. If the Senator has looked at that amendment, it provides for no cash payments but only provides various commodities. It also spreads the authorization out over a 3-year period. The amendment by the Senator from Wisconsin and the Senator from Hawaii also very astutely lays out how those funds will be dispersed over the 3-year period. So it is not a 24-hour turnaround at the end of the fiscal year, which I think is very good. My amendment expresses the sense of the Senate that if we are going to get into this effort now with substantial aid, we ought to be on record that we expect to see Jordan move toward a peace agreement. In my opinion, nether the authorization amendment that has already passed nor the amendment that is before us now contains this type of provision.

Mr. RIEGLE. If the Senator will yield further——

Mr. DECONCINI. I yield to the Senator from Michigan.

Mr. RIEGLE. I agree with the second-degree amendment he has offered. I think it is a very constructive step.

I am making a different point with which the authorization did not deal, at least insofar as I am able to judge, and that is there is no restriction at all on Jordan to, in effect, reduce spending on economic items in their own economy with their own money, to reduce those costs because we are now going to step in with U.S. economic assistance, and so that in a sense will relieve part of that burden and will free up some Jordanian resources which in turn could be used for military purposes in Jordan.

What I am saying is that I do not want this to be used, even though we are not going to give military support directly if we give them economic support, to relieve them of certain internal burdens and free up cash in Jordan which they in turn apply to a buildup on the military side. If that were to take place, it seems to me that in effect we have done what we say we do not want to do; we have done it one step removed.

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

Mr. RIEGLE. I will when I finish. I do not have the floor. My point is this: Do we have any assurance from the State Department, have there been discussions which would indicate that the Jordanians have made any commitment to us that we are not going to see in due course an increase in their military effort by the amount of money that we are now about to provide from the economic side, presumably buying military equipment maybe somewhere else?

I just do not want to see that happen. If somebody could tell me we have assurance to that effect, I will be happy to hear it.

Mr. DECONCINI. Will the Senator from Michigan yield? I regret that I did not attempt to answer the first inquiry of the Senator. He has explained very clearly what he had in mind. I think those on the Foreign Relations Committee are much better able to explain the intent, but the Senator raises a good point. As I read the authorization, it does not prohibit them from using funds which they would have had to use to buy the commodities which we will now be giving them for some other purpose—perhaps for military purchases.

Mr. MATHIAS. Will the Senator from Arizona yield for a question?

Mr. DECONCINI. I will be glad to yield.

Mr. MATHIAS. I wonder if the Senator from Arizona or the Senator from Michigan are aware that there are payments due from Jordan to the United States in the fiscal year 1985 in the amount of $150 million representing obligations from years past, and that in fiscal year 1986 there will be a sum of $100 million due from prior obligations. If the Senator from Michigan has concern about freeing up cash, the amounts that are covered by this particular transaction are offset by the payments that will be due in cash from Jordan during the same period of time.

Mr. RIEGLE. Mr. President, if the Senator will yield further; he has the floor——

Mr. DECONCINI. I yield for a question.

Mr. RIEGLE. That really does not answer the question. The question is are we indirectly enabling Jordan to be able to pursue additional military expenditures by the fact that we are coming in on the economic side with additional assistance because they need economic help for the reasons that have been cited. I am wondering if the State Department has taken the step of trying to secure from Jordan some understanding that they are not going to turn around and in effect use the equivalent money value of this help that we are proposing to give them to, in effect, beef up their military expenditures by that amount of money. It seems to me that is probably what some of the people in that Government may have in mind. I have seen that before in other places.

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

Mr. DECONCINI. I yield for a question.

Mr. BIDEN. Is the Senator from Arizona, in addition, aware that we have knocked out the cash payment for that reason, that the proportion of the money that had been pledged to

Jordan from the Arab nations has been reduced and that the assessment of the direct economic needs of the Jordanians far exceeds what, in fact, is the combination of all sources of economic aid they are likely to get? Because if he is, then I think it answers the Senator's question.

Mr. DECONCINI. Mr. President, I will be glad to respond. The Senator from Arizona is aware that the cash transfer provision was deleted. I have said before that I think the work of the Senator from Delaware and others on the Foreign Relations Committee did a very good job in constructing this package, but the Senator from Michigan makes a very cogent point. The fact that we as a nation are going to give them $50 million in commodity imports means $50 million they can spend someplace else. Now, they can apply it to the debt they owe the United States, according to the Senator from Maryland, or they could go spend it somewhere else.

I feel it important, in addition to my amendment—which is only a sense of the Senate provision—it would be appropriate to have some clarification of the question the Senator from Michigan raises.

Mr. DODD. Mr. President, will the Senator from Arizona yield?

Mr. DECONCINI. I will be glad to yield to the Senator from Connecticut for a question.

Mr. DODD. I thank the Senator for yielding. The Senator from Arizona is certainly familiar, I presume, with the last provision of the authorization language which states:

It shall be the policy of the Congress to consider a Jordanian request for major defense articles upon the commencement of direct peace negotiations between Israel and Jordan if Israel is willing to enter into such negotiations.

Mr. DECONCINI. I am familiar with that provision. I have read it.

Mr. DODD. Does that not satisfy the concern of the Senator from Arizona in terms of this body and the other body's willingness to support requests by Jordan for military assistance; that if that peace process begins, considering the tremendous complexity of trying to work out such negotiations, to require a conclusion of those agreements be reached before we would be willing to extend such assistance would really be going a bit further than those of us who, I think, share the common goal of the Senator from Arizona.

Mr. DECONCINI. I thank the Senator from Connecticut. In response, I am aware of that language. It will make this Senator more secure if we have a sense of the Senate that we expect Jordan to not just give lipservice—and I do not say that degradingly—to this Nation. But we expect them to make real movement toward a peace settlement. That is all my sense of the Senate language does. It does not say that this money is conditioned on the achievement of a settlement. It merely says, "We want you to enter into a peace agreement." As the Senator from Connecticut well knows, it is not binding, but it certainly puts this body on record.

Mr. BYRD. Mr. President, may we have order in the Senate? The Senators are in a colloquy, and I think they should be able to hear one another.

The PRESIDING OFFICER. The Chair notes that there are continuing conversations in the Chamber which are disruptive to the debate, and the Chair respectfully requests that Senators retire to the cloakroom to continue their conversations.

Mr. BYRD. Mr. President, I will not desist from asking for order in the Senate.

The PRESIDING OFFICER. The minority leader is recognized for that purpose, and the Chair concurs, and the Chair will have to ask the Sergeant at Arms at this time to restore order in the Chamber.

The Chair observes that there is now order in the Chamber.

Mr. BYRD. I thank the Chair, and I apologize to the Senator.

Mr. DECONCINI. I thank the minority leader. No apology is necessary. I am grateful to the Senator.

I say to the Senator from Connecticut that I compliment the effort the Senator from Connecticut and others put into this policy—section 403, I believe it is—but that does not seem to me to give a sound direction to Jordan that we expect them to take that bold step for peace. That is what I feel is necessary.

Mr. DODD. Let me go a step further, if I may.

We all are tremendously cognizant of the fact that the Senator from Arizona, together with many of us, is deeply committed to the State of Israel and deeply committed to the peace process there. But such language takes us to a point of completion of a process which could take years.

For this body to commit itself to language which would restrict our behavior, without considering other events; for example, if Syria, 6 months from now, were to attack Jordan, would it require that, regardless of that other event which none of us could anticipate at this point, if the Government of Jordan were then to come to the United States and ask for military assistance to defend itself against that possibility, would we be prohibited, as the result of this language, from providing Jordan with military assistance to defend itself?

Mr. DECONCINI. In response to the Senator from Connecticut, it should require, in my judgment, an emergency situation before we sell advanced arms to Jordan, because otherwise Jordan, as it has done before, might very easily turn the armaments that they acquire, whether from the United States or some other country, toward our ally Israel. To me, it is foolish not to insist that they achieve some peace settlement before we sell them arms. I am not telling them what should be the provisions of this peace, but they need to come to some sort of peaceful and just settlement with Israel.

Mr. DODD. However, absent emergency legislation, the U.S. Government would be prohibited from providing Jordan with military assistance to defend itself against a set of circumstances which is not the case today but could occur. Short of a peace agreement between Jordan and Israel, we would be absolutely prohibited from providing them with assistance, with the adoption of this language—short of emergency legislation.

Mr. DECONCINI. If the Senator will read the language, it is not prohibitive in nature. It does not legislate a prohibition on arms sales to Jordan. It simply expresses the sense of the Senate. The Senator from Connecticut is well aware of the difference, I am sure. He is mixing apples and oranges.

Mr. BIDEN. Mr. President, if the Senator will yield, the hypothetical was raised; and maybe the reason why the Senator from Arizona would not be as concerned about it is that we know that, once again, Israel would intervene to save Jordan, which they did once before.

Mr. DECONCINI. I suspect that is exactly what would happen, and that has some merit on its own, anyway.

Mr. DODD. I thank the Senator.

SEVERAL SENATORS addressed the Chair.

Mr. DECONCINI. Mr. President, I will yield the floor in a moment. I do not intend to prolong this.

I just want to make it clear that the purpose of this amendment is to send a strong message from the Senate to the President of the United States and to Jordan. If we are going to appropriate $250 million in economic aid for Jordan now, we know, based on the past performance of our State Department, that we will have more aid. There will be a 1986 supplemental request, I suspect, and we will be marching down this road of hundreds of millions of dollars before we know it.

This merely says that it is the sense of this body that we expect Jordan to enter into a peace agreement if they want to receive advanced weapons from the United States.

I yield the floor.

Mr. KASTEN. Mr. President, I agree with much of what the Senator from Arizona has said, and I think that all of us who have been involved in this process—the Senator from Arizona is a member of the subcommittee—are working for the same goal. I should

like to respond specifically to the Senator's concerns in two ways:

First, I would like to point out that, like the authorization amendment, appropriations amendment calls for four different reporting dates. Only 33⅓ percent may be disbursed before September 30, 1985; March 31, 1986, is the next reporting date; September 30, 1986, is the next reporting date; and March 31, 1987, is the final reporting date of this legislation.

Ten days before each of these reporting dates, the administration will come to us—the Senator is a member of the subcommittee—and will tell us how the peace process is moving, and specifically as to how we are moving toward direct negotiations.

So we will have in our subcommittee four additional steps now, and in each of those steps, the Senator will have an opportunity, in hearings or other appropriate forums, to address these questions.

Second, I should like to respond to the Senator by sharing with him a letter which Senator INOUYE and I have asked the Secretary of State to send us.

I ask unanimous consent that the entire letter be printed in the RECORD.

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

SECRETARY OF STATE,
Washington, DC, June 20, 1985.

Hon. BOB KASTEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR KASTEN: I wish to thank you for agreeing to the relaxation of the Subcommittee's customary procedure and for giving extraordinary consideration to the Administration's request for assistance to Jordan.

As you know, the Administration is requesting a total of $250 million in economic assistance to Jordan as a result of our favorable assessment of King Hussein's contribution to the ongoing peace process in the Middle East. The recent visit between King Hussein and President Reagan resulted in an understanding of both Jordan's need for urgent assistance and U.S. interests in fostering stability and renewed economic growth in Jordan.

The Administration agrees the issue of security assistance is of great significance and must be very carefully considered in order to avoid any setbacks. Accordingly, I wish to assure you that prior to the submission of any request relating to the provison of arms to Jordan, the Administration will engage in broadbased and constructive consultations with the Senate, seeking the development of a true consensus that such transfers are appropriate.

I hope that this expression of the administration's position with respect to future arms transfers to Jordan clarifies this issue for you and your colleagues. I look to early and favorable action on the Administration's request for economic assistance.

With warm personal regards.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. KASTEN. Mr. President, I have shared this letter with the Senator, as I have with other Members. This is an excerpt from the letter from the Secretary of State to the committee:

The Administration agrees the issue of security assistance is of great significance and must be very carefully considered in order to avoid any setbacks. Accordingly, I wish to assure you that prior to the submission of any request relating to the provision of arms to Jordan, the Administration will engage in broadbased and constructive consultations with the Senate, seeking the development of a true consensus that such transfers are appropriate.

I hope that this expression of the Administration's position with respect to future arms transfers to Jordan clarifies this issue for you and your colleagues.

So I say to the Senator from Arizona, and I say to the Senate, that we have recognized these problems; that we believe we have a balanced, bipartisan solution. Now, with the additional information we are providing—No. 1, with the detailed schedules, the detailed reporting period, and, No. 2, with the letter from the Secretary of State—I think we have the kinds of assurance that the Senator from Arizona and others desire.

I am hopeful that with these assurances and with this understanding, the Senator from Arizona might reconsider offering the amendment at this time, and give us a chance at least to get through the first reporting period. At that time, if it turns out that we are not moving in the direction that all of us want to go in, it may be appropriate for us to take further action.

But right now we have a delicate balance, and I hope that the schedule, along with the letter from the Secretary of State, would make it possible for the Senator at least at this point to take this first step with all of us and not push the amendment this evening.

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

Mr. KASTEN. I am pleased to yield.

Mr. RIEGLE. I appreciate what he said and the clarity with which he said it.

When I read the authorization language, there are two items, commodity import programs and project assistance, that fall into the four periods of time that he has spoken about. But there is nothing here that addresses the concern that I was raising earlier. To the extent the $250 million is made available, in a sense it gives Jordan the ability to not have to lay money out for certain things, for the items that we would be providing, and that dollar amount, in a sense, could be available to increase military spending in some direction.

What I am wondering is this: I think it is all well and good to have a letter from the Secretary of State coming to the Senate. I would like to see a letter coming from the Government of Jordan to the Secretary of State saying that it is their intention not to increase their military spending by some amount that would represent part or all of the $250 million that we are going to provide on the economic side so that we really knew we had an understanding that we were not in an indirect way helping to bring about further military spending by Jordan.

I am not raising the question of them buying it from us. I am concerned about them buying it other places as they now buy it other places.

I do not understand why one would have an objection to putting in here in the legislative history, if not actually in the appropriation itself, language to the effect that it is our desire that they will not be an offsetting transaction of one additional dollar of spending for military items by Jordan because we are relieving the economic pressure to the tune of $250 million in economic assistance.

So what assurances do we have from Jordan in that respect?

Mr. KASTEN. I reply to the Senator that, first of all, the Senator from Maryland and others have made the point, but let me just say that the understanding of both the authorizing committee and the appropriating committee is that because of a number of changes in the economic situation in Jordan, Jordan has a need to go from a level of economic assistance which has been $20 million a year for the last 3 years to a significantly higher amount. Initially there was discussion of a certain number of dollars being appropriated in the form of a cash transfer—and $100 million in commodity imports, and $50 million in assistance.

Both the authorizing committee and appropriating committee, recognizing the problem that the Senator points out, since money is fungible, decided not to do it in that way; instead we have it in projects that will be specific and in commodity import programs.

I believe that the economic situation in Jordan is such that they are unlikely to increase their military spending as a result of this particular appropriation. I believe these dollars will be used for the projects that we are looking to and for the commodity import programs.

But we have the mechanism in place, I say to the Senator with these September 30, 1985; March 31, 1986; September 30, 1986; and March 31, 1987, benchmarks in which the Senator and I and others will have the opportunity to examine how these funds are being used; what if anything might be tilted one way or another, and at that point when that report comes, we can address ourselves to these specific issues.

I would hope at this time that we could proceed with what is I believe a very delicate balance, and a very carefully crafted balance.

Mr. RIEGLE. Could I ask one further question of the Senator then?

Mr. KASTEN. I am happy to yield.

Mr. RIEGLE. I appreciate him yielding.

If we are going to give them $250 million in this form—that is a lot of money—is it too much to ask that Government to give us an assurance that that money in effect will not be used to replace other spending and in a sense end up inflating their military spending? In other words, I do not feel we would be offending the Government of Jordan when we are handing them $250 million worth of assistance to ask them to give us a return pledge that that money is not going to end up being replaced in jacking up their military efforts. I do not think we ought to be bashful about asking. We are giving them something. I do not see what they are giving us, frankly.

Mr. KASTEN. Let me reply to the Senator that all of us share these concerns. I believe that it is not necessary to get those specific assurances because we have been told that these dollars are going to be used for economic purposes. Unemployment in Jordan is going up. They have problems with less dollars coming from a number of the oil-rich Arab States that are not as oil rich as they were. I believe that we are going to be successful through our process of review, that further language is not going to be necessary at this time.

At some time in the future, it looks as if dollars have been shifted from domestic to military purposes, we may want to take further action, but right now it is our understanding that the dollars will be used for economic purposes; they will not be used to increase the military purchases. I would hope that we would go forward with the underlying agreement.

Mr. INOUYE. Mr. President, I wish to make a few observations.

First of all, if I may, I wish to share with the Senate a set of statistics.

At the present time, the international debt of Jordan is $1,686,000,000. Debt service payments, as a percentage of exports, are 25 percent, which is higher than the average for all of the other less-developed countries.

Government debt, as a percentage of the gross national product, is 38 percent. And the Government debt as a percentage of exports is 238.1 percent. If it were 100 percent, it would be considered high. This is 238.1 percent.

Second, I think that we should note that the trade deficit as of this moment for the Government of Jordan is $1,932 million. Add to these statistics the unbelievable unemployment rate of 60 percent, and you have a profile of a country in economic stress. All of the economists that we have conferred with have assured us that the only way Jordan can ever hope to buy arms is to borrow the money. The banks are not going to lend money to Jordan for this purpose. None of the international banks are going to lend money to Jordan for that purpose. So, I think we can assure ourselves that at the present state of the economy of Jordan, they are not going to buy any arms.

Third, and this is very important, we have been speaking of the peace process and some have intimated that possibly nothing has been done, that we are very likely rewarding Jordan for future action. I think all of us should remind ourselves that when Egypt and Israel entered into what we call the Camp David accords, all of the Arab countries abandoned Egypt. They condemned Egypt. And we all know what happened to the man who signed the Camp David accords. He was assassinated.

Jordan is the first Arab country to step forward and resume diplomatic relations with Egypt. For many of us it may seem like no big thing, but that took courage.

Syria opposed this. Libya opposed this.

The least we can do is recognize this fact.

Fourth, when King Hussein called Mr. Mubarak and Mr. Arafat together and said "Let's do something about peace in the Middle East," that was step two.

The least we can do at this point is to tell King Hussein of the Hashemite Kingdom that "We have faith in you." We know the Congress has some reservations, so instead of providing $250 million in one lump sum, we are going to divide it up in three tranches.

To add on top of these restrictions, the requirement that King Hussein come before us and promise us and swear on the Koran that he would not spend a penny for arms, I think is going a bit too far.

I hope that this amendment will be withdrawn because I am, I think the record would show very clearly, concerned about peace in the Middle East. But I am also convinced that King Hussein has taken steps that men of lesser courage would not have done. And on that point, I will be supporting my chairman's amendment and I would hope that my dear friend from Arizona would withdraw his amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to first of all compliment the distinguished Senator from Hawaii and the distinguished Senator from Wisconsin for what they have fashioned here. I wish to commend, as well, the Senator from Indiana and the Senator from Rhode Island, Senator PELL, for working today under extremely tight circumstances in trying to put together some authorizing language that would give us some sense of direction of what we are trying to do here. This is a rushed proposition, and under the ideal circumstances we ought to have had a little more time to try and fashion language that would be satisfactory to all of us.

In our committee today, the Senator from Washington, my good friend, Senator EVANS, with whom I do not always agree on every issue, said something today with which I totally agree. And that is that in this body there are no guarantees at all. We are required from time to time to take a chance, to be risk-takers. I think he is correct in that. I would like to try and frame how broad a risk we ought to take from time to time.

Mr. President, there is no order in the Senate.

The PRESIDING OFFICER. The Senator from Connecticut has observed the Senate was out of order. The Chair requests the Senators retire to the Cloakroom.

The Senator may proceed.

Mr. DODD. I thank the Chair.

Mr. President, I hope that we would take the combination of the appropriations language and the authorizing language which we have fashioned today and move forward on this. There is a temptation to want to embrace amendments that would have a certain amount of appeal because we appreciate, as individual Members of this body and collectively, the kind of risks that the State of Israel has faced over the last 35 years and continues to face at this very hour this evening.

But we also ultimately know that the best interest of the State of Israel is an attempt to try and achieve some peace in that part of the world. And when we talk about moderate Arab States, there is only one Arab State that falls into that category, and that is the State of Jordan.

What we have fashioned in this particular proposition of $250 million in aid does not give the Hashimite Kingdom of Jordan a blank check by any stretch of the imagination. It is a rather narrowly drawn proposal. It is not open-ended in years. It really is just a matter of months.

And we are doing it because King Hussein has indicated to us and to the State of Israel that he is willing to take a chance. There is no guarantee whatsoever that the chance he is willing to take will work. In fact, if we were a betting body and we had any sense at all, we would bet it would not work, given the history over the past 35 years.

But I think tonight we have a broader obligation than to take a chance or a bet. We have to try something we have not tried before, and that is to say to him, to his Government, and to the State of Israel, which has also extended its arm in the willingness to try to achieve some peace, that we are

willing to back up that proposition, and we are not going to say to them that, "You have absolutely got to achieve something in concrete before we are going to provide any kind of military assistance at all."

And yet, I think we all know collectively that if King Hussein or others were to walk away from this peace process and come back to this body and ask for advanced military equipment, we know what we would do and I think our friends know what we would do. But I do not think this evening we need to write into this legislation in anticipation of events that we cannot predict what we will do.

So this is one of those unique windows that occurs from time to time in history. We have got a chance over the next hour or so to take what the Senator from Wisconsin, the Senator from Hawaii, the Senator from Rhode Island, the Senator from Indiana, and the respective committees have tried to put together, and say. "Let us take a chance and let us see if we cannot fashion something here that will allow for a process, to proceed forward without prejudging anyone, without second-guessing them, without trying to determined exactly what they are likely to do in the next 6 months or in a year."

And if they do those things which violate our sense of conscience, if they do anything which is harmful to our dearest friend in that part of the world and one of our dearest friends anywhere in the world, this body can respond and respond promptly. But tonight let us not prejudge that. Let us let this body be willing to do what King Hussein and Shimon Peres have been willing to try and do over the last several weeks. Certainly we can do no less than what they have indicated they are willing to do.

It would be a sad day indeed if this body were to find itself incapable of being willing to take that chance and to exercise some degree of faith in this opportunity which has not presented itself before in recent past history.

So, Mr. President, I urge my colleagues, with all due respect, because I have nothing but the highest degree of respect and fondness for my colleague from Arizona, but at this very hour—and I will take not even the slightest back seat to any Member in this body in my support and commitment to the State of Israel—but I would urge my colleagues this evening to take a chance and to reject this amendment, to adopt the proposition as presented by the Senator from Wisconsin, along with the authorizing language adopted by the Foreign Relations Committee, and move forward.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I think we ought to bear in mind where we are here and what we are trying to do. The King of Jordan has come forward with a proposition and has extended himself in such a fashion that our Government believes that he should be encouraged in these efforts; that it is worth our while to go forward with a modest amount of money, when we consider the overall amounts that are spent in that area, and say to him, "That's good what you have done and we are encouraging you. We recognize that what you are doing takes courage."

He has had eight assassination attempts on his life since he has been King since 1952. He became King because his grandfather, whom he was beside at the time, was murdered, assassinated. To say that that is a tumultous area is an understatement.

I think all of us would have great regrets if the King were not there, because who would be there in his place would represent greater instability in the area and not be extending his hand for peace. And so all of this is an effort of $250 million to encourage the King in what he is doing.

Now some can say, "Oh, it is not enough." And I have heard that, and all of us have heard that. But our Government has decided, and I agree with it, that he is making an effort and should be encouraged.

I personally feel that the aid that we are giving him is strapped down too far. You can see what it is. No cash. Look at the benchmarks.

Two-hundred fifty million dollars shall be made available. Listen to the schedule. Of the funds, 33⅓ percent—no more—may be disbursed before September 30. Then if you are good and pass that, no more than 50 percent may be disbursed before March 31. Then not more than 66⅔ percent may be disbursed before September 30, 1986, and then no more than 85 percent worth March 31, 1987, and so forth—no cash.

I do not think we want to humiliate the King. What we are trying to do is to encourage him. Therefore, I hope the Senator from Arizona—who has given this a lot of thought I know—will not push forward with the added amendment that he has. Let us see how this works out. We have a very courageous man over there who, as mentioned, was the first to recognize Egypt after Egypt had been disenfranchised by all the other neighbors—Arabs in the area. Maybe this will not work out. But as the Senator from Connecticut has said so well, let us take a chance. It is a modest chance, and modest in the amount we are investing. You have heard a recitation of the economic conditions in Jordan. I think they are startling. I must say I was not aware that they were as bad as was recited by the ranking member of the committee handling this.

Mr. President, I hope we will go forward. as I said, if it was my way we would not have the strings on it. But there they are. Let us not tie it up any further. I hope the distinguished Senator will not press ahead with his amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, this underlying amendment was worked out in a very careful way between the appropriations and the authorizing committees in a way I have never seen done before with an exchange of ideas, and open communication. It is a great credit, I add, to the chairman of the Foreign Relations Committee, Mr. LUGAR.

I think this legislation before us has a good balance. It carries the message that we do not want to see additional military assistance and military purchases in the absence of direct negotiations but at the same time it fulfills an evident economic need.

I also would like to ask unanimous consent to insert in the RECORD a letter just received from the Secretary of State, the gist of which is that he assures us that prior to the submission of any request relating to the provision of arms to Jordan, the administration will engage in broad-based constructive consultations with the Senate.

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

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, DC.

THE SECRETARY OF STATE,
Washington, June 20, 1985.

DEAR SENATOR PELL: As you know, the Administration is requesting a total of $250 million in economic assistance to Jordan as a result of our favorable assessment of King Hussein's contribution to the ongoing peace process in the Middle East. The recent visit between King Hussein and President Reagan resulted in an understanding of both Jordan's need for urgent assistance and U.S. interests in fostering stability and renewed economic growth in Jordan.

The Administration agrees the issue of security assistance is of great significance and must be very carefully considered in order to avoid any setbacks. Accordingly, I wish to assure you that prior to the submission of any request relating to the provision of arms to Jordan, the Administration will engage in broadbased and constructive consultations with the Senate, seeking the development of a true consensus that such transfers are appropriate.

I hope that this expression of the Administration's position with respect to future arms transfers to Jordan clarifies this issue for you and your colleagues. I look to early and favorable action on the Administration's request for economic assistance.

With warm personal regards.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. PELL. I think on balance what we are achieving here is a balanced approach. The underlying legislation is

good. I hope the amendment of the Senator from Arizona—for whom I have the greatest personal respect—will be withdrawn or tabled.

Mr. RIEGLE addressed the Chair.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I do not want to cut off anyone but I want to give notice that I will soon make a motion to table this amendment. But I have indicated to the Senator from Arizona and to the Senator from Michigan that I will refrain from making that motion until they have had a chance to make a statement. I see the Senator from Massachusetts. I will wait until the Senators speak.

I want to put the Senate on notice that I will make such a motion very shortly.

Mr. RIEGLE addressed the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I rise in opposition to the amendment proposed by the Senator from Arizona, Senator DECONCINI. Over a period of the past 4 years, I have had the opportunity to work with the Senator from Pennsylvania [Senator HEINZ] on three different sense-of-the-Senate resolutions in opposition to the sale of sophisticated weaponry to Jordan. Those resolutions have been developed as a result of the failure of Jordan to enter into the Camp David peace process and the failure to work toward direct negotiations with Israel over a very considerable period of time. We stressed our support for the one meaningful process—the only real path for peace in the Middle East—the Camp David process. In those resolutions, a majority of the Senate has indicated its strong and continuing commitment to that concept, and that we were not prepared to see the sale of very sophisticated weaponry to Jordan until it was strongly committed and moving toward the path of peace in the Middle East.

In recent times we have been able to gather some 72 members of our colleagues in support of a similar kind of resolution. So I rise as someone who has been very much concerned about the failure of Jordan to move toward the peace process, while certainly recognizing the extraordinary historical dilemmas that Jordan faces but while also understanding the great security problems that Israel faces.

I agree with those statements that have been made earlier this evening, stating that the amendment of the Senator from Arizona is not appropriate here on the floor of the Senate this evening. I have a great deal of respect for the Senator from Arizona, my good friend, and for his strong commitment toward the Middle East peace process. I, too, am committed to the belief that what we do not need is more arms for the Middle East but more diplomacy. What we do not need is a war policy but a peace policy. Clearly, our objectives are similar in trying to see the process move forward. But for the reasons which I think have been well stated and identified by the Senator from Wisconsin and the Senator from Hawaii, recognizing the legislative history of this particular proposal, understanding what the administration had initially proposed, and what was eventually fashioned by the committees responsible for this particular amendment, I think the sentiment of this body is extemely clear. And I think the sentiment of the American people on the issue of giving further support and sustenance to a courageous action by the King of Jordan is clear. But there is also a clear recognition that this funding will be carefully monitored by those of us interested in the cause of peace in the Middle East and by those of us concerned about any premature efforts to send additional weapons into that part of the world.

The agreement on the proposed economic aid to Jordan no longer contains $100 million in unrestricted cash, it is now to be earmarked only for specific projects and it is only to be disbursed on a schedule over 3 years. In addition, several Members of this body, including myself, have just received a letter from Secretary of State George Shultz assuring us that the administration will seek a true consensus on any arms sales before such transfers are requested.

I think the message we are sending is clear—that we in the Senate are willing to send a message of support to King Hussein of Jordan but that we will never allow the security of Israel to be jeopardized.

I do not differ with the intentions of the Senator from Arizona's amendment, but I differ with his means. Therefore, I, too, want to join with those who hope this amendment will not be considered, and, if it is to be considered, that it will not be accepted by this body.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I thank the Chair.

Earlier, our esteemed colleague from Hawaii spoke very ably as he always does in terms of laying out some of the financial facts that apply to the conditions in Jordan today. I want to add an additional factor, too, that relates to the Senator's recitation.

The Senator pointed out that Jordan today is running a trade deficit, and so are we. Theirs is a flyspeck in relationship to ours. Ours is now running at the rate of $150 billion a year. He made reference to the fact that Jordan is a debtor nation. So are we. The Secretary of Commerce this week indicated that the United States has just become a debtor nation for the first time since 1914 because our financial circumstances are in such disarray with our fiscal deficit and our trade deficit—bad loans abroad and a lot of other things—and that we are in the same position financially, being a debtor nation, as is Jordan. But that does not stop us as a nation from finding good causes and purposes that require additional spending.

I am not disputing the desire and the wisdom of trying to advance some peace initiative effort by the country of Jordan and by the King of that country.

I think the initiative along that line, to the extent that it is real, to the extent that it is sustained, that it is not just something which is put out as an inducement for which rewards are given, but, rather, something that is carried on over a period of time, might help the peace process, and so much the better.

But I must say that I am still at a loss as to why it is we have assurances from everybody but Jordan. I have never seen it so hard to give away $250 million here and in a sense get nothing back in the way of any kind of direct assurance from that Government that anybody can talk about. It is as if somehow if we were to ask them to make some statement in that regard, they would be offended so much that maybe they would not take the $250 million.

Well, it is not chicken feed. It is a significant amount of money, especially from a country in the kind of financial condition that we are at the moment, as I have just described.

I would still like to see some manner of expression by the Senate in the legislative history associated with this debate, if not in the language of the bill itself, an expression that we are not going to see an uptick in military spending by Jordan, and if we find that one takes place, I hope that we would cut this off, wherever we are in the midst of providing the economic assistance.

I do not want to see the help given if we put the value of our money in one pocket and they in turn take their own money out of their other pocket and spend it for military weapons, which they clearly want. Anybody in this Chamber who does not think that Jordan, through this administration, is going to be back here for sophisticated weapons, is not paying attention. The fact that the administration is not in here now asking for advanced weapons is because 72 Senators have said we oppose that concept. Otherwise, we would be looking now not at $250 million in this bill, but at an administra-

tion request to approve the sale of advanced weapons to Jordan.

I think that is the context in which this discussion takes place. I want to say to the people who have worked so hard on this, and I respect the work that has been done as well, that you ought to be bringing in assurances from Jordan, not from our Secretary of State. I would like to hear from their Secretary of State. If we are going to give the money away, whether it is $250 million, or $500 million the next time, or $1 billion, whatever the figure is, I think we have the right to get something in return, and I mean something that is stated, not under the table. On top of the table.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER (Mr. TRIBLE). The Senator from Arizona.

Mr. DECONCINI. Mr. President, I will be brief.

Mr. President, the argument that the Senator from Michigan has made is quite profound.

First of all, the good chairman of the Foreign Relations Committee has talked about disbursing by thirds. But there is nothing that I can see in the authorizing language which forces a reappraisal of our appropriating this money should the information in these reports prove undesirable for U.S. goals and policies.

Again, the answer is, "Well, we can pass legislation stopping it." This is not enough for me.

We did more than a sense of the Senate just a few minutes ago on the authorization language. Although in my judgment it was not strong enough, I did not object to it. It talks about what shall be the policy of the Congress. Well, it seems to me it ought to be more than the policy of the Congress. The President should be involved in this, as my language specifies. We should do all we can here tonight to encourage Jordan to come to the peace table, to encourage Jordan to enter into a peace agreement with Israel, which is exactly what we did when we assisted in bringing about the Camp David Accord with Egypt and Israel.

Mr. President, I ask for the yeas and nays on my amendment.

Mr. SIMON. Will the Senator yield?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. I yield to the Senator from Illinois.

Mr. SIMON. I thank the Senator for yielding. I recognize that a very carefully crafted amendment has been worked out, but it seems to me that this is so clearly what we want to say and do. One way to avoid embarrassment is to simply say to the administration, to Jordan, to everyone else, "We do not want to have money going for arms until that peace process is resolved between Jordan and Israel."

I believe it. I just think it makes sense. I think the majority of the Members of this body believe it. Why do we not just say it? I do not think it embarrasses anyone. I am certainly going to vote for the DeConcini amendment.

Mr. DECONCINI. Mr. President, I thank the Senator from Illinois.

I just ask my good colleagues who have worked on this, what damage is done by adopting a sense-of-the-Senate resolution that we expect Jordan and Israel to enter into peace before the President submits any arms transfers or sales from this country to Jordan?

That is all this piece of paper says. It does not forbid the President from coming to the assistance of Jordan, if that should be the case. It has been pointed out the Israelis have done that very thing before, and they may do it again. It seems to me that my amendment is commonsense and makes good sense. That may be the reason that it is going to be tabled. I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I shall shortly move to table the DeConcini amendment. Before I do so, I would like to take this opportunity to indicate to the Senate that we have now moved to a point of disposing of the amendment, the underlying amendment, offered by the Senator from Wisconsin and others on the question of aid to Jordon. Upon the disposition of that amendment, we have two every brief other matters that can be handled by accepting these matters by the managers and then going to third reading. I feel we can accomplish that in the next brief period of time, hopefully not more than 30 minutes.

If the ranking member of the committee agrees, I believe I have reported the situation accurately as it relates to both sides of the aisle relating to other matters yet to be disposed of.

To the best of our intelligence at this time, there are indications that we have one or not more than two brief matters on this bill that can be handled by the managers accepting. One proposal is a brief study which is being worked out, I believe.

Mr. JOHNSTON. I understand that is so. I believe that study is to be proposed by the Senator from Mississippi.

Mr. STENNIS. Will the Senator repeat his statement?

Mr. JOHNSTON. We understand that the Senator from Florida [Mr. CHILES] is working out an amendment that I understand deals with the subject matter of the views of the Armed Forces with respect to drugs. The question is, Would that be suitable with the Senator from Mississippi?

Mr. STENNIS. Yes.

Mr. JOHNSTON. And I believe the Senator from West Virginia [Mr. BYRD] has an amendment which does not appear to be a controversial matter.

Mr. HATFIELD. I thank the Senator.

Mr. DOLE. Will the Senator yield for a moment?

Mr. HATFIELD. I am happy to yield.

Mr. DOLE. Some Members may want to know what the plans are for the remainder of the evening. I am assuming if we dispose of this bill, there will be no more rollcall votes this evening.

If we can reach some agreement on the so-called coin bill, or very close to agreement, we will bring it up tomorrow but there will not be any votes on it.

Then we will lay down the gun bill tomorrow, if we do not reach agreement, but we would not have any votes on that, and be on the gun bill when we come back on Monday.

If we can reach an agreement on the coin bill, I hope I can say to the Members, though I cannot say it yet, but before we adjourn this evening, that we will be in session tomorrow but there will not be any votes. I cannot say that yet, but we are trying to accommodate Members on both sides, if we can get an agreement.

Mr. HATFIELD. Mr. President, I move to lay the DeConcini amendment on the table.

Mr. DECONCINI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. HATFIELD] to lay the amendment of the Senator from Arizona on the table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. EAST], the Senator from Texas [Mr. GRAMM], and the Senator from Alaska [MR. MURKOWSKI] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

I further announce that the Senator from New York [Mr. MOYNIHAN] is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 9, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—84

Abdnor	Glenn	Mattingly
Andrews	Goldwater	McClure
Armstrong	Gore	McConnell
Baucus	Gorton	Melcher
Bentsen	Grassley	Metzenbaum
Biden	Harkin	Mitchell
Bingaman	Hart	Nickles
Boschwitz	Hatch	Nunn
Bradley	Hatfield	Packwood
Bumpers	Hecht	Pell
Burdick	Heflin	Quayle
Byrd	Heinz	Rockefeller
Chafee	Helms	Roth
Chiles	Hollings	Rudman
Cochran	Humphrey	Sarbanes
Cohen	Inouye	Sasser
D'Amato	Johnston	Simpson
Danforth	Kassebaum	Stafford
Denton	Kasten	Stennis
Dixon	Kennedy	Stevens
Dodd	Kerry	Symms
Dole	Lautenberg	Thurmond
Domenici	Laxalt	Trible
Eagleton	Leahy	Wallop
Evans	Long	Warner
Exon	Lugar	Weicker
Ford	Mathias	Wilson
Garn	Matsunaga	Zorinsky

NAYS—9

Cranston	Levin	Riegle
DeConcini	Pressler	Simon
Hawkins	Proxmire	Specter

NOT VOTING—7

Boren	Gramm	Pryor
Durenberger	Moynihan	
East	Murkowski	

So the motion to lay on the table amendment No. 413 was agreed to.

Mr. DOLE. Mr. President, if I may have the attention of my colleagues, I want to thank the managers of this particular provision and to indicate that this one-sided vote reflects—I think properly—on the great work done in the committee by the chairman, by the ranking minority member, by the subcommittee chairmen, and all the others who have joined in this effort.

In no way should it be perceived as some reflection on the support in this body for the State of Israel or in any way related or connected with any present international difficulties.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 412) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I believe we now have two amendments, one to be offered by the Senator from West Virginia, the Democratic leader, and one by the Senator from Florida. Then we will be ready for final passage.

May we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order. Senators wishing to converse are asked to leave the Chamber. The Democratic leader is entitled to be heard.

Mr. BYRD. I thank the Chair.

SCHEDULE

Mr. BYRD. Mr. President, a little earlier, the distinguished majority leader gave a preview of things to come with reference to the business tomorrow. Would he be kind enough to indicate again what the business will be on tomorrow, whether there will be rollcall votes, and what the business will be on Monday and Tuesday, if he is in a position to do so at this time? I hope we might expect no rollcall votes on Monday.

Mr. DOLE. Mr. President, we are very close to reaching an agreement on the coin bill; and if we can work that out tonight, it will not require a record vote. We will take that up tomorrow; that will be all on tomorrow.

I have talked about laying down the gun bill and having opening statements, but there is still a chance we may reach a time agreement on that measure. We are within inches of working something out, and maybe that might be accomplished by Monday. I understand that we cannot clear that with certain people between now and tomorrow morning.

Most of us who have amendments to the coin bill will be willing to wait for another day.

I have talked today with Mr. Iacocca, who is trying to raise money to rehabilitate the Statue of Liberty, and it is very important that this bill pass, so that they can get it advertised in the yearend catalogs. It takes a little leadtime. It means $50 million, $60 million, or $70 million with reference to the project.

We would like to get it passed tomorrow; and if we cannot reach an agreement, we will just have to call it up. I hope that in the next 4 or 5 minutes we can have some indication which way it will go.

With respect to Monday, if we finish the coin bill tomorrow, I hope we can reach some agreement on S. 49, the McClure-Volkmer gun bill. If that is the case, that would be put off until after the Fourth of July recess.

That would leave a number of options, none of which is very exciting. Imputed interest would be the first revenue bill to come out of the Finance Committee this year. I am advised by the chairman that unless we can have an agreement not to load it up with amendments, he would prefer not to bring it up.

Beyond that, we are down to little dogs and cats. They are very important bills. We have a very important wheat bill, come to think of it. It is not in the dog and cat category. [Laughter.]

The bill merely postpones a referendum. We hope we might take that up next week, because if we do not, we are going to spend a million dollars. The farmers are going through a sort of waste of time. We have encouraged Secretary Block to support postponement of that referendum.

Mr. BYRD. Mr. President, does the distinguished majority leader anticipate any rollcall votes on Monday; and if so, how many?

Mr. DOLE. If we can work out this little coin bill, we will not have any votes on Monday. That is an inducement.

Mr. BYRD. I thank the distinguished majority leader.

AMENDMENT NO 414

(Purpose: To establish a national coal imports reporting program to provide an information base to permit the Congress to monitor trends in United States coal imports and develop national policy to protect the interests of the United States)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 414.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following:

"TITLE II—COAL IMPORTS.

"SEC. . SHORT TITLE.

"This title may cited as the National Coal Imports Reporting Act of 1985.

"SEC. . UNITED STATES COAL IMPORTS REVIEW.

"(a) The Energy Information Administration shall issue a report quarterly and provide an annual summary of the quarterly reports to the Congress, on the status of United States coal imports. Such quarterly reports may be published as a part of the Quarterly Coal Report published by the Energy Information Administration.

"(b) Each report required by this section shall—

"(1) include current and previous year data on the quantity, quality (including heating value, sulfur content, and ash content), and delivered price of all coals imported by domestic electric utility plants that imported more than 10,000 tons during the calendar year into the United States;

"(2) identify the foreign nations exporting the coal, the domestic electric-utility plants receiving coal from each exporting nation, domestically produced coal supplied to United States electric-utility plants of imported coal, and domestic coal production, by State, displaced by the imported coal;

"(3) identify at regional and state levels of aggregation (where allowed under disclosure policy) transportation modes and costs for delivery of imported coal from the exporting country port of origin to the point of consumption in the United States; and

"(4) specifically highlight and analyze any significant trends of unusual variations in coal imports.

"(c) The first report required by this section shall be submitted to Congress in March 1986. Subsequent reports shall be submitted within 90 days after the end of each quarter.

"(d) Information and data required for the purpose of this Act shall be subject to existing law regarding the collection and disclosure of such data.

SEC. . ANALYSIS OF THE UNITED STATES COAL IMPORT MARKET.

"(a) The Secretary of Energy, acting through the Energy Information Administration, shall conduct a comprehensive analysis of the coal import market in the United States and report the findings of such analysis to the Committee on Energy and Natural Resources of the Senate and the appropriate committees of the House of Representatives, within nine months of the date of enactment of this Act.

"(b) The report required by this section shall—

"(1) contain a detailed analysis of potential domestic markets for foreign coals, by producing nation, between 1985 and 1995;

"(2) identify potential domestic consuming sectors of imported coal and evaluate the magnitude of any potential economic disruptions for each impacted State, including analysis of direct and indirect employment impact in the domestic coal industry and resulting income loss to each State;

"(3) identify domestically produced coal that potentially could be replaced by imported coal;

"(4) identify contractual commitments of domestic utilities expiring between 1985 and 1995 and describe spot buying practices of domestic utilities, fuel cost patterns, plant modification costs required to burn foreign coals, proximity of navigable waters to utilities, demand for compliance coal, availability of less expensive purchased power from Canada, and State and local considerations;

"(5) evaluate increased coal consumption at domestic electric utilities resulting from increased power sales and analyze the potential coal import market represented by this increased consumption. Increased consumption should include that represented by existing coal-fired plants, new coal-fired plants projected up to the year 1995 and plants planning to convert to coal by 1995;

"(6) identify existing authorities available to the Federal government relating to coal imports, assess the potential impact of exercising each of these authorities, and describe Administration plans and strategies to address coal imports;

"(7) identify and characterize the coal export policies of all major coal exporting nations, including the United States, Australia, Canada, Colombia, Poland, and South Africa with specific consideration of such policies as—

"(A) direct or indirect government subsidies to coal exporters;

"(B) health, safety, and environmental regulations imposed on each coal producer; and

"(C) trade policies relating to coal exports;

"(8) identify and characterize the excess capacity of foreign producers, potential development of new export-oriented coal mines in foreign nations, operating costs of foreign coal mines, capacity of ocean vessels to transport foreign coal and constraints on importing coal into the United States because of port and harbor availability;

"(9) identify and characterize specifically the participation of all United States corporations involved in mining and exporting coal from foreign nations; and

"(10) identify and characterize the policies governing coal imports of all coal-importing industrialized nations, including the United States, Japan, and the European nations by considering such factors as import duties or tariffs, import quotas, and other governmental restrictions or trade policies impacting coal imports.".

Mr. BYRD. Mr. President, this matter will take only 60 seconds.

This amendment directs the Energy Information Administration to report quarterly on the status of U.S. coal imports. The EIA is also directed to provide an annual summary of such information, and the amendment directs the Secretary of Energy, through the Energy Information Administration, to conduct a comprehensive analysis of the coal import market of the United States to the year 1995.

I believe the managers of the bill have indicated their willingness to accept this amendment.

Mr. HATFIELD. Mr. President, this amendment has been reviewed by the committee of jurisdiction on our side, and we have no objection.

Mr. JOHNSTON. Mr. President, it has been cleared on this side of the aisle.

Mr. McCLURE. Mr. President, I add that this amendment has been already added to another piece of legislation that the Senate has already approved once. I hope the Senate will again.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 414) was agreed to.

Mr. BYRD. Mr. President, I thank the two managers and the distinguished Senator from Idaho.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 415

Mr. CHILES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES] proposes an amendment numbered 415.

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

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

The amendment is as follows:

On page 175, between lines 21 and 1 the following new title:

TITLE IV—DEPARTMENT OF DEFENSE PLAN FOR DRUG-INTERDICTION PROGRAM

SEC. 401 (a) The Congress finds that—

(1) the drug trafficking problem continues to plague the United States and our national security interests;

(2) the effort to halt the flow of drugs into the United States is one of this nation's most pressing problems;

(3) the Armed Forces of the United States can make a substantial and unique contribution to the drug interdiction efforts of the United States;

(4) in 1981, Congress enacted chapter 18 of title 10, United States Code, which permitted certain military support to civilian drug interdiction programs; and

(5) the Congress has consistently supported efforts of the military in supporting the drug interdiction programs of civilian agencies within the confines of the Posse Comitatus Act (18 U.S.C. 1385).

(b) Not later than December 31, 1985, the Secretary of Defense shall submit a report, which has been developed in conjunction with the Joint Chiefs of Staff, to the Appropriations and Armed Services Committees of the House of Representatives and the Senate with regard to the role of the Department of Defense in the drug interdiction and law enforcement activities of the United States. Such report shall address:

(1) the roles, mission, and organization of the Department of Defense efforts within the overall drug interdiction and law enforcement programs of the Untied States;

(2) the relationship of the Department of Defense to the civilian departments and agencies of the United States Government involved in drug interdiction and law enforcement efforts;

(3) the estimated cost of the Department of Defense participation in this program;

(4) any appropriate military assistance, training and equipment which should be provided for drug interdiction purposes to governments in Central and South America.

(c) Nothing in this title shall authorize the Department of Defense to engage in any activities in support of drug interdiction or law enforcement activities not authorized by law.

(d) Not later than December 31, 1985, the President shall report to the Congress as to how the United States Government is organized to interdict drugs and enforce the drug laws of the United States, including a detailed description of the jurisdiction and responsibilities of the Department of Defense and all other relevant departments and agencies and the mechanisms for coordinating the policy and operational control of the elements of each agency in the drug interdiction and law enforcement mission.

Mr. CHILES. Mr. President, since 1975, I have been urging the Department of Defense to become more involved in the effort to interdict foreign drugs. In 1978, Senator NUNN and I introduced the Posse Comitatus Amendment Act which permitted the military to provide tactical intelligence to civilian agencies, loan equipment, provide training and other forms of assistance to Federal law enforcement agencies. In 1981, the amendments to the Posse Comitatus Act that I pursued became law.

I was delighted to see in this morning's Washington Post that the Joint Chiefs of Staff have unanimously recommended that the U.S. military become engaged in a comprehensive

and massive war in fighting drugs in the region covered by the Southern Command. Admiral Watkins announced a "massive new program" that would help Central American countries that ask for assistance in combating the drug trade. Admiral Watkins mentioned an interest in training highly mobile teams to stamp out rural production of marijuana and heroin while U.S. aircraft and ships try to stop export of the drugs. The admiral noted that, while the U.S. military has stepped up its efforts to interdict drugs, the current effort "isn't good enough." I was delighted to read that in this morning's Washington Post because that was exactly what I have been saying and many other Members have been saying for some time. Admiral Watkins noted that "we need a more comprehensive plan" for stamping out the drugs that finance insurgents in Central America and kill people in the United States.

Mr. President, the amendment that I am proposing would require the Secretary of Defense to submit a comprehensive plan by December 31, 1985, to describe the role of the Department of Defense in drug interdiction activities.

This plan would detail the roles, missions, and organization of the Defense Department and how the Department of Defense would interface with the civilian law enforcement agencies.

The plan would detail the assistance, training, and equipment which should be provided for drug interdiction purposes to governments of Central and South America.

The amendment would prohibit the Department from conducting any unauthorized activities.

Finally, the amendment will require the President to submit a report by December 31, 1985, detailing how the entire Federal Government is organized to respond to the drug interdiction problem.

Mr. President, I think this amendment has been cleared by all of the parties who have had a chance to look at it.

Mr. STEVENS. Mr. President, I inquire of the Senator from Florida. I notice that this amendment has been changed so that it does state specifically that it shall not authorize the Department of Defense to engage in any activities in support of drug interdiction or law enforcement activities not authorized by law.

My question is, There is no intent in this amendment to prohibit the Department from using any of the authority it now has?

Mr. CHILES. Absolutely not.

Mr. STEVENS. And in terms of this amendment, we are not attempting to discourage them from expanding out and using the authority they now have in the further effort to interdict this drug traffic.

Mr. CHILES. That is correct.

I say to my good friend from Alaska, who joined so much in this effort, that basically there was some concern on the part of some Senators that this amendment itself would be giving some additional authority. What we simply said was that nothing contained herein would give additional authority.

But in no way am I trying to limit the authority that the Department now has.

Mr. STEVENS. Mr. President, I hope that it will be very clear to all concerned that the efforts we have already undertaken in this area will not be in any way reduced. We have had a series of hearings during which Members have urged representatives of the Department and other agencies to cooperate with the Coast Guard and other agencies to expand their activities, and I would not like any inference here that we are putting this effort sort of on the shelf while we await another report.

Mr. CHILES. I think it is the other way around. I think we are encouraging them to get on with their study and submit the report and allow the appropriate committees to get a chance to see it.

Mr. DECONCINI. Mr. President, I thank the Senator from Alaska for clearing up some very important information from this Senator's point of view.

I wish to ask the Senator from Florida if it is clearly his understanding that this amendment in no way would hinder the progress of the so-called drug airwing that was established in the Senate version of the DOD authorization bill.

Mr. CHILES. I think that is absolutely clear. I am a cosponsor of the move by the Senator from Arizona in this regard, and this in no way would hinder that effort.

Mr. DECONCINI. I thank the Senator.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side of the aisle.

Mr. STENNIS. Mr. President, for some time now, I have had a growing concern about a problem that tears at the very fiber of our country. More and more of our youth are being affected by it and it does not stop there, but reaches adults too. In fact, this problem, drug abuse, is a threat to our entire family system.

There is a part of the problem which will never be solved by any action we take here in Congress. That part is up to the individual to make a decision not to get involved with drugs. However, as these drugs become more available, the decisions facing our youth and now, I understand, even our young children, are increasingly more difficult. Here, Congress can make a difference by taking actions which will limit the availability of these dangerous and illegal drugs in our land.

As I have reviewed this problem, I have discovered some startling statistics on how the amount of drugs being smuggled into and produced in our country has increased over the past few years. Of course, we have no way to measure the exact amount of drug trafficking which goes on in the United States because we are not sure how many people get away with it. However, we can measure the increase by the rise in case initiation by our law enforcement officials against drug traffickers and by the amount of drugs seized.

In Mississippi, in 1984, seizures of cured marijuana increased by nearly 500 percent over the previous year. Seizures of growing marijuana plants increased over 200 percent in that same time.

At least for now, marijuana is the most common drug, but cocaine, which is considered to be a much more harmful drug, is on the rise. Initiation of cocaine cases by the Mississippi Bureau of Narcotics increased 140 percent in 1984 over 1983, and seizures of cocaine increased by 143 percent.

There is also an increase of other so-called hard drugs such as heroin. In one incident in Mississippi a clandestine laboratory was raised with enough chemicals found to manufacture 20 pounds of the drug phencyclidine, or PCP, valued at almost a half a million dollars.

Mr. President, these dramatic figures are only for the State of Mississippi. There are similar figures for every other State in the Union. Last year, according to Drug Enforcement Administration's estimates, over 85 tons of cocaine and 15,000 tons of marijuana entered the United States from foreign sources. Of course, most drugs enter through the Southern States, but they do not stop there. They migrate, you might say, from one State to another, and one to another until the entire Nation is affected. The problem is growing in dramatic proportions and no State or area of the country is immune from its pain.

Perhaps the most startling fact to me is that the annual drug trade in the United States has grown to a $100 billion business, ranking behind Exxon and General Motors only, as the third largest industry in the Nation.

For several years now, we have been working in this country to put up a "drug fence" around our borders to keep out drug smugglers, and we have had good success in some instances. However, these smugglers are smart and they have found ways to get over the fence or they have found holes to come through the fence.

In order to have any continued successes in this field, we have to have more trained manpower and more so-

phisticated equipment to keep up with the advances of the drug smugglers. And we must do all we can to assist the local law enforcement officials. They are trying hard and doing a good job, but there is a limit to what their equipment, manpower, and finances will allow them to do.

Mr. President, it is for this very reason that I, along with Senators HOLLINGS, CHILES, and DECONCINI offered an amendment to the fiscal year 1985 supplemental appropriations bill during full committee markup, to add funds for the Federal agencies which are charged with the responsibilities of combating the illegal drug trade. At the same time, my good friend from Nevada [Senator LAXALT] had an amendment which effectively served the same purpose, and which, I understand, had the endorsement of the administration. Together, we were able to form a package which provides $111.8 million for the Drug Enforcement Administration, the Coast Guard, the U.S. Customs Service, and the Department of Justice.

For the Drug Enforcement Administration [DEA] the amendment provides additional trained manpower and upgraded equipment such as a sophisticated helicopter for tracking suspects in Hawaii. It also provides increased security and communications. Drug traffickers are becoming more and more dangerous, as evidenced by the fact that in 1984, in Mississippi, there was a 96-percent increase in the number of traffickers which were armed. Finally, the DEA portion provides funds for joint Federal/local drug task forces in high problem areas.

The Coast Guard also will receive additional trained manpower and equipment such as a C-130 airplane and two aerostat radar balloons for tracking suspects in the Caribbean. As drug smugglers have become more advanced in their techniques, they have also become quicker in their approach. In many instances now they offload their illegal cargo out in the open water into smaller, faster boats. For this reason, the amendment provides eight high-speed boats for the Coast Guard to keep up in pursuit.

The Customs Service, which has marine responsibility within 12 miles of our borders, will receive 40 high-speed interceptor vessels. Also, there is a startup funding for a large aerostat radar system to guard our Southwest border from smugglers coming in from Mexico.

All of our southern borders are within 2,000 air miles of the countries where all cocaine and most marijuana originates in or is transported from. This makes it easy for smugglers to fly into our Southern States and drop their cargo for distribution to the rest of the Nation. For this reason, our amendment provides funding to upgrade equipment to enhance the air interdiction program of the Customs Service.

Finally, the amendment provides funding to the Department of Justice for additional U.S. attorney positions specifically for the trying of drug cases.

Mr. President, we need not fool ourselves into thinking that this effort will solve the drug problem. The easy money involved in drug trafficking takes a hold on those who participate just as the drugs take a hold on the users of them. And, as I said before, the problem is not just in Mississippi or the Southeast, where most drugs enter the United States. It is a nationwide problem and it must be attacked by all of us.

This amendment makes a start and I, for one, intend to follow through to make sure that it is only a start. We will never completely eliminate illegal drugs or illegal drug trafficking from this country. However, if we can make it difficult enough to cause many to decide the risk is too high, then we have made real progress. I hope that this will be the goal of this Congress; it is certainly my goal.

Thank you.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 415) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 416

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 416.

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

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

The amendment is as follows:

On page 96, on line 23, insert before the period the following:

", of which not to exceed $20,000 shall be available to pave the street and to build the sidewalk and curb in front of the BLM district office in Worland, Wyoming"

Mr. McCLURE. Mr. President, this amendment is the result of the request of the Director of the Bureau of Land Management through Senator WALLOP with respect to the paving of a street in front of the BLM office in a city in Wyoming.

I know of no objection to the amendment. I hope it will be adopted.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 416) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 372, FURTHER MODIFICATION

Mr. McCLURE. Mr. President, if I may direct an inquiry to the manager of the bill, earlier today on amendment No. 372, we listed certain States in which action should be banned with respect to the Land Interchange Program. The Senators from North Dakota have asked that their States be added to that list in that amendment.

Would the manager of the bill prefer that I do that by separate amendment or ask unanimous consent to modify the amendment passed earlier?

Mr. HATFIELD. Mr. President, I suggest in response to the request that the Senator from Idaho ask for unanimous consent for a modification.

Mr. McCLURE. Mr. President, I ask unanimous consent that amendment No. 372 earlier added be modified by the addition of the State of North Dakota to the list.

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

Mr. HATFIELD. Mr. President, I know of no other amendment.

AMENDMENT NO. 417

(Purpose: To make technical corrections in H.R. 2577, making supplemental appropriations for the fiscal year ending on September 30, 1985)

Mr. HATFIELD. Mr. President, I send to the desk the committee amendment containing technical amendments that have been cleared on both sides of the aisle.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 417.

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

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

The amendment is as follows:

On page 11, line 13, strike the word "further".

On page 15, line 13, strike the period at the end of the line and insert in lieu thereof ", to be derived from the general fund of the Treasury"."

On page 55, between lines 5 and 6, insert the center head "Mountrail County Park, North Dakota".

On page 55, line 6, insert "(a)" before the word "Section".

On page 56, line 24, strike the word "Act" and insert in lieu thereof "section".

On page 57, before line 1, insert the center head "Transfer of Federal Townsites".

On page 57, line 1, insert "(a)(1)" before the word "Except".

On page 57, line 23, strike "MFP118-2E" and insert in lieu thereof "MFP118-2E1".

On page 58, line 22, strike the word "herein" and insert in lieu thereof "in subsection (a)".

On page 59, line 6, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 59, line 11, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 59, line 13, strike the word "herein" and insert in lieu thereof "in subsection (a)".

On page 59, line 17, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 59, line 22, strike the word "herein" and insert in lieu thereof "in subsection (a)".

On page 60, lines 2 and 3, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 88, immediately after line 22, insert the text appearing on page 76, lines 7 through 15, and thereafter strike out lines 7 through 15 on page 76.

On page 120, immediately after line 5, insert the text appearing on lines 18 through 25, and therafter strike out lines 18 through 25.

On page 59, line 17, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 59, line 22, strike the word "herein" and insert in lieu thereof "in subsection (a)".

On page 60, lines 2 and 3, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 88, immediately after line 22, insert the text appearing on page 76, lines 7 through 15, and thereafter strike out lines 7 through 15 on page 76.

On page 120, immediately after line 5, insert the text appearing on lines 18 through 25, and therafter strike out lines 18 through 25.

Mr. HATFIELD. Mr. President, these are amendments that have been cleared. They are technical amendments changing the page number and changing the parts of speech to comply with some of the changes in the bill.

Mr. JOHNSON. Mr. President, these are technical amendments that have been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 417) was agreed to.

GALLIPOLIS LOCKS AND DAM

Mr. BYRD. Mr. President, this supplemental appropriations bill, H.R. 2577, contains authorization for 25 new water projects, including the Gallipolis locks and dam on the Ohio River. We are not considering these projects for the first time today. The Senate-passed version of the fiscal year 1985 continuing resolution, House Joint Resolution 648, contained the same list of 25 projects.

Nothing has changed since that time to make these projects, and Gallipolis in particular, less necessary or urgent. In fact, quite the opposite is true. The Gallipolis locks and dam, for example, is an aging, dangerous, inefficient and obsolete structure which needs to be replaced immediately. I have spoken on this subject many times, but I will reiterate briefly that Gallipolis is the only facility on a 900-mile stretch of the Ohio River that does not have a main lock chamber measuring 1,200 feet in length. The main chamber at Gallipolis is only one-half the size of modern locks in use elsewhere on the river. Barge operators must break their larger tows into several smaller segments in order to pass through these inefficient locks. Consequently, Gallipolis has become an expensive, time-consuming bottleneck for commerce on the Ohio River.

The lock chambers at Gallipolis are exceptionally busy. There were 4,042 commercial trips through the chambers last year, carrying a total of 37 million tons of products. Because of the bottleneck at Gallipolis, these commercial operations sustained a total of 15,475 hours in delays last year alone. These delays are a burden to the American people in terms of increased shipping costs and lost jobs due to shipping delays which, in some cases, can make certain products uncompetitive with those produced elsewhere.

Gallipolis is a dangerous facility because of its location on a bend in the river. The proposed project would construct new, larger locks in a channel through the river bend, thereby straightening the approach to the chambers.

The proposed Gallipolis project has a benefit-to-cost ratio of 11.3 to 1; so, there can be no question about the merits of this new facility. At an appropriations hearing on February 20, 1985, I asked Acting Assistant Secretary Dawson and his staff what the annual project benefits for the proposed Gallipolis project would be. The corps' response was that Gallipolis would produce an average of $173 million in benefits each and every year. These recurring yearly project benefits for outweigh the projected one-time estimated project cost of $370 million for the construction of two new lock chambers and rehabilitation of the existing dam.

Some in the administration have argued that this is not the time to proceed with these water projects. We need to save money, they say. If Gallipolis is delayed, if some form of project authorization is not passed in this supplemental appropriations bill, work on this project will cease this summer. Then the administration will save, perhaps, $4.5 million in design and land acquisition costs in fiscal year 1986; and the American people will lose $173 million in project benefits. Clearly and such savings would actually be a severe loss.

Mr. President, in view of the overwhelming merits favoring immediate construction of the Gallipolis project and the fact that the Senate has previously voted to support these same 25 projects which are considering today, I believe and have every hope that my colleagues will again approve the inclusion of these projects. In closing, I would like to thank the distinguished chairman of the Appropriations Committee, Senator HATFIELD, and the ranking Democratic member of the Energy and Water Development Appropriation Subcommittee, Senator JOHNSTON, for their very diligent efforts and fairness in their recommendations which are reflected in this bill today.

SUPPLEMENTAL ASSISTANCE TO ISRAEL

● Mr. EAGLETON. Mr. President, I note that the committee bill includes the full $1.5 billion in supplemental aid for Israel which was authorized by this body on May 14. Israel needs and should receive the supplemental aid. But it is essential that as we provide the aid we do all we can to cooperate with and assist the Israeli Government as it seeks to put its economic house in order.

As we move to approve this supplemental appropriation, I believe it is instructive to review the evolution of Israel's economic difficulties. By every analysis, the roots of the present difficulty can be traced to the 1973 war and the huge debts resulting from the heavy postwar borrowing. The 1973 Yom Kippur war cost Israel $10 billion plus—the equivalent of its entire GNP for that year. Defense expenditures and defense imports soared from a historical average of 22 percent of Israel's GNP to 32.7 percent in 1974, and 34 percent in 1975; $7.8 billion of Israel's $24 billion debt is owed to the United States for postwar rebuilding and subsequent military purchases.

That background, albeit brief and incomplete, brings us to Israel's current economic dilemma. I would like to inquire of the distinguished ranking member of the Senate Appropriations Subcommittee on Foreign Operations, Mr. INOUYE, whether or not it is his view that the 3-year Israeli adventure in Lebanon greatly exacerbated the underlying difficulties in the Israeli economy? Is it not true that the 3-year Israeli occupation of southern Lebanon has cost Israel $1.2 million a day?

● Mr. INOUYE. Clearly the Israeli invasion of Lebanon is a major factor in Israel's present economic dilemma, but I would suggest to the distinguished Senator from Missouri that the problems are far more deep-seated. In the past 10 years, three severe blows have been delivered to the Israeli economy.

First, the cost of petroleum sharply increased following the return of the Sinai and its oil to Egypt under the terms of the Treaty of Peace of 1979.

The cost of energy imports have increased from $100 million in 1972 to $1.5 billion in 1984.

Second, defense spending has grown from $1.5 billion annually in 1972 to $5 billion today. To maintain its own deterrent and defense capability in the face of an enormous Arab buildup, financed both by petrodollars and by the Soviet Union, Israel was forced to increase its defense expenditures fourfold. This increase could not be met with current revenues; Israel was compelled to borrow to live.

I would suggest that it is not mere coincidence that Israel finds herself today spending nearly one-half of the Government budget on debt servicing and that she is confronted today by Arab forces which have increased their arms spending by 700 percent since 1972. It is not mere coincidence that Israel has become indebted while the four largest importers of arms in the world are all Arab countries—Libya, Syria, Saudi Arabia and Iraq.

This third factor, the heavy debt burden which the Senator from Missouri has already touched on, in my opinion, is the most severe of the blows which have been dealt to the Israeli economy over the past 10 years. Gradually, incrementally, of necessity, Israel has mortgaged control over her economy to her creditors, the largest of whom is the United States. The accumulated debt, arising from the necessity of matching arms purchases of her adversaries, has diminished the national sovereignty Israel has fought so courageously to defend. The structure of the debt—large amounts of principal to be repaid at high interest rates for a protracted period—undermines the Government's ability to deal with the current crisis.

● Mr. EAGLETON. I appreciate the Senator's analysis of the economic crisis, and wonder if we could pursue a bit farther the terms and conditions under which this supplemental aid is to be provided to Israel.

The committee-reported bill makes clear that the first installment of this 2-year package of $750 million is to be disbursed within 30 days of enactment of the supplemental bill, but both the bill and its accompanying report are silent as to disbursement of the remaining $750 million.

As the Senator from Hawaii knows, there are an infinite number of foreign policy issues upon which I disagree with the administration with varying degrees of vehemence. But if there is one area where I think the administration is doing a good job, it is with respect to Israel. Secretary Shultz appointed a distinguished team of economic advisers, including Dr. Stanley Fischer, professor of economics at MIT, and Dr. Herbert Stein, chairman of the Council of Economic Advisers under President Nixon, to work with the Israelis to devise meaningful economic reforms to repair Israel's fundamental economic problems.

In the words of Dr. Stein, in his testimony before the House Committee on Foreign Affairs:

> U.S. aid cannot be a substitute for an effective program and should not precede its adoption. A decision to provide supplemental aid before the program has been established can only weaken the sense of urgency about developing the program. Initiation of the needed program would be deferred, possibly until some future crisis. For the U.S. to encourage this would not be helpful to Israel.
>
> I do not think it will be sufficient, either for its own policy processes or for its external relations, for the Government of Israel simply to announce a program, however promising the program may be. Steps for assuring execution of the program should be taken, and milestones designating for measuring performance. For example, as the Minister of Finance of Israel, Mr. Modai, has suggested, quarterly targets could be set for carrying out the annual budget.
>
> In cognizance of such a program, with plans for its execution, the U.S. might provide supplemental aid with some confidence that it would be temporary. Such aid should, in my opinion, be disbursed in installments in the light of evidence that the program which justified it was being carried out. There should be continuing close working relations between economic officials of the two governments, and that will require a good understanding from our side of the nature of their problems and from their side of the nature of our interests. As I have been able to observe the cooperation of the two sides in discussing economic policy in the past year, I believe that the basis for such understanding exists.

Can the Senator from Hawaii assure me that the Committee bill's silence on the disbursement of the second installment will allow the administration sufficient flexibility in the disbursement of the fiscal year 1986 component of the package to continue its consultation with the Israeli Government in order to work out an effective economic stabilization and recovery program?

● Mr. INOUYE. Yes, I can make that assurance to my friend from Missouri. Under the terms of the Senate bill, the administration can disburse the $750 million for fiscal year 1986 over the course of the fiscal year, in installments if it chooses, as suggested by Dr. Stein, on the basis of economic performance.

● Mr. EAGELTON. I appreciate that assurance from my good friend from Hawaii. I reiterate my belief that it is absolutely necessary that Israel institute these economic reforms rather than rely on increased U.S. assistance over the long term.

Israel has pledged to do the following.

First, the Government will adopt an inflation target as a commitment for fiscal year 1985–86 with an agreement of the social partners.

Second, the budget targets will be specified in real sheckel terms for each quarter—dollar totals for each quarter plus monthly targets, will be provided as supplementary information.

Third, the budget law will be passed.

Fourth, the Bank of Israel law will be passed.

Fifth, the Bank of Israel will accept the Government's inflation target as its policy goal.

Sixth, the Bank of Israel will conduct monetary policy in accord with the inflation target using M–7 as its target, and M–2 as its operating target for policy.

Seventh, the effective real exchange rate will not be appreciated.

Eighth, the Government will express its intention to make Government debt tradable.

Ninth, the Government will express its intention to reduce the control and subsidation of credit.

Tenth, the Government's intention to reform the TAM system will be understood.

More may be needed. But, at least, a beginning has been made.

We should assure that Congress does nothing to undermine this beginning.

● Mr. DODD. Mr. President, I am pleased that the supplemental appropriations bill would provide additional resources to enhance the number and quality of drug investigations and to train professionals in the identification and treatment of alcohol and drug abuse. As founder and cochairman of the Senate children's caucus and as ranking minority member of the Subcommittee on Children, Families, Drugs, and Alcoholism, I would hope that a good part of these additional resources would be used to curb youth substance abuse.

Last year, the Connecticut Association for Human Services and the Junior League of Hartford released a book entitled: "Growing Up At Risk In Connecticut." One of the risk factors highlighted was substance abuse. In 1981, for example, one out of every five people arrested for narcotics-related offenses in Connecticut was a child. Last year, close to one of every four junior and senior high school students in my State admitted to drinking alcohol at least once a week. And today, drug and alcohol-related motor vehicle accidents remain the chief cause of death among Connecticut teenagers.

Last Month, I learned first-hand about the pressing problem of drug abuse by young people in my State of Connecticut. I met with a group of undercover law enforcement officers who took me to a city—a typical Connecticut town—where I observed cocaine "car hops" providing curb service to buyers of illegal drugs. I talked to a 14-year-old boy in Norwalk who told me he started drinking at age 8, and a 14-year-old girl who had abused alcohol, marijuana, uppers, downers, cocaine, angel dust, and LSD before undergoing treatment.

Unfortunately, such histories of childhood drug abuse are not isolated. National surveys indicate that one child of every three in this country has been intoxicated by alcohol or other drugs before reaching age 11.

There is hope in the midst of these grim statistics, hope presented by a wide range of prevention programs. Several nationwide studies indicate a drop in youth drug abuse over the past decade due to prevention efforts.

In my State of Connecticut I have visited prevention programs. I sat in a kindergarten classroom in West Hartford, watching a teacher use puppets to teach preschoolers about the dangers of alcohol and drug abuse. I have spoken with high school students in Monroe who counsel younger students about drug and alcohol abuse, and to teenagers in Darien who perform skits to teach their peers about the same problem.

Investing in prevention programs such as those I have visited in my State of Connecticut is one of the most cost-effective ways to curb youth substance abuse. I hope we will be able to target further resources on prevention efforts in the future.

Mr. President, I support the appropriations in this legislation designed to assist the Drug Enforcement Administration in tackling the youth substance abuse problem on another front. The work or law enforcement officials trying to reduce both the supply and demand of illegal drugs is critical. Support for improved law enforcement comes none too soon. Likewise, additional support for training professionals who must identify and treat alcohol and drug abuse victims is necessary indeed.

I urge my colleagues to support these provisions aimed at curbing youth substance abuse.●

INTERTIE PROJECT

Mr. HATFIELD. Mr. President, I want to take this opportunity to congratulate the Secretary of Energy and the signators to the memorandum of understanding which is the subject of the Department of Energy provision on the Third AC Intertie Project in Chapter IV of H.R. 2577. All concerned parties have worked constructively to forge an agreement which allows the construction of the Third 500 kV AC line previously authorized by Public Law 98-360, the Energy and Water Development Appropriation Act of 1985.

We look forward to the project participants moving expenditiously to finalize the necessary preconstruction work. This will include completing environmental studies, solidifying financing, and obtaining necessary permits and approvals from appropriate regulatory bodies.

The Committee on Appropriations is aware of the interest of a number of these regulatory bodies, some of which will be required to examine investor owned utility contributions before deciding whether to issue necessary certificates of public convenience and necessity. This sort of review is both appropriate and welcomed.

I expect that all regulatory and permit review will be completed expeditiously and without linkage to Bonneville Power Administration (BPA) wholesale power rates, transmission rates, or transmission access. The Secretary of Energy has previously assured us in a letter of February 4, 1985 that the memorandum did not in any way affect these and other BPA authorities and policies. At this point I would like to insert this correspondence into the RECORD. It is clear that these matters should not become bargaining chips in the regulatory processes.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, January 31, 1985.

Hon. DONALD PAUL HODEL,
Secretary of Energy,
Department of Energy, Washington, DC.

DEAR DON: On December 24, 1985, you forwarded to Congress a draft Memorandum of Understanding (MOU) negotiated by major California utilities that intend to participate in the construction of the third AC Pacific Northwest-Pacific Southwest Intertie line.

I want to congratulate you and the Department of Energy on your efforts in facilitating this agreement which represents a tremendous opportunity for both regions. Significant mutual benefits from increase of intertie capacity will be forthcoming, and all participants may look forward to sharing in these benefits. However, it is important to emphasize that Pacific Southwest utilities are not forced to purchase and Pacific Northwest utilities are not forced to sell resources against their interest. While regional interdependence is facilitated, regional independence is also assured.

On this latter point, I have had numerous inquiries seeking assurance that the MOU and related discussions are to be interpreted in a manner consistent with BPA's existing authorities and policies respecting rates and access to the Intertie, including Canadian access. This would appear to be the intent of the MOU. As you are aware, many members of Congress are on record as supporting the adoption and implementation of BPA's near-term Intertie Access Policy. I would appreciate the Department's further assurance that my interpretation of the MOU is correct and that it in no way is to be interpreted as impinging on these authorities and policies.

Thank you for your prompt attention to this matter.

Sincerely,

MARK O. HATFIELD,
Chairman.

THE SECRETARY OF ENERGY,
Washington, DC, February 4, 1985.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR MARK: Thank you for your kind letter of February 1, 1985, regarding the Memorandum of Understanding (MOU) on the third 500 kV AC line, which Congress authorized in Title III of the Energy and Water Development Appropriation Act for Fiscal Year 1985. I agree that it provides a landmark opportunity for interregional cooperation and that significant mutual benefits can accrue to both the Pacific Southwest (PSW) and the Pacific Northwest (PNW).

Your interpretation of the MOU is the same as ours. The Department of Energy's understanding in reviewing and forwarding the draft MOU to Congress was that each region, the PSW and the PNW respectively, must decide the sales or purchases that is in their own best interest. Further, the MOU should not be read as impinging upon the Bonneville Power Administration (BPA) authorities and policies respecting rates and intertie access.

With respect to extraregional access, the BPA's near term Intertie Access Policy provides access to Canadian utilities when capacity is not otherwise subscribed by PNW utilities. I understand that BPA has offered and continues to discuss the possibility of greater access if agreement by exraregional utilities can be reached on improved coordination between the Canadian and PNW power systems. This policy and continuing effort is consistent with the MOU, but not otherwise affected by it.

The Department is also aware that the proper level and design of BPA rates for sales of non-firm power to PSW utilities are currently the subject of a proceeding at the Federal Energy Regulatory Commission. It is not our intent that the MOU should affect or be affected by the outcome of the proceeding.

I trust that this clarifies the Department's understanding with regard to the MOU and the issues you raised.

Sincerely,

DONALD PAUL HODEL.

Mr. HATFIELD. In authorizing the line, Congress' message was clear: It said that if the third AC line provides mutual costs and benefits to the Pacific Northwest and the Pacific Southwest, that it should be promptly built. That is why Congress authorized the Secretary to act individually, if necessary, to complete the project. That is also why Congress directed the Secretary to proceed independently with remaining interested entities if a portion of the project remains unsubscribed after reasonable efforts to obtain sponsors should fail.

The provisions of Public Law 98-360 which authorized the Secretary to proceed independently are not affected by passage of the amendment currently before us. The provision in H.R. 2577, as modified by the Senate Appropriations Committee, leaves intact Public Law 98-360 and the Secretary's authority under the law. That authority can be exercised through the memorandum of understanding. I again congratulate all those who played such a constructive role in making the memorandum possible.

GENEVA ON-THE-LAKE

Mr. GLENN. Mr. President, the distinguished floor manager of this bill is well aware of my interest in the small

boat harbor at Geneva-on-the-Lake, Ohio. I have discussed this matter on the floor of the Senate, in the Appropriations Committee hearings and through numerous letters.

I would not be so interested in this matter if it were just another water project. However, this is a low-cost, vital economic development project with substantial cost sharing.

The Geneva project has been authorized since 1965. The total cost is approximately $14 million, with the Federal share of $4.4 million and the State share approximately $10 million. At this time, I am requesting $1 million be added to the 1985 supplemental appropriation for a construction start at Geneva-on-the-Lake.

The importance of this project is not reflected in its cost. The importance of this project can be seen in the economic benefits it can bring to a distressed area in Northeastern Ohio. The Geneva project is located in Ashtabula County, which is suffering from an official unemployment rate of 13 percent. An investment in this small boat harbor by the Federal Government can provide the impetus for this revitalization effort.

A small boat harbor at Geneva-on-the-Lake will encourage sport fishing and tourism in the area. It will improve property values and encourage investment in a variety of recreation related improvements. These investments and improvements will translate directly into jobs for Ohio. When considering these potential benefits, the funding level becomes increasingly insignificant.

This is not a just a Federal project. The Geneva small boat harbor enjoys the active support of the State of Ohio. The State has already set aside $8 million in its capital improvements budget for the Geneva project. This appears to meet the administration's desire for significant local cost sharing.

Mr. HATFIELD. I am certain that the Senator from Ohio is aware of the administration's opposition to recreation projects.

Mr. GLENN. I am aware of the administration's position, and I would like to say that I do not agree with the administration on this point. However, the Geneva project is more than a recreation project, it also provide important safety benefits for boaters on Lake Erie.

The distinguished chairman of the Appropriations Committee may not be aware of this, but a storm can turn a large but relatively shallow Lake Erie into a very dangerous body of water in no time at all. These storms present a very real danger to pleasure boaters who may be on the lake with no harbor of refuge nearby. Presently there is 26 miles of Lake Erie coast line, east of Cleveland, which is not served by a harbor of refuge. A small boat harbor at Geneva-on-the-Lake will provide that necessary harbor of refuge.

I believe the committee members can see that this project is more than just a water project. It is an economic development and boater safety project with substantial cost sharing by the State of Ohio. It is my sincere hope that the Senate Appropriations Committee will recede to the House recommendations and supply $1 million for a construction start at Geneva-on-the-Lake small boat harbor project

Mr. HATFIELD. The Senator from Ohio makes a good case, and I would like to assure him that I will give his request every consideration when this issue comes before the Senate-House Conference Committee.

Mr. METZENBAUM. Mr. President, I strongly support the appropriation of funds to initiate construction of the Geneva-on-the-Lake harbor of refuge project in Geneva, OH.

This $9.8 million project is the State of Ohio's highest water development priority. In demonstration of this fact, the Ohio Legislature recently appropriated $6.62 million to pay for the State's 50-percent non-Federal cost share.

The State also agreed to pay for all the ancillary facilities, including boat ramps, parking areas, fuel pumps, docks, and berthing areas, et cetera.

In short, to match the total Federal investment of $4.7 million, of which only $1 million is needed this year, the State plans to provide approximately $9 million to build this project. In my view, this is a reasonable cost-sharing arrangement.

Mr. President, this project dates back to 1945. Section 6 of Public Law 79-14 authorized the Secretary of War to conduct examinations of Lake Erie for the purpose of establishing harbors of refuge for boaters. Because of its shallow depth, and its oblong shape, Lake Erie was then, and continues to be, notorious for its sudden violent storms. Every year, hundreds of boaters get caught in these storms, and, regrettably, refuge harbors are few and far between.

In fact, there are 26 miles of coastline between Ashtabula, OH and Fairport Harbor, OH in which there is no harbor of refuge. I can assure my colleagues that to be in a sailboat, or even in a large fishing boat, in the middle of a Lake Erie storm, 26 miles from the nearest harbor, is to be in a very dangerous situation, indeed.

The corps, in conjunction with the State of Ohio, concluded that a refuge harbor should be constructed in Geneva, approximately midway between Ashtabula and Fairport Harbor. The project was authorized in 1970, and to date, the corps has spent nearly $1 million completing the planning and design work.

Now that the project is ready to be constructed, the administration refuses to request the funds. The Office of Management and Budget offers the flimsy pretext that Geneva-on-the-Lake is a recreation project, and therefore, should be paid for by the State.

But the fact remains that Geneva-on-the-Lake is a boating safety project.

It was for the purpose of maximizing safety that Congress passed the harbor of refuge legislation in the first place, and it was for the purpose of enhancing boating safety that the Geneva-on-the-Lake project was undertaken by the corps in 1970.

Mr. President this is a needed project.

It is ready for construction this year.

And, the State of Ohio has already appropriated funds to pay for over half of it.

Therefore, I urge my colleagues to support this project.

THE FORT PECK TOWNSITE

● Mr. BAUCUS. In the 1930's, the U.S. Army Corps of Engineers built the town of Fort Peck to house workers who were building the Fort Peck Dam along the Missouri River.

For years, this work force was needed to operate the dam. It made sense for the Federal Government to maintain the townsite.

But eventually, conditions changed. The local economy grew up—it diversified. People living in Fort Peck no longer just worked at the dam. They commuted to jobs in other towns.

By the 1970's, it became apparent that the Corps of Engineers no longer needed to operate the town. And the local residents were calling for the right to own their houses and control their own destiny.

The Corps of Engineers first drew up plans to pull out of Fort Peck in the mid-1970's. Those plans have been in the works ever since.

Finally, earlier this year, the corps decided to classify the townsite as surplus Government property and propose to have the General Services Administration put the town on the auction block.

I believed this proposal was the wrong approach. In an auction situation, the town would be sold off in tracts. Some of the tracts would be turned over to private hands, but others, which no one wanted, would continue to be Federal Government property.

This approach would cause more harm than good.

That is why I and my colleagues from North and South Dakota, who have townsites in similar situations, have pushed for legislation in the supplemental appropriations bill to transfer ownership of Fort Peck from the corps to local residents. The town would not be classified as surplus

property and would not go on the auction block.

I believe this transfer is the most orderly and cost-effective way to turn Fort Peck over to the local residents.

But I am concerned that this legislation does not address all of the concerns of Montanans living in Fort Peck and may cause some confusion regarding those areas adjacent to the town.

Fort Peck is located entirely on the Charles M. Russell Wildlife Refuge, which is managed by the U.S. Fish and Wildlife Service. I am concerned that the corps, in defining the townsite area, has not adequately considered the possibility of future expansion.

It has recently come to my attention that the townsite map, developed by the corps and referred to in our bill, does not include all of the public facilities necessary to make the town viable. Specifically, I am told a water supply tank and water supply pump station have not been included in the townsite.

Now, I am not sure if these areas should or should not be included as part of the townsite. The corps is planning to meet with the townspeople in the near future to discuss this and other issues.

The language in the bill includes the core areas of the town. It is my hope that you will continue to support it.

Will the Chairman work with me in the future to insure that the area finally transferred to the townspeople provides areas necessary to allow for town growth and that all appurtenances necessary to operate the town are made available to the townspeople?

● Mr. HATFIELD. It is my hope that the corps will continue to work closely with the people of Fort Peck to insure the development of a workable town.

Should the corps and the townspeople come to agreement on additional areas surrounding Fort Peck, I want to assure you that I will work with you to assist in the transfer of those lands to the local townspeople.●

● Mr. BAUCUS. I thank the Chairman for your assistance in this important matter. I appreciate the leadership you have shown in working for a fair and equitable resolution of this matter.●

● Mr. DODD. Mr. President, the bill now being considered includes an appropriation of $5 million for an important piece of legislation I sponsored last session, namely, the Child Abuse Prevention Federal Challenge Grants Act. This program provides Federal matching funds for States that set up trust funds for child abuse prevention activities.

Millions of children in this country are growing up at risk of abuse and neglect. Between 1976 and 1982, for example, reports of child abuse across the country soared by 123 percent. In recent months, the press has publicized instances of abuse in child care settings. But that is only one small part of the picture. We know that the vast majority of child abuse cases occur at home or close to home. The Child Abuse Prevention Federal Challenge Grants Program focuses on the total picture of child abuse.

Last year, Congress enacted the Child Abuse Amendments of 1984, restoring critical funds for child abuse programs. I was a principal sponsor of this act restoring funding for child abuse programs which had been cut in half in 1981, including sexual abuse prevention and treatment initiatives, the funding for which had been eliminated. Some Federal funds are distributed to States under Child Abuse Amendments of 1984. But given soaring rates of abuse cases, these funds are most often used for treatment services. Precious little funding is left for prevention efforts.

Starting in 1980, some States began to recognize the need to focus directly on widespread, community-based prevention efforts. To date, 25 States have set up special trust funds for child abuse prevention activities including Alabama, Arizona, California, Delaware, Illinois, Iowa, Idaho, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, North Carolina, Nevada, New York, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Washington, Wisconsin, and West Virginia.

These funds are generated in a variety of ways, including surcharges on marriage license and birth certificates or by special checkoffs on income tax returns. Other States have used direct appropriations to fund child abuse prevention activities, including Florida and Maine. In my State of Connecticut, direct appropriations have been used to set up a child abuse prevention trust fund. Newly enacted legislation in my State sets up an advisory board to distribute these funds.

Trust funds support a broad range of community programs, including plays in schools aimed at preventing sexual abuse, self-care courses for latchkey children, parenting classes, and programs for incarcerated parents. Such grants also help fund statewide educational and training programs for professionals including childcare staff, teachers, mental health workers, police officers, prosecutors, and judges.

Mr. President, the Challenge Grant Program provides incentive for all States to establish significant funds supporting child abuse prevention projects. For every $3 that States make available for child abuse and neglect prevention activities, the Federal Government will provide $1 in matching funds. We want to challenge those States who have not yet acted to act now. We also want States that have already acted to augment their funds.

This Federal Challenge Grant Program sunsets in 5 years. By 1990, States should be well on the way to generating enough money to support prevention efforts throughout their communities.

At no time will a Federal Challenge Grant to any State exceed an amount equal to 50 cents times the number of children residing in that State. Mr. President, if this Nation cannot afford to spend 50 cents a child over the next 5 years to prevent possible abuse or neglect, then our priorities are sorely misplaced.

The truth is that prevention is the most effective method we have of combating child abuse. We know just how serious the long-term repercussions of child abuse can be. Close to three-quarters of all runaways have been the victims of abuse, often sexual abuse. Prior sexual victimization is also closely linked to teenage prostitution. And two-thirds or more of all juvenile offenders have had histories of physical or sexual victimization.

Mr. President, the time to encourage the States to wage all-out child abuse prevention campaigns is now. I thank my distinguished colleague from Connecticut for agreeing to include an appropriation of $5 million for the child abuse prevention Federal Challenge Grants Act in this bill, on my behalf. I urge all my colleagues to support this appropriation for community-based activities to stem the tide of child abuse.●

REFUGEE ASSISTANCE

● Mr. EVANS. Mr. President, during the past year the Senator from Washington [Mr. GORTON] and I have worked with the Senator from Connecticut [Mr. WEICKER] who is chairman of the Senate Appropriations Subcommittee on Labor, HHS, Education and related agencies to resolve the continuing controversy surrounding Federal refugee assistance.

Last year I asked the Senator from Connecticut to include in the committee's report on fiscal year 1985 appropriations a clarification of congressional intent in support of funding for refugee targeted assistance and I appreciate his willingness to accommodate this request.

Unfortunately, the Office of Refugee Resettlement again is unwilling to make available to States, the full amount Congress intended for this purpose in fiscal year 1985 which is $50 million. ORR contends that the level of funding should be $50 million less unused appropriations from fiscal year 1984. Such an interpretation means that only $11 million out of the $50 million Congress intended would be available for targeted assistance areas nationwide. That is why we wrote the Senator from Connecticut

asking him to include specific bill language in the fiscal year 1985 supplemental appropriations legislation directing ORR to release all of the fiscal year 1985 funds we have already allocated. However, we understand the Senator from Connecticut has addressed the issue in the committee's report on fiscal year 1985 funding for refugee assistance.●

● Mr. WEICKER. The Senator from Washington is correct. The committee is aware of the problems raised by ORR's interpretation of the fiscal year 1985 continuing resolution as it pertains to funding for targeted assistance. The committee has therefore directed the Comptroller General to review the matter and report to the committee within 30 days as to the legality of ORR's action and whether such action will result in a reduction in current services for fiscal year 1985.●

● Mr. EVANS. I appreciate the Senator's attention to this matter. I remain deeply concerned by ORR's continuing course of action. If allowed to continue, it would place undue hardships on areas needing targeted assistance around the Nation at a time when many States will not be able to absorb the additional financial responsibility. Furthermore, the interpretation is a clear erosion of congressional intent and one which would penalize States such as our own who have established cost-effective and efficient programs to resettle refugees.

If the Comptroller General reports unfavorably regarding ORR's interpretation of fiscal year 1985 funding for targeted assistance will the Senator consider inserting language in the next general appropriations bill for Labor/HHS and related agencies to assure ORR will make available the full amount Congress appropriates for targeted assistance?

● Mr. WEICKER. I agree with the Senator from Washington that ORR's action will have a severe impact on the 33 targeted assistance areas around the country if the existing controversy is not resolved. Thus, after the Comptroller General has completed the analysis we have requested and if ORR does not make available the full amount Congress intended in fiscal year 1985 for targeted assistance I will certainly consider language in the next general appropriations bill for Labor/HHS Education and related agencies.

● Mr. EVANS. We thank the Senator from Connecticut for his commitment to Federal refugee assistance programs.●

Mr. DOMENICI. Mr. President, I rise in support of the supplemental appropriations bill for fiscal year 1985 as reported by the Senate Appropriations Committee.

I would like to commend my distinguished colleague, Chairman HATFIELD, and my fellow members of the Appropriations Committee for expeditiously bringing this fiscal year 1985 supplemental appropriations bill to the floor.

H.R. 2577 provides $13.5 billion in budget authority and $6.6 billion in outlays for a broad range of important Federal programs. Besides money for the traditional spring Federal pay supplemental, the bill contains substantial funds for economic aid to Israel and Egypt, humanitarian aid for Nicaragua, Federal crop insurance, student financial aid programs, the Food Stamp Program, and veterans compensation benefits.

I know that there are many demands on my appropriations colleagues to increase Federal spending for worthwhile causes. Nevertheless, my colleagues have withstood this pressure. Despite the generous amounts in this supplemental bill for high priority Federal programs, this bill is within the Appropriations Committee's 302(a) allocation under the existing fiscal year 1985 budget resolution by $2.7 billion in budget authority and $1 billion in outlays—even considering outlays from prior-year budget authority and possible later requirements.

I have every confidence that the supplemental conference report which returns to us will be within the committee's 302(a) allocation by similar amounts.

Mr. President, I ask unanimous consent that tables showing the relationship of the reported bill, with possible later requirements taken into account, to the fiscal year 1985 budget resolution (H. Con. Res. 280) and congressional action to date be printed in the RECORD at the conclusion of my remarks.

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

FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS BILL, H.R. 2577—SENATE-REPORTED BILL

[Compared to H. Con. Res. 280]

	Fiscal year 1985	
	Budget authority	Outlays
Action to date by Appropriations Committee	554.1	542.6
Senate reported H.R. 2577:		
Program supplemental	12.4	5.4
Pay raises	1.3	1.3
Recissions and deferrals	−.2	−.1
Total bill	13.5	6.6
Adjustment to conform mandatory programs to budget resolution	−10.3	−4.0
Appropriations Committee total	557.2	545.2
302(a) allocation	560.0	546.2
Committee total compared to 302(a) allocation	−2.7	−1.0

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

CONGRESSIONAL ACTION TO DATE—FISCAL YEAR 1985 SUPPLEMENTAL APPROPRIATION BILL, H.R. 2577—SENATE-REPORTED

[Compared to H. Con. Res. 280]

	Fiscal year 1985	
	Budget authority	Outlays
Congressional action to date	1,011.7	929.8
H.R. 2577	13.5	6.6
CCC adjustment	−3.6	
Offsetting receipts	−3.5	−3.5
Total	1,018.1	932.9
Budget resolution	1,021.4	932.0
Over (+)/under (−) budget resolution	−3.3	+0.9

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

● Mr. BOREN. I would like to thank my colleague, Senator HATFIELD, the distinguished chairman of the Appropriations Committee, for the consideration he has shown those of us who are trying to solve some of the water problems of our constituents. In my home State of Oklahoma, I have been trying to secure funding for the Parker Lake project.

The Parker Lake project was identified as a part of the early action plan of the Red River below Denison Dam Comprehensive Basin Study. The project is formulated to satisfy not only the short- and long-range needs of the Muddy Boggy Creek, but also a portion of the immediate municipal and industrial water supply needs of the central Oklahoma area.

The dominant water resource need for the area is water supply. The cities of Ada, Shawnee, Tecumseh, Allen, Midwest City, Del City, Norman, Moore, and Central Oklahoma Master Conservancy District are interested in the 42 million gallons per day water supply yield from Parker Lake.

The recommended plan provides for the construction of a multipurpose impoundment on Muddy Boggy Creek about 20 miles east of Ada, OK. The plan also includes the purchase of 1,050 acres of land in addition to that required for the dam and lake. These lands would be made available to the Oklahoma Department of Wildlife Conservation for wildlife management purposes to mitigate wildlife habitat losses resulting from the project.

The differences between the executive and legislative branches concerning the financing of new projects have been debated for the past 5 years. For 9 years, the Congress has also been remiss in considering legislation to resolve these major policy issues. The appropriate committees of Congress are making headway in authorization legislation this year which is encouraging. The administration has come forth with proposed legislation setting out the steps they feel necessary for cost sharing of future water projects so that these differences can now be resolved. I certainly hope that the administration accepts the water

projects provided for in this bill and that we can finally move forward with other projects such as the long-awaited Parker Lake in Oklahoma.

Again, Mr. President, I would like to thank my good friend from Oregon for the understanding he has shown in dealing with this difficult problem. I am certain Senator HATFIELD is doing all that he can to persuade the administration of the importance of these very necessary water supply projects.

Mr. HATFIELD. I want to thank the Senator from Oklahoma for his interest in this matter. Let me assure you that I am going to work hard to resolve this problem so that some of these important projects can hopefully move forward in the future.●

● Mr. DOMENICI. I want to ask the distinguished chairman of the Interior Appropriations Subcommittee a few questions regarding the strategic petroleum reserve.

I understand that the Appropriations Committee has let stand the President's deferral of $827 million in funds for filling the reserve, but that the committee proposes overturn of the President's deferral of $271 million in SPRO construction funds. In other words, the action by the Appropriation Committee would require that SPRO construction proceed as mandated by previous actions by the Congress.

● Mr. McCLURE. The Senator is correct both as to funds for filling the reserve and funds for construction.

● Mr. DOMENICI. As the distinguished chairman of the subcommittee knows, the first budget resolution for fiscal year 1986 as passed by the Senate in May assumed that both of the President's fiscal year 1985 deferrals would be allowed to stand and that no further funds would be appropriated in fiscal year 1986 for either the purchase of oil or the construction of facilities.

I wonder if the distinguished chairman of the Interior Subcommittee could clarify for the Senate the relationship between the committee's action overturning the fiscal 1985 deferral of construction funds and the policy on SPRO expressed in the fiscal 1986 budget resolution as passed by the Senate.

● Mr. McCLURE. I am happy to respond to the inquiries of the distinguished chairman of the Budget Committee. Our action on SPRO construction in this bill is not intended to violate the intent of the Senate-passed budget resolution for fiscal year 1986. I can assure the distinguished Senator from New Mexico that it is my intent to live within the allocation we receive from the full Appropriations Committee pursuant to the budget resolution for fiscal year 1986. Of course, this will require the cooperation of other Senators in offering amendments to the fiscal year 1986 Interior Appropriations bill.

● Mr. DOMENICI. Is this also the understanding of the distinguished Chairman of the Appropriations Committee?

● Mr. HATFIELD. Yes; that is my understanding.●

INTERSTATE COMMERCE COMMISSION

● Mr. TRIBLE. Mr. President, for some time, I have been deeply concerned about the plight of the employees at the Interstate Commerce Commission [ICC]. So, I am pleased that today the Senate is considering legislation addressing the funding crisis at the ICC.

Due to severe budgetary constraints, the ICC was forced to begin 1-day-a-week furloughs on April 14, effectively subjecting employees to a 20-percent pay cut. Employee morale at the Commission has plummeted, valuable workers have left the ICC, productivity has decreased, and the Commission has been unable to meet certain deadlines.

The supplemental appropriations measure now under consideration includes $3 million for ICC salaries and expenses. It is my understanding that this figure provides sufficient funding to discontinue the furloughs, permit the employees at the ICC to return to full-time employment status, and permit the ICC to resume full operation.

Mr. President, I would like to share with my colleagues a letter I received from Mr. Reese Taylor, Chairman of the Commission, regarding the supplemental appropriations:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE CHAIRMAN,
Washington, DC, June 20, 1985.

Hon. PAUL S. TRIBLE,
U.S. Senate, Washington, DC.

DEAR SENATOR TRIBLE: On behalf of the entire Commission and its employees, thank you for all your efforts to obtain sufficient funding to end the furloughing at the agency. Your statements on the Senate floor and "dear colleague" letter not only supported the needed funding, but explained our budget crisis, and provided encouragement to the employees. The twenty percent pay cut was harmful not only to the employees financially but also to the Commission in terms of morale and work production.

The Senate Committee on Appropriations has approved a $3 million supplemental for the Commission with report language that the ICC employees return to full time employment. I am happy to report that in light of this action the furlough was suspended on June 17 and our employees are now working full time. Our current projections are that the $3 million funding level under consideration in the Senate should be sufficient for the Commission to keep its employees working on a full time basis for the remainder of the fiscal year.

Again, thank you for all your effort on behalf of the employees at the Commission. Everyone is deeply appreciative of your interest, concern and support.

Sincerely,

REESE H. TAYLOR, Jr.,
Chairman.

Throughout this entire funding crisis, the individuals who have suffered the most have been employees of the ICC. These workers have suffered significant burdens and been required to make financial sacrifices as a result of circumstances beyond their control. I am relieved that this crisis is coming to an end for these Federal employees.

I thank my colleague, Senator ANDREWS, for his efforts on behalf of the employees of the ICC. I would also like to thank my colleagues Senators DANFORTH, SARBANES, PACKWOOD, GOLDWATER, PRESSLER, MATHIAS, and KASSEBAUM, for their willingness to support the ICC employees.●

● Mr. DOMENICI. Mr. President, I would like to ask the chairman of the Appropriations Committee to clarify the intent of the fencing language which is included in the water project section of the supplemental bill. It is my understanding that the fencing language which requires cost-sharing agreements on the 25 projects applies to all the projects, including the three inland waterway projects. Is that correct?

Mr. HATFIELD. The Senator is correct.●

Mr. SIMPSON. Mr. President I am so pleased to have this opportunity to comment on the measure before this body, H.R. 2577, the Supplemental Appropriations bill for 1985. The overall measure represents the best side of legislative arena endeavors—the spirit of cooperation and compromise. Senator MARK HATFIELD, Senator BENNETT JOHNSTON, our fine majority leader, BOB DOLE, as well as the entire Senate Appropriations Committee, should be recognized for their diligent and commendable efforts.

I am most impressed to see that the bill has finally broken through the logjam that has prevented so many badly needed, authorized, and worthy water projects from being constructed. I have a very deep and personal interest in this because one of the projects which will receive construction money is the enlargement of the Buffalo Bill Dam, located right near my old hometown of Cody, WY. It has been a long wait for the good people of Wyoming, but I now look forward to the actual startup of this project.

Modification of the Buffalo Bill Dam will involve the raising of the existing structure by 25 feet. The power plant, penstock, switch gear, and transmission lines will also be replaced. When completed, the generating capacity of the powerplant will be increased from 5,600 kilowatts to 20,000 kilowatts, and an additional 74,000 acre feet of water will be made

available for recreation, flood control, irrigation, and municipal use.

This project represents the efforts of many dedicated people over a period of many years. My predecessor, Senator CLIFFORD HANSEN, made this one of his top legislative priorities. Largely through the untiring efforts of my remarkable congressional colleagues and friends, Senator MALCOLM WALLOP and Representative DICK CHENEY, authorization for this project was achieved in 1982. That was a memorable time for us, because it represented the opening of a new era in cooperation between the Federal Government and those who will benefit from large expensive water projects.

When I first arrived in the U.S. Senate in 1979, a most pressing domestic issue facing this country was the burgeoning Federal deficit. Although good progress has been made on that front, we still have far to go. Recognizing that the Federal Treasury could no longer be the sole source of funding for water projects, the Wyoming congressional delegation worked closely with our Governor, Ed Herschler, and the Wyoming State Legislature in order to arrive at some form of a cost-sharing agreement. The people of Wyoming heard the challenge and met it head-on. Before the project was authorized, Wyoming had actually appropriated $47 million to share in the cost of the enlargement. That is over 40 percent of the total cost.

I say to my fine friends and colleagues here in the Senate, that Wyoming is most fortunate to be able to participate in this generous sort of way, but this is only a glimpse of the future. States and local beneficiaries are going to have to take more of an active financing role in water projects. This includes not only Bureau of Reclamation projects, but Corps of Engineers projects as well.

Unfortunately, this remarkable Wyoming cost-sharing agreement did not guarantee quick action by Congress in appropriating actual construction moneys for Buffalo Bill Dam. Since 1982, this project has been mired down in the bottom of the whole bale of water projects in the controversy over cost-sharing. Even though a more than generous and satisfactory cost-sharing agreement had been reached, this program was held back while Members of Congress and the administration wrangled over the necessary amount of upfront financing to be supplied by non-Federal sources. For nearly 3 years, the Buffalo Bill Dam project languished on the vine while this debate ensued. This measure contains a compromise in this long controversy.

I believe that is an excellent compromise, although we must proceed with the goal of having actual legislation establishing a cost-sharing standard for future projects. This compromise should pave the way for authorization and construction of some long-overdue programs. It will also give the administration the authority it has needed in order to fashion the fair and reasonable cost-sharing agreements needed to relieve the burden on the Federal Treasury.

Had this agreement not been reached, it is estimated that the taxpayer would have picked up the added cost of over $2.6 billion for the Corps of Engineers and nearly $672 million for the Bureau of Reclamation for the projects listed in the supplemental now before us. This would have assured that the old pack horse—the American taxpayer—would have borne approximately 84 percent of the load for the corps projects and approximately 88 percent for the Bureau of Reclamation construction starts. The language contained in the supplemental will authorize the administration and the local beneficiaries to agree to amount that are far more reasonable and just. If case-by-case agreements cannot be reached by June 30, 1986, then the money ceases to be available for the construction of the project. In addition, Congress will also have the opportunity to disapprove of any agreements that are reached between the administration and the local beneficiaries. But because of the amendment presented today by me and Senator WALLOP, Buffalo Bill Dam can be off and running this summer.

The final measure would also allow the proper congressional action to authorize projects that are not currently authorized. I trust that this signals that we, in Congress, are now willing to promote and approve of water projects in the correct and proper manner—authorize them first and then appropriate the necessary funds.

On March 29, Robert Broadbent, Assistant Secretary of the Department of the Interior, William Clagett of the Western Area Power Administration, and Gov. Ed Herschler signed a formal cost-sharing agreement, an agreement that is truly remarkable and the first of its kind. I would be truly remiss and neglectful if I did not recognize the long and successful work of my friends on the Governor's negotiating committee, consisting of Beryl Churchill, George Christopulos, Warren White, George Basham, Charles Hessenthaler, Ed Webster, and a dear man, the late Lewis Freudenthal, in making this historical signing possible.

Mr. President, we are now fully positioned and ready to go forward with actual construction moneys for the Buffalo Bill Dam as well as many other worthwhile projects. I am most grateful for the cooperation and work of all of those who have brought us to this point. Special recognition should go to the distinguished members of the Appropriations Committee as well to my friends and colleagues, Senator WALLOP and Representative CHENEY, for their yeoman efforts. MALCOLM took this issue over the Senate's legislative humps almost singlehandedly in the early months. I also recognize that the Buffalo Bill Dam project would not have become a reality without the dedication of Gov. Ed Herschler and the driving force of the Wyoming State Legislature. In addition, I must also commend the people of Wyoming who have so patiently supported this project with actual moneys. Many staff members contributed so much, but special and profound thanks go out to the very sharp, steady, able and consistent Randall Luthi of my staff and to Terri Sneider whose diligence and skill were so appreciated.

In closing, Mr. President, this is a proud day for me, for my friends, MALCOLM WALLOP and DICK CHENEY, and the people of Wyoming. Many have worked so very long and so very hard to accomplish this funding, including so many Senators and their staffs. We are finally making progress for sensible funding of costly projects, after 15 years of trying. This will not only be of great benefit to the taxpayers, but will be of great benefit to all of the beneficiaries of these projects and the towns, cities and communities in which they reside.

I thank you.

● Mr. MATHIAS. Mr. President, I commend the Senate Appropriations Committee for including funds in the 1985 supplemental appropriations bill to start a number of water projects, particularly the long-delayed channel deepening project in Baltimore. In particular, I commend the Members of the Senate and representatives of the administration who, after painstaking negotiations, arrived at a consensus on a cost-sharing formula for these projects.

This is a significant breakthrough in our attempts to end the 10-year moratorium on channel deepening projects. It is a great triumph for everyone who has been working tirelessly over the last 5 years to reach this point. It is good news for our Nation's infrastructure, for the health of our economy, for our balance of trade and particularly for the Port of Baltimore, which has been waiting for 15 years to start its channel deepening project.

The cost-sharing formula advanced by the administration as presented to me and other Members of the Senate during a meeting yesterday, requires the State of Maryland to pay 35 percent of the cost of the $220 million Baltimore channel deepening project for the first 3 feet, or $29 million, and 60 percent of the cost of the project for the remaining 5 feet, or $82 million, for a total State share of $111 million. In addition, the proposal allows the Secretary of the Army to give credit to the State of Maryland

for the $50 million it already has spent on its spoil disposal site, the Hart-Miller Islands, so the States cost actually would be reduced well below the $111 million mark.

I have received every assurances from William Hellman, Maryland's Secretary of Transportation, that Maryland is prepared to put its share of the cost of the project on the table as soon as the legislation is signed into law by the President. In fact, Maryland is so eager to move forward with channel deepening that it redesigned its project last month, trimming the total cost by one-third—from $330 million to $220 million.

America's deepwater ports are a precious national asset. They must be competitive if the Nation's economy is to retain its health. They are a vital part of our country's infrastructure.

Despite the compelling need for deeper channels, no dredging project has been started in the past 10 years. The United States has suffered the consequences of not having deeper channels. For example, channel inadequecies add to the price of U.S. coal at a time when we must keep our price low and supply reliable to remain competitive in the international energy market. Since the coal boom of 1981, we have lost a large share of the coal market to other coal producing countries. We cannot afford to let that slide continue.

The action on the part of the committee today is a giant step toward breaking the logjam of deepwater ports. I urge the full Senate to show its support for these projects by backing the provision in the supplemental appropriations bill that provides funding to allow these projects to move forward.●

FUNDING FOR NONPERSONAL SERVICES—UNEMPLOYMENT INSURANCE OFFICES

● Mr. D'AMATO. Mr. President, I wish to offer my comments regarding the current shortfall in funding for nonpersonal services with respect to State unemployment insurance offices. The House-passed version of the supplemental appropriations bill, H.R. 2577, includes $30 million for this program. Unfortunately, the Senate bill has deleted this needed funding.

New York State has had to close 20 offices due to lack of funds. Without this supplemental many more will be closed. The shortage in New York is $3.3 million. A recent report by the Interstate Conference of Employment Security Agencies [ICESA] confirms the widespread extent of the UI funding shortage. A total of 43 States have reported NPS shortages totaling $40.5 million for fiscal year 1985.

In many instances unemployment offices and employment service offices share the same facilities. Since people must report in person to collect their unemployment benefits, many will not be able to participate in the Unemployment Insurance Program because of the long distances they will have to travel to reach an office. Employers will lose a valuable resource, paid for out of their tax moneys, for hiring new employees.

NPS pays for such items as office space rental, communications, utilities, lease or purchase of equipment, supplies, and data processing. These expenses do not vary substantially with the number of claims for unemployment benefits that are filed. Thus, even though workloads have dropped sharply, NPS expenses have not. Base NPS funding has only increased by 2.8 percent since fiscal year 1983.

I believe that the Senate should include the supplemental appropriations of $30 million for NPS at conference on this bill. I know that many of my Senate colleagues share my views on this matter. Administrative moneys for the unemployment insurance and the employment service programs are funded through the Federal Unemployment Tax Act [FUTA], a dedicated tax paid by employers. Employers in New York State and in other States will not receive their fair share of services unless the Labor Department has the administrative capacity to perform its required services.

These funds will permit New York State and other States to obtain essential supplies and equipment for which purchases have been deferred for extraordinary periods of time. I urge my colleagues to support the inclusion of these vital funds in H.R. 2577 when the conference committee meets to discuss this item.●

MILITARY CONSTRUCTION IN WEST VIRGINIA

Mr. BYRD. Mr. President, on June 30, 1984, I participated in the groundbreaking ceremony for a new parachute shop and special forces training site building and a new senior enlisted quarters at Camp Dawson, near Kingwood, WV. Later that day, I was honored to give the graduation address in conjunction with the graduation ceremonies of the West Virginia Military Academy at Camp Dawson. I was very much impressed by the graduation exercises and the very fine marching demonstrations performed by the young men and women graduates of the West Virginia Military Academy.

During the graduation address, I again pledged my continuing support for the programs of the West Virginia Guard and Reserve, and by way of background, I will state for the record several of my recent activities in support of these programs.

AIR NATIONAL GUARD FACILITIES

Mr. President, last year on March 23, 1984, I testified before both the Senate Armed Services and Appropriations Committees in support of additional and updated C-130 aircraft for the West Virginia Air National Guard bases at Charleston and Martinsburg. In response to this testimony, the National Guard Bureau has informed me that the most modern and updated H models of the C-130 aircraft will be delivered to Charleston in the fall of 1986. The bureau has also informed me that the Martinsburg Air National Guard facility will be expanded from 8 to 12 C-130 aircraft in the fall of 1986.

LAND USE MASTER DEVELOPMENT PLAN

During the same hearing, I also testified in support of a "land use master development plan" designed to rehabilitate and expand the Air National Guard facilities at Charleston and Martinsburg. The National Guard Bureau has recently assured me that this effort is well underway.

MILITARY ENTRANCE PROCESSING STATION

During an Appropriations Committee hearing on March 5, 1985, I posed questions to Army Secretary John Marsh regarding the Military Entrance Processing Station located at Beckley, WV. Earlier, I had secured report language in connection with the fiscal year 1985 defense appropriation bill directing that no action be taken to transfer the Military Entrance Processing Station from Beckley, WV. Secretary Marsh's answers to my questions indicated that the processing station will, indeed, remain in Beckley. In response to my request regarding the need for updated facilities, Secretary Marsh's reply indicated that updated facilities were needed and that the Corps of Engineers would proceed to solicit offers from the private sector for updated facilities which would include "build to lease" options.

ARMY NATIONAL GUARD AND RESERVE FACILITIES

During the same hearing, I posed questions designed to identify West Virginia projects included in the latest Army National Guard and Army Reserve 5-year plans, and to further identify which projects, if any, could be accelerated. Secretary Marsh's response identified 14 Army Guard and Reserve military construction projects for West Virginia. Included was the program to expand the Army Reserve Training Center in Ripley, WV, which I added to the fiscal year 1985 military construction authorization bill, to be funded out of savings and which the Secretary's response indicated was planned for award this fiscal year. The Secretary's response also indicated that none of the 14 listed projects are at a design stage which would permit acceleration into fiscal year 1986.

AIR NATIONAL GUARD FACILITIES

During an Appropriations Committee hearing on February 21, 1985, I posed questions to Air Force Secretary Vern Orr regarding the latest status of the "land use master development plan" for West Virginia's Air National Guard facilities at Charleston and Martinsburg, to which I alluded earlier. Secretary Orr's response indicated that, as part of the $300,000 study de-

signed to determine the best way to expand those bases, the architectural/engineer contractor would submit a work plan in June 1985, and that the master plan would be due to be completed by February 1986.

During this same hearing, I posed questions regarding the latest Air National Guard 5-year plans for West Virginia and which, if any, of these projects could be accelerated. Secretary Orr's response identified seven Air National Guard construction projects for West Virginia. Secretary Orr's response also indicated that none of the seven listed projects are at a design stage which would permit acceleration into fiscal year 1986.

CORRESPONDENCE WITH HEADS OF GUARD AND RESERVE

Mr. President, as a followup to the questions posed and the answers received from the Secretaries of the Departments of the Army and the Air Force, on May 1, 1985, I wrote to Lt. Gen. Emmett H. Walker, Jr., Chief, National Guard Bureau, and Gen. William R. Berkman, Chief, Army Reserve. In my letters, I strongly urged that whatever actions are necessary to accelerate the design of the 20 listed projects be taken so that their incorporation into future budget requests may likewise be accelerated. I pointed out that early construction of these 20 Guard and Reserve projects will help provide jobs in West Virginia; avoid the costs of inflation associated with delayed construction; and provide the benefits of modern, updated, training facilities for our drilling Guard and Reserve personnel in West Virginia.

LATEST PROPOSALS FOR WEST VIRGINIA NATIONAL GUARD FACILITIES

Mr. President, I have been in contact with Maj. Gen. John A. Wilson III, the adjutant general of West Virginia. In response to my request, General Wilson gave me his latest view of his plans for the West Virginia Army National Guard. I must add that General Wilson's revised list of projects has only recently been proposed to the National Guard Bureau, and some of them, therefore, have not yet received the necessary review and approval, which would be a condition precedent to their incorporation into the Army National Guard 5-year plan for West Virginia. The following are the latest 5-year proposals for West Virginia National Guard facilities at Camp Dawson:

Facilities:	*Estimated costs*
Wing on existing barracks	$383,000
Barracks B	243,000
Headquarters building	135,000
Water system improvements	404,000
Range improvements	108,000
Barracks C	734,000
Mess Hall A	357,000
Barracks D	734,000
Dispensary	252,000
Battalion supply building	130,000
Barracks E	734,000
Mess Hall B	357,000
Junior officers and warrant officer quarters	173,000
Senior enlisted quarters	276,000
Maintenance shelter	30,000
Supply/administration facilities	45,000
Additional ranges	150,000
Parking areas	18,000
Total	5,263,000

In addition to these eighteen projects proposed for Camp Dawson, WV, the adjutant general has indicated a need for alterations and an addition to the organizational maintenance shop at the Buckhannon, WV, National Guard Armory—$362,000—and additions and alterations to the Point Pleasant, WV, National Guard Armory—$437,000. The adjutant general of West Virginia has expressed his desire to accelerate all of these projects and to construct them all as soon as possible, and I support that view.

Mr. President, I note the presence on the Senate floor of the distinguished chairman of the Defense Appropriations Subcommittee. May I ask if I may have his full support in seeing that all of the projects for West Virginia to which I have alluded are reviewed, approved, and incorporated into the 5-year plans as soon as possible?

Mr. STEVENS. I would be pleased to respond to my good friend from West Virginia. I would be glad to support my friend in his efforts to see that the projects for West Virginia are reviewed, approved, designed and incorporated as quickly as possible into budget requests. I am hopeful that those responsible officials over at the Pentagon, when they read this RECORD, will take note of these remarks and redouble their efforts with regard to the review, approval, design, and budgeting for these projects.

Mr. BYRD. I thank the distinguished and able Chairman of the Defense Appropriations Subcommittee for his support. He has always been most courteous and cooperative, and I wish to again express my appreciation for his support.

I note also the presence of the distinguished ranking minority member of the Defense Appropriations Subcommittee, and ask him if I may have his support for these West Virginia projects.

Mr. STENNIS. I would be pleased to be of assistance, and I strongly urge the appropriate officials in the executive branch to move quickly on these projects outlined by the Senator from West Virginia.

Mr. BYRD. I thank my good friend from Mississippi, who is the senior Democrat in this Chamber and the senior Democrat on the Appropriations Committee.

Mr. NUNN. The Senator from West Virginia can count on the Senator from Georgia according the same high priority to these projects that the Senator from West Virginia does. I would urge those in the Pentagon with the responsibility for reviewing this matter, to act expeditiously.

Mr. BYRD. I thank the distinguished ranking minority member of the Armed Services Committee for his support.

Mr. SASSER. The Senator from West Virginia can also count on the support of the Senator from Tennessee when this matter comes before the Military Construction Appropriations Subcommittee; and I, too, urge those responsible Guard and Reserve officials to move quickly.

Mr. BYRD. I thank the Senator.

Mr. President, I hope the appropriate officials at the Pentagon will, as my colleagues have suggested, take note of these remarks on the Senate floor today and respond accordingly and keep me fully informed of their progress.

Mr. President, I ask unanimous consent that my letters to Generals Walker and Berkman and their responses be printed in the RECORD at this point.

I thank the Chair and yield the floor.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 1, 1985.

Lt. Gen. EMMETT H. WALKER, Jr.,
Chief, National Guard Bureau, Pentagon, Washington, DC.

DEAR GENERAL WALKER: In response to questions which I posed to the Secretary of the Army and the Secretary of the Air Force at recent Defense Appropriations Subcommittee hearings, the Departments of the Army and the Air Force indicated that their current Departmental Five-Year Plans for Facilities include the following sixteen projects for West Virginia:

	Location	Project
Fiscal year:		
1988	Camp Dawson	Barracks Building A.
1988	Camp Dawson	Barracks Building B.
1988	Camp Dawson	Dining facility A.
1988–91	Kanawha County Airport	Aircraft holding pad.
1988–91	Eastern West Virginia International Airport, Martinsburg.	Six separate construction projects including runway, fuel storage, training complex, etc.
1988	Kingwood	Armory addition.
1989	Camp Dawson	Barracks Building C.
1989	Camp Dawson	Dining facility B.
1990	Camp Dawson	Barracks addition.
1990	Camp Dawson	Dispensary.
	Huntington	Aviation support facility.

All of these projects will contribute to our Nation's security and are very important to our Army and Air National Guard personnel in West Virginia. Therefore, I strongly urge that you take whatever actions are necessary to accelerate the design of these sixteen projects so that their incorporation into future budget requests may likewise be accelerated. Early construction of these six-

teen projects will help provide jobs in West Virginia; avoid the costs of inflation associated with delayed construction; and provide the benefits of modern, updated, training facilities for our drilling Army and Air National Guard personnel in West Virginia.

I look forward to working with you on this matter. Your early and favorable response will be genuinely appreciated.

Sincerely,

ROBERT C. BYRD.

DEPARTMENT OF THE ARMY
AND THE AIR FORCE,
Washington, DC, May 28, 1985.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: The National Guard Bureau shares your interest in the early completion of needed training facilities in West Virginia.

As you are aware, one of the initial critical steps in constructing a facility is for the Adjutant General of the State to forward programming documents to the National Guard Bureau for submission to the Congress. Of the nine Army National Guard projects listed in your May 1, 1985 letter, the State has forwarded programming documents on two projects. The Fiscal Year 1988 Camp Dawson barracks building project is under review. The Huntington aviation facility documents were under review, but have been withdrawn by the State.

The first draft of the Comprehensive Land Use/Master Development Plan for the Air National Guard units at Kanawha County Airport and Eastern West Virginia Regional Airport were received for review on May 10, 1985. Upon completion of the review, the development plan will be finalized and firm, time-phased construction programs developed to support the units' mission requirements. Completion of the development plans is scheduled for September 1985, and design will be initiated to execute the programs shortly thereafter.

To aid in expediting the remaining projects and to share your concerns and support, we have forwarded a copy of this correspondence and your letter to the Adjutant General of West Virginia. Should you desire more detailed project status, the Adjutant General may be reached as follows: Major General John A. Wilson, III, The Adjutant General, West Virginia, 1703 Coonskin Drive, Charleston, West Virginia 24311-1085, telephone (304) 357-5316.

We appreciate your interest in the National Guard.

Sincerely,

EMMETT H. WALKER, Jr.,
Lieutenant General, USA,
Chief, National Guard Bureau.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 1, 1985.

Maj. Gen. WILLIAM R. BERKMAN,
Chief, Army Reserve, Pentagon, Washington, DC.

DEAR GENERAL BERKMAN: In response to questions which I posed to the Secretary of the Army at a recent Defense Appropriations Subcommittee hearing, the Department of the Army indicated that the current Army Five-Year Plan for Facilities includes the following four projects for West Virginia:

	Location	Project
Fiscal year:		
1989	New Martinsville	10—Person Army Reserve Center, addition.
1990	Parkersburg	100—Person Army Reserve Center, addition.
1991	Rainelle	200—Person Army Reserve Center.
1991	Kingwood	100—Person Army Reserve Center.

In addition, I secured language in the reports accompanying the FY 1985 Military Construction Authorization and Appropriation bills to earmark $1.3 million out of savings to be used to expand the Army Reserve Training Center in Ripley, West Virginia. I have been advised that this project is 35 percent designed and is planned for award this fiscal year.

All of these projects will contribute to our Nation's security and are very important to our Army Reserve personnel in West Virginia. Therefore, I strongly urge that you take whatever actions are necessary to accelerate the design of these projects so that their incorporation into future budget requests may likewise be accelerated. Early construction of these projects will help provide jobs in West Virginia; avoid the costs of inflation associated with delayed construction; and provide the benefits of modern, updated, training facilities for our drilling Army Reservists in West Virginia.

I look forward to working with you in this matter. Your early and favorable response will be genuinely appreciated.

Sincerely,

ROBERT C. BYRD.

DEPARTMENT OF THE ARMY,
Washington, DC, May 16, 1985.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: This letter is in response to your correspondence dated May 1, 1985 concerning the status of Army Reserve projects in West Virginia.

Preliminary design has been initiated on the proposed expansion at New Martinsville. Barring an unforeseen problem with the existing site, this project should be completely designed in 12 months. The preliminary documentation has been prepared for the Parkersburg AFRC and we will make every effort to accelerate the design of this project.

Final site acquisition is in progress for a new 200 member center at Rainelle. Design will begin following acquisition. The Army Corps of Engineers is continuing to investigate potential sites in the Kingwood area. Once a suitable four acre site is acquired, I expect design to begin immediately.

As you can see, we are placing a great deal of emphasis on improving Army Reserve facilities in West Virginia and your continued assistance over the past years has been greatly appreciated.

Sincerely,

WILLIAM R. BERKMAN,
Major General, USA,
Chief, Army Reserve.

● Mr. QUAYLE. Mr. President, I would like to ask the senior Senator from Nevada, who is chairman both of the Appropriations Subcommittee handling the Justice Department title of this bill and of the Judiciary Subcommittee on Criminal Law, if he is familiar with the serious crime problem that we have in northwest Indiana. I would also like to ask him whether he shares my concern that an inadequate percentage of Federal law enforcement resources is concentrated in that area.

● Mr. LAXALT. The Senator from Indiana has shown me considerable documentation concerning the serious crime problem in northwest Indiana and I share his views that the Department of Justice has not devoted sufficient resources to that area. He has also shown me his correspondence with the Justice Department on this issue, and I appreciate his concern that the Department has not taken the action necessary to resolve this problem.

● Mr. QUAYLE. I would like to ask the Senator from Nevada one further question. As manager of this title of the supplemental appropriations bill, can he assure me that its is the intent of the committee that a significant proportion of the 934 new positions for U.S. attorneys and marshalls to be created by funds contained in the bill will be allocated to northwest Indiana and other crime prone areas that are currently underrepresented in Federal anticrime efforts.

● Mr. LAXALT. It is the intent of the committee that these new positions be concentrated in exactly the kind of areas that the Senator from Indiana has described.●

● Mrs. HAWKINS. Mr. President, I want to express my support for certain provisions contained in the Senate version of H.R. 2577, the supplemental appropriations bill for fiscal year 1985. As chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I am very pleased that the Senate Appropriations Committee agreed to fund several programs that fall under my subcommittee's jurisdiction. I am particularly pleased that the Appropriations Committee agreed to appropriate $6 million for family violence and prevention services. This legislation was enacted at the end of the 98th Congress after prolonged debate over the proper role for the Federal Government in family violence programs and services. Senator STEVENS, the distinguished Senator from the State of Alaska was a tireless champion for the enactment of this important and vitally needed legislation and I know that the inclusion of funding in this legislation is largely due to his tireless advocacy and efforts. Senator STEVENS deserves our praise and our thanks for his efforts in behalf of abused and battered family members.

Another important Federal program that was authorized but not funded during the last month of the 98th Congress was the Dependent Care Amendments which were part of the Human Resources Reauthorization Act (Public Law 98-558). Mr. President, I was a cosponsor and active sup-

porter of both the child care programs authorized under this act. The availability of these funds will encourage and foster the development of dependent care resource and referral centers as well as school age child care projects. Both types of childcare programs have proven to be very effective in providing a wider variety of affordable childcare alternatives to working parents but both types of programs have encountered difficulty in obtaining the necessary startup funds to begin operation. The inclusion of $5 million in fiscal year 1985 to fund these programs will be a tremendous benefit to working parents and their children.

Mr. President, I am also pleased that the Appropriations Committee chose to appropriate $5 million for the Child Abuse Prevention Challenge Grant Program that encourages States to collect and establish children's trust funds for the purpose of funding child abuse prevention activities. Although this program amended the social security law and thus is under the jurisdiction of the Senate Finance Committee, I joined Senator DODD in supporting this legislation and I am pleased to see that these Federal funds will now be available as an incentive to the States to establish such trust funds.

Finally, I want to express my support for the Florida water and beach projects funded by the bill. The Dade County Beach Restoration Program is extremely important, as erosion from storms last year practically eliminated the beach at many points. The beach serves not only recreational purposes, but helps protect nearby buildings from storm and hurricane damage. Its prompt restoration is essential.

Funds are also provided for study as to the viability of deepening the St. Petersburg Harbor to accommodate cruise ships. This can be a significant economic gain for the St. Petersburg area, and I strongly endorse rapid completion of the study.

The Corps of Engineers are also directed to complete the Miami Bayfront Park. This project will benefit hundreds of thousands of people in the Miami area, and I am pleased the committee has directed, rather than simply funded, the completion of this valuable park.●

● Mr. RIEGLE. Mr. President, I am voting in favor of passage of this supplemental appropriations bill. There are at least three items contained in this bill that I wanted to draw to the attention of my colleagues.

The first item that I would mention is funding for the State Grants for Dependent Care Planning and Development Program. The Human Services Reauthorization Act—in which the State grants for dependent care was authorized—was passed so late in the 98th Congress, that there was insufficient time to secure the needed appropriations for this new program. Such appropriations are vital, and it was necessary for funds to be included in this supplemental appropriation bill. Therefore, I am extremely pleased that the Appropriations Committee included $5 million for this important new program. I believe this small investment in our children today will reap significant benefits and savings in the years to come.

As America enters the final 15 years of this century, it finds itself in the midst of sweeping social and economic changes which are certain to have a lasting impact on even the most basic aspect of our daily life. The national problem of a lack of adequate child care is a complex problem. It will require us to examine a full spectrum of approaches in our attempt to address this issue of child care. The appropriation of funds for the State grants for dependent care is an important first step in that process.

Mr. President, another important provision of this bill is the appropriation for $5 million to fund the Federal Children's Trust Fund Challenge Grant Program authorized last Congress. This new grant program challenges States to establish special trust funds to finance child abuse prevention activities, by authorizing 25 percent Federal matching funds for money raised through the trust fund or 50 cents per child in the State.

My own State is a leader in the field, having been one of the first States to establish a trust fund in 1982. Last year, by means of a $2 per taxpayer voluntary State income tax refund checkoff, $650,000 was raised for child abuse prevention activities. And now, with this additional appropriation, Michigan will be able to double her efforts in the critical fight against child abuse.

Mr. President, finally, I would like to mention that the report on this bill contains some language relating to the Coast Guard that is very important to many people in the State of Michigan. In the 1986 budget proposal, the administration proposed the elimination or downgrading of thirteen Coast Guard stations on the Great Lakes. This proposal is ill-advised, potentially dangerous, and has aroused tremendous opposition in many communities throughout the Great Lakes region. This legislation does recognize that the budget proposal should be examined very carefully prior to any actions being taken to close the Coast Guard stations. By prohibiting any expenditures for closure activities, the Congress will have sufficient time to investigate all aspects of this issue, and I am confident that upon examination, we will concluide that the continued operation of the Coast Guard stations is essential to the safety and the protection of lives on the Great Lakes. I would like to thank the chairman and the ranking minority member of the Transportation Subcommittee for all of their continuing interest in this matter.●

FOREIGN OPERATIONS

● Mr. KASTEN. Mr. President, I would like to make just a few comments about the foreign operations chapter of this supplemental.

The committee's recommendation contains two major items requested by the administration: $2,008 million in supplemental funding for the Middle East and $237 million in supplemental funding for multilateral development institutions.

The Middle East supplemental provides $1.5 billion in economic assistance for Israel, $500 million in economic assistance for Egypt, and $8 million for development programs in the West Bank and Gaza Strip.

In addition to these appropriations, the committee is recommending a transfer of $12,500,000 for additional assistance for refugee programs in response to the influx of Ethiopian Jews into Israel. The committee has also agreed with the language recommended by the House on population assistance, with a modification that provides for a Presidential determination. This language has the affect of prohibiting any unobligated funds from being contributed to the U.N. fund for Population Activities. Under this provision, the $10 million that was previously earmarked, therefore, would be available for other population planning programs.

Mr. President, the new budget authority in this chapter equals the administration's budget request and the amount provided by the House.●

MARITIME ADMINISTRATION

● Mr. D'AMATO. Mr. President, I am indeed pleased and grateful for the support of my good friend and distinguished colleague, the senior Senator from Nevada, in overturning the budget deferral with respect to the training vessel for the State University of New York Maritime College. As you know, a new training vessel was very much needed, given the poor condition of the existing vessel.

Mr. LAXALT. I agree with my colleague from New York that this certainly is an important issue, and one in which I am pleased to be of assistance.

Mr. D'AMATO. Mr. President, I understand that, in connection with the conversion of the training vessel for the State Maritime School of Massachusetts, there was some question as to whether the conversion was done in the most cost-effective and expeditious fashion, consistent with the needs of that school. I wish to have the Senator from Nevada join me in urging that the Maritime Administration avoid those problems in connection with the conversion of the vessel

for the State University of New York Maritime College.

Mr. LAXALT. I fully agree and I would suggest that the Maritime Administration fully involve Admiral Miller, the president of the school, in the design and supervision of the conversion work. We would like this conversion work to be done expeditiously; we also would not like unnecessary conversion work to be done, and we certainly would like to have the ship designed to the satisfaction of its user, the State University of New York Maritime College.

Mr. D'AMATO. I thank Chairman LAXALT. I fully concur and I expect that the Maritime Administration will follow the chairman's recommendation with respect to the conversion project.●

BLACK LUNG CLAIMS PROCESSING

Mr. BYRD. Mr. President, I have long been concerned over the increasing delays in the processing of black lung claims. These delays are an intolerable burden to a great many of my constituents. I receive hundreds of letters and telephone calls from West Virginians about the delays in processing of claims—delays that inflict even greater hardships on families under a great deal of stress and pain.

Let me quote from one of those letters:

I'm writing this letter to see if you could help my husband and I get our black lung. My husband signed up for his black lung in 1977. He had worked in the mines for 10 years. . . .

We have waited so long for him to have a hearing. He has doctor reports and he is on oxygen at home and breathing machine and medicine. We have a very hard time paying his hospital bills, buying his medicine, and raising three children with no medical coverage at all. . . . Mr. Byrd, the miners need help. There are over 20,000 cases that have not been heard. This is a shame. How many men will die before they will receive what's rightfully theirs.

Unfortunately, this letter is too typical of the letters I receive in my office.

Last fall, I proposed $1.6 million in funding to expand the Benefits Review Board from three to nine members. That Board is now addressing the backlog at the appeals level.

The language included in the report accompanying this bill further addresses the delays in the processing of black lung claims. This delay is at the administrative law judge [ALJ] level. An October 26, 1984, report by the General Accounting Office estimated that the Office of Administrative Law Judges could take over 35 years to reduce its backlog of black lung cases to levels considered reasonable.

To put this backlog in perspective, at the end of fiscal year 1980 there were 8,579 cases pending at the hearing level. As of May 28, 1985, there are 21,073 cases pending at the hearing level.

This language will begin to address the backlog at the hearing level of the adjudication process. With the department hiring retired administrative law judges and borrowing underutilized administrative law judges from other agencies, we can start to reduce this backlog. It is estimated that each additional administrative law judge utilized under this program would be able to handle 90 to 120 cases per year.

For example, if the department were to utilize as few as 10 such individuals, the backlog could be cut by as many as 1,200 cases per year. Such an effort would increase from 7,000 to 8,200 the number of cases to be heard over the next year.

If we delay in taking action at this juncture, the backlog of claims will only continue to grow, exacerbating an already growing problem, and denying decisions on a timely basis to those individuals afflicted with black lung. These individuals cannot afford to wait for a decision—and in all fairness—they should not have to wait that long for a decision that will have such an impact on the course of their lives.

I want to thank the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Senator WEICKER, for his support and understanding of the problems these delays are causing those suffering from this disease.

WATER PROJECTS AND POLICY

● Mr. DOLE. Mr. President, if the Senator from Oregon [Mr. HATFIELD] will yield, I will inquire as to the status of the discussions which have been held with the administration concerning funding contained in this bill for new water projects.

Mr. HATFIELD. I am happy to yield to my good friend from Kansas, the distinguished majority leader.

Mr. DOLE. It is my understanding that the Senator from Oregon and the administration have reached a possible resolution of the impasse which we appeared to be headed toward concerning funding for new water projects in the bill before us. If my understanding is correct, the administration has agreed to drop its opposition to the funding of new water projects based on assurances it has received that the Senate will expeditiously consider and enact legislation providing for non-Federal cost sharing reforms in the water project area.

Mr. HATFIELD. The distinguished majority leader is correct.

Mr. DOLE. It is my understanding that the outline of the agreement is as follows:

First, language will be included in the supplemental appropriations bill which will "fence" appropriations contained in the bill until cost sharing agreements are reached between the Secretary and non-Federal project sponsors. This language will further provide that unless a binding agreement providing for local cost-sharing and financing is entered into by the Secretary and project sponsors by June 30, 1986, the funds contained in this bill will no longer be available for specific projects failing to meet the deadline. This will assure that projects subject to cost sharing will only be constructed if local sponsors agree to reforms in the manner in which we finance water projects.

It is my further understanding that the Secretary will utilize the cost sharing formulas discussed below in entering into these agreements.

Second, agreed to support and work for authorizing legislation containing the following elements, which I understand are also agreeable to the Senator from South Dakota [Mr. ABDNOR] the Senator from Vermont [Mr. STAFFORD], and the Senator from Oregon [Mr. PACKWOOD].

USER FEES FOR HARBOR MAINTENANCE

a 0.04 percent ad valorem tax on imports and exports to recover 30 to 40 percent of Corps of Engineers harbor operations and maintenance expenditures. Money raised by this tax will be deposited in a dedicated O&M Trust Fund.

NON-NAVIGATION COST SHARING

Non-Federal cost sharing of 25 to 35 percent for flood control and 50 percent cost sharing on new project feasibility studies.

Other cost sharing provisions contained in the Abdnor bill:

	Percent
Hydroelectric	100
M&I water supply	100
Irrigation (Corps only)	35
Recreation	50
Beach erosion control	35 to 50
Fish and wildlife mitigation	(1)

[1] Allocated to other project purposes.

State matching grants for dam safety, $15 million a year, but specifically not an entitlement for Federal renovation or construction.

HARBOR CONSTRUCTION COST SHARING

Depth	Upfront (percent)	Amortized (percent)
0 to 20 feet	10	10
20 to 45 feet	25	10
45 and greater	50	10

In determining the amount of the non-Federal upfront contribution, local considerations such as the provision of a dredge fill site, are not to be counted toward meeting the upfront cost share percentage. However, under rules to be promulgated by the Secretary of the Army, some of the value of local consideration may be counted toward meeting the portion of the non-Federal cost share which is amortized. In addition, it has been agreed

that the amortized portion of the non-Federal cost share will bear an interest rate determined by the Secretary of the Treasury, plus one-eighth percent recalculated every 5 years on comparable Federal portfolio yield rates.

INLAND NAVIGATION

In exchange for the administration dropping its insistence on large new user fees on the inland system, it has been agreed that 50 percent of the cost of new inland navigation lock and dam construction projects in this bill will be funded from receipts contained in the Inland Waterway Trust Fund. In addition, it has been agreed that the existing fuel tax will be increased from 10 cents a gallon to 20 cents a gallon over 10 years beginning January 1, 1988. Although the amount of revenue is small, the important principle of requiring private companies to pay for at least a small portion of the benefits they receive from the taxpayer is preserved.

It is also my understanding that the Secretary of the Army would have the authority to waive this increase for severely financially distressed barge owners.

SPECIFIC PROJECTS AND NEW PROGRAMS

The administration has reserved its right to oppose projects it deems to be undesirable from its point of view. In addition, it is agreed that the authorization legislation will not include major new programs, specifically a new municipal water facilities loan program.

Mr. HATFIELD. The understanding of the Senator from Kansas is correct.

Mr. DOLE. I commend the Senator from Oregon and the Senator from South Dakota [Mr. ABDNOR], who is chairman of the Water Resources Subcommittee, and all of our other colleagues who worked with him and for their hard work and diligence in helping to resolve this most difficult issue. The package which the Senator has outlined has my support, and I look forward to being able to schedule floor action on legislation embodying the provisions described shortly after the July 4 recess.

Mr. ABDNOR. Mr. President, will the Senator from Oregon yield?

Mr. HATFIELD. I am pleased to yield to my friend from South Dakota who has been so instrumental in working out this compromise.

Mr. ABDNOR. I, too, want to commend the Senator from Oregon, the distinguished majority leader, and my colleagues who were part of our negotiations with the administration on this issue. I want to assure my colleagues that the outline of the agreement which has been detailed by the Senator from Kansas has my complete and enthusiastic support. As chairman of the Environment and Public Works Subcommittee on Water Resources, I intend to expeditiously mark up legislation embodying the principles that have been described and to bring it to the floor shortly after the July 4 recess for referral to the Finance Committee for consideration of the tax provisions.

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

Mr. ABDNOR. I am pleased to yield to the Senator from Vermont, the chairman of the Environment and Public Works Committee.

Mr. STAFFORD. I, too, want to assure my colleagues that the bill outlined by the Senator from Kansas has my complete support. As chairman of the Environment and Public Works Committee, I pledge my help to the Senator of South Dakota in moving this bill as soon after the July 4 recess as possible.

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

Mr. ABDNOR. I yield to the distinguished chairman of the Finance Committee.

Mr. PACKWOOD. This proposal facilitates, at long last, the construction of a new lock at Bonneville Dam. As it envisions the imposition of taxes for both harbors and inland waterways, it clearly calls for Finance Committee deliberation. I expect expeditious committee action on this matter.

Mr. DOLE. I congratulate the Senators for a job well done. They have my assurance that I will do everything within my power to schedule floor consideration for legislation reported from the Environment and Public Works and Finance Committees as expeditiously as possible.

Mr. ABDNOR. I thank the distinguished majority leader.

Mr. DOLE. Mr. President, language was included in the supplemental appropriations bill which "fenced" appropriations for 25 new water projects until cost-sharing agreements are reached between the appropriate agency and non-Federal project sponsors. The language further provides that, unless a binding agreement providing for local cost-sharing is entered into by the Secretary and project sponsors by June 30, 1986, the funds contained in that bill will no longer be available for specific projects failing to meet the deadline.

Of the 25 projects included in the supplemental appropriations bill, 11 have not been authorized, and cost-sharing plans have been negotiated for 10. In the long negotiations leading up to passage of the supplemental, the administration has clearly indicated their preference that there be some permanent reforms in place before such projects receive funding. I agree with the administration that it would be constructive to have a long-range policy, and I believe the agreement reached, which is reflected in the appropriations, bill, helps to move us in that direction.

Mr. President, in recent years, the administration has required a 35 percent local contribution toward the construction of water projects. Previously, the local cost share was 25 percent. It is the belief of the Senator from Kansas that local governments in most cases should demonstrate their ability to come up with their 35 percent share of the cost before their projects are even placed on an official funding list.

GREAT BEND, KS, FLOOD CONTROL PROJECT

Although not all of the projects previously authorized will receive funding, there is one project that I would like to bring to the attention of my colleagues in the Senate. It should be eligible to receive Federal funding at this time.

The Great Bend water project has already been authorized in the Flood Control Act of 1965. Great Bend, KS, suffered extreme devastation as the result of a very serious flood in 1981. As a result of this, the local community passed a bond issue to raise their 35 percent share of the cost of a flood control project.

The Army Corps of Engineers has just completed a restudy of this project, dated April 1985, which makes some significant modifications in the original design and actually decreases the cost. Current estimated cost for this project is $45 million, of which the Great Bend community has contributed $15 million. They are awaiting Federal funding to begin construction of this flood control project. It would have been very helpful to have an initial $3.3 million to complete plans and specs and start on the first one-half mile.

I believe the Great Bend water project has merit and is in a unique position to receive funding for the reasons stated. There is strong local support without which I would not even bring the Great Bend situation to the attention of my colleagues.

EQUITY APPROACH TO WATER PROJECT FUNDING

It doesn't make sense to the Senator from Kansas that we are currently attempting to fund water projects that have never been authorized. This community is perfectly willing to provide its 35 percent share of the cost of a flood control project to prevent future devastation of the kind that occurred in 1981.

Mr. President, the facts of this situation speak for themselves. There appears to be a lack of equity in the way we are approaching the funding of all navigation and other water projects. I strongly urge that an authorizing policy be implemented so that Congress can take a consistent approach to funding such in the future.

Mr. DANFORTH. Mr. President, I ask that a letter from Mr. David Stockman, Director of the Office of Management and Budget, dated June

20, 1985, be printed in the RECORD at this point.

The letter follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 20, 1985.

Hon. JOHN DANFORTH,
U.S. Senate, Washington, DC.

DEAR JACK: Thank you for the opportunity to comment on the proposed compromise concerning inland navigation user fees. As I understand the proposal, the existing fuel tax used to fund the Inland Waterways Trust Fund would be increased by 10¢ a gallon over ten years, beginning on January 1, 1988. It is my further understanding that the precise form of this increase will be left to the discretion of the jurisdictional committees providing that the amount of revenue which is raised from the inland waterway industry is equivalent to that which would be generated if the tax were imposed in equal installaments over those ten years.

Although the Administration has supported more comprehensive inland waterway user fee legislation in the past, we believe this is a sound and workable compromise which we will endorse and support.

With the adoption of this compromise the Administration will consider that the user fee principle has been affirmed and we will not seek additional inland waterways user fees during the years ahead.

Sincerely,

DAVID A. STOCKMAN.

Mr. DANFORTH. Mr. President, could the majority leader assure me that if we enact the legislation he has outlined, he does not intend to support additional fees or taxes on the inland system during the 10-year period involved?

Mr. DOLE. Yes; I can give the Senator that assurance.

Mr. DANFORTH. Does the Senator from Vermont share that view?

Mr. STAFFORD. Yes; the Senator from Vermont is happy to give that assurance.

Mr. DANFORTH. Can the Senator from South Dakota also give his assurance on this point?

Mr. ABDNOR. I am happy to assure the Senator that he has expressed my views correctly.

Mr. DANFORTH. Can I get a similar assurance from the senior Senator from Oregon?

Mr. HATFIELD. Yes; the Senator has my assurance on this point.

Mr. DANFORTH. Does the junior Senator from Oregon agree?

Mr. PACKWOOD. Yes; I share the view expressed by my colleague.

Mr. DANFORTH. Can the Senator from New Mexico also assure me on this point?

Mr. DOMENICI. Yes; I can provide that assurance.

Mr. DANFORTH. Mr. President, with those assurances and the assurances provided by Mr. Stockman, I can offer my enthusiastic support for the resolution of this dispute. The construction of a replacement for locks and dam 26 has been one of my top priorities in the Senate, and the final barrier to that project now seems to have been overcome.

Mr. President, on another subject, I understand the Senator from South Dakota intends to ask the General Accounting Office to study the corps' allocation of costs and benefits to water projects. I am eager to see such a study performed. Could the Senator provide me with some assurances in this regard?

Mr. ABDNOR. Yes, I can. I intend to make such a request of the General Accounting Office on behalf of the Subcommittee on Water Resources in the very near future.

Mr. DOMENICI. Mr. President, I wish to state my support for this compromise, and to say that I shall do all that I can to see that legislation based on this framework not only passes the Senate, but also becomes the law of the land.

This compromise also provides the guidance on the percentages the Secretary of the Army will use to develop required agreements on the projects included in the supplemental appropriations bill.

I have worked on water resources issues since I first entered the Senate. It has long been my view that we could never go forward on one particular aspect of the Federal water resources development effort until we addressed the issues on a comprehensive basis, a basis that included major reforms in the sharing of costs.

This agreement provides that comprehensive approach. It represents a giant step toward a resolution of these many difficult issues.

I commend my colleagues who are participating in this colloquy for their hard work in reaching this important compromise.

Mr. STAFFORD. Mr. President, I wish to endorse the agreement that has just been described by the distinguished majority leader, Mr. DOLE, and the distinguished chairman of the Committee on Appropriations, Mr. HATFIELD.

I believe this is a historic compromise, an important occasion. This agreement on the outlines of an omnibus water resources bill should enable us to overcome a decade of inaction and pass an omnibus water bill.

While I am not convinced that each and every one of the percentages contained in this compromise is set at the levels I would have selected, I must emphasize that this is a compromise. I will willingly and enthusiastically support these numbers, and I shall do everything that I can to see that they become the law of the land as quickly as possible.

Mr. President, many of our colleagues have given up something in order to reach this compromise. This willingness to compromise will benefit the Nation. It will enable needed water projects to go forward, but to go forward in a way that proves less costly to the Federal taxpayer, while providing the discipline and the guidance of the marketplace.

The provisions we are outlining today will provide the direction we need to give the corps to enable it to work out cost-sharing agreements.

To help my colleagues place this issue in perspective, I ask that a recent article from the Wall Street Journal be printed at the conclusion of my remarks.

Before closing, I want to say a few words of commendation regarding several Members of the Senate who have worked so very hard and constructively on this issue.

First, let me commend my colleague on the Committee on Environment and Public Works, Mr. ABDNOR. Without JIM ABDNOR's great leadership and continuing struggle over these issues, we would never have reached this point. He is a leader and a tireless worker in this subject. Each of us is in his debt.

Next, I want to say a particular word of thanks to the chairman of the Committee on Appropriations, Mr. HATFIELD. His intelligence and thoughtful approach has proved vital in developing this compromise.

The Director of the Office of Management and Budget, Mr. David Stockman, has proved a tower of strength in developing this compromise. His commitment through long hours at meetings here on the Hill with Members has been vital to our success.

Even though the chairman of the Committee on the Budget, Mr. DOMENICI, has been devoting most of his time to the Budget Conference, he has taken time to help us work out this compromise.

My good friend, the chairman of the Committee on Rules, Mr. MATHIAS, has been very constructive in helping us work out this proposal. I think I can say without doubt that we would never have seen the Baltimore Harbor deepening project go forward were it not for the tireless work of Senator MATHIAS.

The chairman of the Committee on Finance, Mr. PACKWOOD, has worked hard to help us reach this compromise. The Senator from Virginia [Mr. WARNER], the Senator from Georgia [Mr. MATTINGLY], the distinguished President pro tempore [Mr. THURMOND], and the Senator from Missouri [Mr. DANFORTH] each participated actively in the discussions and debate that led to the development of this compromise. Each has my personal thanks and commendation.

And, of course, we must all thank the majority leader, Mr. DOLE, who kept us working until we were able to develop this understanding.

I applaud each of our colleagues. I intend to do all that I can to see that

we report and pass a bill based on this compromise before the August recess.

The article from the Wall Street Journal follows:

[From the Wall Street Journal, May 3, 1985]

POWER OF PORK-BARREL POLITICS ON WATER PROJECTS SLIPS AS ENVIRONMENTAL, BUDGET PRESSURES GROW

(By Ellen Hume)

WASHINGTON.—In the game of pork-barrel politics, Santa Margarita should be an easy winner.

This proposed $218 million, twin-dam project near San Diego is in President Reagan's home state and has his support. Attorney General Edwin Meese has written letters on its behalf. Retired Naval Reserve Adm. Robert Garrick, formerly Mr. Meese's top White House aide, has worked as a paid lobbyist for the project and owns property near the affected area.

To top that off, Santa Margarita is being promoted as a defense project. It would provide drinking water to the U.S. Marines at Camp Pendleton, as well as serving the avocado growers and real estate developers of northern San Diego County.

But Santa Margarita's prospects are fading. Federal funds for such undertakings, once the political lifeblood of Congress, have virtually dried up. If the project gets built at all, it probably will be scaled back to about half the original design, supporters say.

The saga of Santa Margarita shows how dramatically pork-barrel power has slipped since Congress's water barons rolled over President Carter in 1977, defying his "hit list" of canceled water projects. The merging of new budget constraints with growing environmental pressures has changed the politics of pushing for the multimillion dollar projects of yesterday.

POWERS DILUTED

The change is spurred by a formidable new alliance: The environmental lobby which was at war with the Reagan administration just a few years ago, has begun working closely with David Stockman, the president's chief budget cutter. Their cause is aided by new evidence of long-suspected environmental problems such as the polluted federal irrigation runoff fouling the Kesterson wildlife refuge in California's San Joaquin Valley. They are also using economics more effectively to challenge the costs and benefits of such projects as the O'Neill dam in Nebraska.

Meanwhile, not only are the great water czars gone from Congress, but their old powers have been diluted by committee rule changes. Now skeptics like Democratic Reps. George Miller of California and Robert Edgar of Pennsylvania are boosting their careers by fighting public works boondoggles.

"When I got here, in order to prove your manhood, you had to get a water project authorized and appropriated. You had to vote for bad projects in order to get good projects in," recalls Rep. Edgar, who is serving his sixth term.

"It's the end of the fat cat era, when it was just a question of a member calling his friend on the right committee and getting this project put in," says Robert Will, a water lobbyist who is fighting for the Santa Margarita project. "We're being put on the spot to do a lot better job in justifying any project today."

"The pork-barrel politicians have developed some wily tactics for getting around the new watchdogs. But even if they succeed, the projects don't have the political reward of past years—as former California Rep. Don Clausen's reelection battle of a few years ago showed.

Under pressure to prove he could deliver federal largesse to this Eureka district, the Republican congressman developed a plan to aid 100 homes threatened by coastline ocean erosion. He figured that if the house were endangered, the road would be too. So he called the aid a "highway" project and persuaded Congress to bankroll it with the self-generating federal Highway Trust Fund.

In the end, about $9 million was spent to save "at the most, about $1.5 million worth of tacky trailer homes," asserts Democratic Rep. Doug Bosco, who defeated Rep. Clausen in 1982 despite his public works prowess. "It would have been better," Mr. Bosco says, "just to give everybody over there $30,000 each and tell them to get out of town."

APPROPRIATIONS DECLINE

Even Rep. Thomas Bevill, who runs the House Appropriations subcommittee on energy and water development, was nearly left high and dry on his lifelong dream project—the $2 billion Tennessee-Tombigbee barge canal to connect the Tennessee River with the port of Mobile, Ala.

When the Alabama Democrat knew he couldn't win the 1984 appropriations bill vote for the last $212 million needed to finish the project, he simply omitted Ten-Tom as a line item in the bill, avoiding a showdown vote. Then he inserted language in the committee report directing the U.S. Army Corps of Engineers to complete the project "within funds available." There were just enough "available" funds included in the bill.

In defense of such tactics, Rep. Bevill says "there hasn't been a time in the history of our country when water projects have been more important." But the growing political mood against public works is apparent in the Corps of Engineers construction appropriations for water projects, which have slid from a peak of more than $1.6 billion in 1980 to an estimate of less than $900 million in fiscal 1985, the lowest total in 10 years.

Some believe private industry will pick up the slack. In Southern California, for example, Parsons Corp. of Pasadena proposes to finance improvements for the Imperial irrigation district, which originally was a federal project. In return, Parsons would receive a share of the proceeds from selling Imperial water to users around the state.

The political tide has turned against costly public works projects, says Rep. Edgar. "The more my colleagues get angry at me" for fighting their projects, he says, "the more votes I'm getting back home."

Mr. WARNER. Mr. President, I commend my distinguished colleagues, the majority leader, Senator HATFIELD, Senator ABDNOR, Senator STAFFORD, Senator PACKWOOD, Senator DOMENICI, and others who have worked so diligently for many years to reach a consensus on water resources legislation.

At long last, it appears we have an agreement which is acceptable to both the administration and the Senate leadership.

Hopefully, it will also be agreeable to the House of Representatives.

Unfortunately, major public works legisiation like that being proposed today has not been approved by the Senate since 1976.

It is long overdue.

Since being a Member of the Senate, one of my top priorities has been the passage of water resources legislation.

Passage of this legislation is absolutely critical to our national interest.

It will allow harbor improvements and other vital water projects to move forward.

A modern harbor system means jobs for unemployed Americans, a more favorable balance of trade, fulfillment of our national security commitments, a stable source of energy for our allies, and a renewal of American competitiveness in international trade.

Mr. President, those of us committed to water resources legislation have come a long way together, but we have a long way to go to get this bill passed and on the President's desk.

The framework outlined today is far from perfect, but I believe it is a workable compromise which deserves consideration by the full Senate.

I urge the leadership of the Senate Environment and Public Works Committee and the Finance Committee to report the authorization for these omnibus water projects as expeditiously as possible so that the bill can be passed by the full Senate prior to the August recess.

I am here to volunteer to roll up my sleeves, and seek every legislative avenue available to see that this bill is finally enacted into law.

Mr. HATFIELD. Mr. President, third reading.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. BYRD. Mr. President, it is my understanding now, after consultation with several Senators, that they do not intend to call up amendments to the coin bill. If that is the case, may I ask the distinguished majority leader whether or not there will be rollcall votes tomorrow and/or Monday?

Mr. DOLE. It is my understanding, and I wish to make the record clear, that we have talked to all the Members with amendments and the only amendment that would be in order would be one perceived by the distinguished chairman, more or less, to be a committee amendment, and one I am advised by Senator GARN was always considered a part of the bill had it not been an H.R. numbered bill.

Beyond that, Senator CRANSTON and I are willing to withhold our amendments. The distinguished Senator from Wisconsin is willing to withhold his amendment and the distinguished

Senator from Massachusetts [Senator KENNEDY], I also understand has no objection to that. So I believe I am prepared to state at this point that if that is the general understanding we have that we will take that bill up tomorrow but there will be no rollcall votes. We will do that tomorrow and anything else we can do by unanimous consent without a rollcall and then on Monday, if we cannot work out some agreement on the gun bill, we could lay that bill down or the imputed interest bill. But I believe I can assure Members there would be no votes on Monday.

Mr. BYRD. I thank the distinguished majority leader.

Mr. CHAFEE. Mr. President, on the silver bill, again, this is the only vehicle that those of us who would like to free up some silver would have, as I understand it. Is that not so?

Mr. DOLE. I hope there are going to be other vehicles because some of us are waiving our rights to offer amendments on this on the theory of good-faith efforts to get us a vehicle. So I believe I could hopefully assure the Senator from Rhode Island that that would be forthcoming.

Mr. CHAFEE. If there is another train coming through, I will wait for it, but I hate to see this one leave.

Mr. DOLE. It is rather urgent that this train pull out.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2577), as amended, was passed.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Senators who wish to talk are asked to leave the Chamber. The Senate is now in order.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent to offer a technical amendment to change the heading on an amendment offered by the Democratic leader [Mr. BYRD] relating to a coal study. That is a mere technical amendment to change the heading of that amendment.

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

Mr. HATFIELD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. TRIBLE] appointed Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. LAXALT, Mr. GARN, Mr. COCHRAN, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. MATTINGLY, Mr. SPECTER, Mr. STENNIS, Mr. BYRD, Mr. PROXMIRE, Mr. INOUYE, Mr. HOLLINGS, Mr. CHILES, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, and Mr. LAUTENBERG.

Mr. HATFIELD. Mr. President, I merely would like to at this time address a few comments of appreciation to the entire body of the Senate for the extraordinary cooperation in putting through a supplemental appropriations bill I think probably in record time and also not only from the standpoint of each Senator who has refrained from offering amendments but to those Senators who have offered important amendments for the concise manner in which they have presented them.

I especially wish to thank my tutor, my colleague, my friend, and one of the greatest men I have ever known outside of my father, the distinguished ranking member of our committee, the Senator from Mississippi [Mr. STENNIS]. He has been one of those Gibraltar-like persons who stood in the breach and done the battle. He has met the issue. He has never in any way ever, to my knowledge, diminished his enthusiasm and his tremendous capacity to be a part of this legislative process and to move matters to conclusion, to reconcile differences, and to add that kind of voice and that kind of counsel at times of great tension and to help move these matters through. I am always in his debt. I just wanted to take this moment to comment on him for his fine cooperation.

The Senator from Louisiana, again, preceded me as the subcommittee chairman of our Energy and Water Resources Subcommittee, as has the Senator from Mississippi preceded him, and has never been other than the finest colleague in every sense of the word in cooperating to put not only that subcommittee together, but to help in the managing of this bill here in these last 2 days.

To my colleagues on both sides of the aisle, I just am very grateful for their fine support and cooperation.

Mr. President, of course, all of this could not have been accomplished without extraordinary staff work, the staffs on both sides of the aisle and in all of our subcommittees. I will not go into the detail of the matter now, but I think we have accomplished an historic achievement in this bill which will be laid before the Senate in the form of a colloquy tomorrow as it relates to resolving a logjam of some 15 years now with matters having to do with the authorization of construction of water projects and we have reached an agreement with the administration on cost sharing. I would say that 90 percent of that is due to, again, the extraordinary staff work of people working around the clock, practically, to achieve that agreement.

So I wish to take this moment to express my deep appreciation to particularly the staff director, Mr. Kennedy, and Proctor Jones, who is probably one of the senior members of the staff of our Appropriations Committee. I, frankly, think that Proctor and I could do a water project alone, maybe my offering it but him doing the staff work.

And I also express my appreciation to Frank Sullivan, who has certainly been at Senator STENNIS' right hand as the director of the minority staff. I am grateful for all staff members and their outstanding performance.

Mr. BYRD. Mr. President, I associate myself with the remarks made by the distinguished chairman of the Appropriations Committee, Mr. HATFIELD.

I certainly share his warm sentiments with respect to the distinguished Senator from Mississippi [Mr. STENNIS] who is the ranking member on the Appropriations Committee, who is punctilious and courteous to a fault and exceedingly accommodating and understanding always with respect to the needs of other Members of the Senate.

I also compliment Mr. HATFIELD, the distinguished chairman who managed the bill so skillfully here throughout the day and yesterday. It was a difficult bill and he has demonstrated the kind of knowledge and wisdom and professionalism and skill that we should all desire to emulate.

I say the same thing with respect to the ranking member, Mr. JOHNSTON. I know of no Member of this body who is brighter and who is more understanding and cooperative with respect to the desires of his colleagues than is Mr. JOHNSTON.

Mr. President, to all, a job well done.

Mr. DOLE. Mr. President, let me thank the distinguished chairman of the Appropriations Committee and the ranking member, the distinguished former chairman and Senator from Mississippi, Senator STENNIS, for their outstanding work. I think it is important to point out that on the bill of this magnitude there were only four rollcall votes. I think that is a record.

There were 62 amendments considered; 50 were agreed to; 3 were rejected; 2 were tabled; 6 were withdrawn; and 1 was not acted upon—about 16 hours and a couple of days.

I think the remarkable thing is we were able to—under the leadership of the managers of the bill, including the distinguished Senator from Louisiana, Senator JOHNSTON—work most of them out. I want to commend my colleagues. It saves a lot of time, though.

Not many thought we could dispose of the supplemental appropriations bill in less than 3 or 4 days. It has really been accomplished in about a day and a half because there was much time late this evening consumed trying to work out some of the problems.

So, I commend the distinguished chairman. It is my hope that we can have a conference report before the July 4 recess. It is also my hope that the recess may start on Thursday rather than Friday, if that is some consolation to the conferees.

I thank my colleagues. We will, as I understand it, complete the colloquy portion tomorrow.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the Executive Calendar; Calendar No. 252, Lt. Gen. John T. Chain, Jr.; and Calendar No. 253, nominations under the Coast Guard.

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

AIR FORCE

The assistant legislative clerk read the nomination of Lt. Gen. John T. Chain, Jr., to be general, U.S. Air Force.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to the nomination.

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

COAST GUARD

Mr. DOLE. Mr. President, can we turn to Calendar No. 253, nominations under the Coast Guard.

The PRESIDING OFFICER. The nominations will be stated.

The assistant legislative clerk read the nominations of Edwin H. Daniels, Clyde T. Lusk, Jr., James C. Irwin, and Bobby F. Hollingsworth for appointment to the grade of rear admiral.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

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

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

THIRD ANNIVERSARY OF INTELLIGENCE IDENTITIES PROTECTION ACT

Mr. CHAFEE. Mr. President, June 23 marks the third anniversary of an extremely significant piece of legislation, the Intelligence Identities Protection Act of 1982. Looking back now, Mr. President, it is hard to believe that there ever was any controversy surrounding this legislation. Preventing the unauthorized disclosure of the identities of undercover U.S. intelligence officers and the people who cooperate with them in supplying information needed by the United States was, however, a matter of intense debate for over 2 years.

In the late 1970's, Mr. President, it had become fashionable to contend that the intelligence agencies of the United States posed a greater threat to the civil liberties of Americans than the activities of our adversaries. Incredibly enough, there were individuals who took it upon themselves to ferret out and to publish, under the guise of journalism, the names of undercover U.S. intelligence officers.

Mr. President, I believe that the American people now realize who it is that poses the threat to their way of life. Recent events have underscored the pervasive activities of Soviet intelligence services within our own military establishment, and the American people have been reminded that they are not immune from the scourge of international terrorism.

Today our intelligence services are stronger and better equipped to battle these threats to the American people in part because of the action that we took in 1982 to protect the identities of our undercover officers and agents.

Many Members of this body will recall that opinions were deeply divided on this issue. Most major newspapers were against the identities bill. Opponents in this body produced testimonials from distinguished legal authorities. I recall that one law professor branded the Intelligence Identities Protection Act the "clearest violation of the first amendment attempted by Congress in this era." Well, Mr. President, there is an old adage among lawyers that goes something like this:

If the facts are against you, argue the law; if the law is against you, argue the facts; and if the law and the facts are against you, claim that the law is unconstitutional.

Mr. President, those of us who believed that the Intelligence Identities Protection Act was necessary underwent a heavy barrage of criticism. Believe me, it is not pleasant to be accused on the editorial and op-ed pages of the nation's major newspapers and on the floor of this body of attempting to undermine the first amendment. But, we persevered, and we produced a piece of legislation that has protected the identities of our intelligence personnel without in any way stiffling public debate about U.S. intelligence activities.

In this connection, Mr. President, I am pleased to refer interested parties to the Center for National Security Studies publication "First Principles," which in its May-June 1984 issue carried a lead story entitled "Identities Law Does Not Impair or Impede Press."

Mr. President, I ask unanimous consent that the text of Public Law 97-200 of June 23, 1982, the Intelligence Identities Protection Act, be printed in the RECORD at this point.

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

[Public Law 97-200—June 23, 1982]

INTELLIGENCE IDENTITIES PROTECTION ACT OF 1982

An Act to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources

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 "Intelligence Identities Protection Act of 1982".

SEC. 2. (a)The National Security Act of 1947 is amended by adding at the end thereof the following new title:

"TITLE VI—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

"PROTECTION OF IDENTITIES OF CERTAIN UNITED STATES UNDERCOVER INTELLIGENCE OFFICERS, AGENTS, INFORMANTS, AND SOURCES

"SEC. 601. (a) Whoever, having or having had authorized access to classified information that identifies a covert agent, intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(b) Whoever, as a result of having authorized access to classified information, learns the identity of a covert agent and intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified informa-

tion, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined not more than $25,000 or imprisoned not more than five years, or both.

"(c) Whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined not more than $15,000 or imprisoned not more than three years or both.

"DEFENSES AND EXCEPTIONS

"SEC. 602. (a) It is a defense to a prosecution under section 601 that before the commission of the offense with which the defendant is charged, the United States had publicly acknowledged or revealed the intelligence relationship to the United States of the individual the disclosure of whose intelligence relationship to the United States is the basis for the prosecution.

"(b)(1) Subject to paragraph (2), no person other than a person committing an offense under section 601 shall be subject to prosecution under such section by virtue of section 2 or 4 of title 18, United States Code, or shall be subject to prosecution for conspiracy to commit an offense under such section.

"(2) Paragraph (1) shall not apply (A) in the case of a person who acted in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, or (B) in the case of a person who has authorized access to classified information.

"(c) It shall not be an offense under section 601 to transmit information described in such section directly to the Select Committee on Intelligence of the Senate or to the Permanent Select Committee on Intelligence of the House of Representatives.

"(d) It shall not be an offense under section 601 for an individual to disclose information that solely identifies himself as a covert agent.

"REPORT

"SEC. 603. (a) The President, after receiving information from the Director of Central Intelligence, shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on measures to protect the identities of covert agents, and on any other matter relevant to the protection of the identities of covert agents.

"(b) The report described in subsection (a) shall be exempt from any requirement for publication or disclosure. The first such report shall be submitted no later than February 1, 1983.

"EXTRATERRITORIAL JURISDICTION

"SEC. 604. There is jurisdiction over an offense under section 601 committed outside the United States if the individual committing the offense is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act).

"PROVIDING INFORMATION TO CONGRESS

"SEC. 605. Nothing in this title may be construed as authority to withhold information from the Congress or from a committee of either House of Congress.

"DEFINITIONS

"SEC. 606. For the purposes of this title:

"(1) The term 'classified information' means information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or Executive order (or a regulation or order issued pursuant to a statute or Executive order), as requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

"(2) The term 'authorized', when used with respect to access to classified information means having authority, right, or permission pursuant to the provisions of a statute, Executive order, directive of the head of any department or agency engaged in foreign intelligence or counterintelligence activities, order of any United States court, or provisions of any Rule of the House of Representatives or resolution of the Senate which assigns responsibility within the respective House of Congress for the oversight of intelligence activities.

"(3) The term 'disclosure' means to communicate, provide, impart, transmit, transfer, convey, publish, or otherwise make available.

"(4) The term 'covert agent' means—

"(A) an officer or employee of an intelligence agency or a member of the Armed Forces assigned to duty with an intelligence agency—

"(i) whose identity as such an officer, employee, or member is classified information, and

"(ii) who is serving outside the United States or has within the last five years served outside the United States; or

"(B) a United States citizen whose intelligence relationship to the United States is classified information, and

"(i) who resides and acts outside the United States as an agent of, or informant or source of operational assistance to, an intelligence agency, or

"(ii) who is at the time of the disclosure acting as an agent of, or informant to, the foreign counterintelligence or foreign counterterrorism components of the Federal Bureau of Investigation; or

"(C) an individual, other than a United States citizen, whose past or present intelligence relationship to the United States is classified information and who is a present or former agent of, or a present or former informant or source of operational assistance to, an intelligence agency.

"(5) The term 'intelligence agency' means the Central Intelligence Agency, a foreign intelligence component of the Department of Defense, or the foreign counterintelligence or foreign counterterrorism components of the Federal Bureau of Investigation.

"(6) The term 'informant' means any individual who furnishes information to an intelligence agency in the course of a confidential relationship protecting the identity of such individual from public disclosure.

"(7) The terms 'officer' and 'employee' have the meanings given such terms by section 2104 and 2105, respectively, of title 5, United States Code.

"(8) The term 'Armed Forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

"(9) The term 'United States', when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.

"(10) The term 'pattern of activities' requires a series of acts with a common purpose or objective.".

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following.

"TITLE VI—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

"Sec. 601. Protection of identities of certain United States undercover intelligence officers, agents, information, and sources.
"Sec. 602. Defenses and exceptions.
"Sec. 603. Report.
"Sec. 604. Extraterritorial jurisdiction.
"Sec. 605. Providing information to Congress.
"Sec. 606. Definitions.".

Approved June 23, 1982.

Mr. CHAFEE. Mr. President, the clearest demonstration of the success of this legislation is the fact that there have been no prosecutions brought under its provisions. The ultimate goal of any criminal statute is to eliminate the conduct that the statute is designed to proscribe, and by this measure the Intelligence Indentities Protection Act has been extraordinarily effective.

The Senate recently passed Senate Joint Resolution 138, designating the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week." In this resolution the Senate took note of "the dedication of the men and women of the intelligence community to the service of their country in difficult and dangerous circumstances abroad." For me, Mr. President, that dedication always will be symbolized by Richard Welch, who gave his life for his country nearly 10 years ago, and whose untimely death was a major impetus in passage of the Intelligence Identities Protection Act.

Dick Welch was our CIA station chief in Athens, Greece. He was shot by still unknown terrorist assailants in front of his home in December 1975, within a month of having been publicly identified as a CIA officer in an Athens newspaper which had used as its source a U.S. magazine which was then regularly publishing lists of undercover intelligence personnel.

Dick Welch grew up in Providence, RI. He was an honor student at Classical High School and a member of the track team. Dick later went on to Harvard, where he graduated magna cum laude, with a degree in Greek and classical languages. He was a man who still is remembered with profound respect and affection by all of those who were privileged to know and work with him. In March of 1982 a Richard S. Welch Memorial Fund was established at Harvard University to promote study of the role of intelligence in the

formulation and implementation of U.S. policy, and to enhance academic and public understanding of intelligence through reasoned discussion and argument.

Mr. President, it gives me great pleasure to report that the Welch Memorial Fund has sponsored a highly successful colloquium on intelligence and covert action, which was held in Washington in March of this year, and which will be presented again at Harvard University in the fall. In addition, there currently are two Richard S. Welch fellows at Harvard University's Center for International Affairs.

Mr. President, the world is an increasingly dangerous place. The men and women of our intelligence services are on the front lines in a never ending battle against the enemies of freedom. Our intelligence officers need our understanding and support, and the Intelligence Identities Protection Act continues to serve as a viable and effective demonstration that the American people stand behind their intelligence officers in the field.

APPOINTMENTS ON BEHALF OF THE PRESIDENT PRO TEMPORE

(The following occurred earlier:)

The PRESIDING OFFICER (Mr. HECHT). The Chair, on behalf of the President pro tempore of the Senate, pursuant to Public Law 98-473 appoints the Senator from Wisconsin [Mr. KASTEN] and the Senator from Arizona [Mr. DECONCINI] as members of the Commission on the Ukraine Famine.

ROUTINE MORNING BUSINESS

(During the day routine morning business was transacted and additional statements were submitted as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority for 1985 totaling $278,500,000 and two revised deferrals now totaling $8,792,615. The deferrals affect programs in the Departments of Agriculture and Energy, the Agency for International Development, and the United States Information Agency.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *June 20, 1985.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:14 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 14. An act to designate the Federal Building and United States Courthouse in Ashland, Kentucky as the "Carl D. Perkins Federal Building and United States Courthouse".

The enrolled bill was subsequently signed by the President pro tempore [Mr. THURMOND].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 487. A bill to recognize the organization known as The Statue of Liberty-Ellis Island Foundation, Inc. (Rept. No. 99-88).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 159. Joint resolution commemorating the 75th Anniversary of the Boy Scouts of America.

S.J. Res. 111. Joint resolution to designate the month of October 1985 as "National Spina Bifida Month".

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title:

S.J. Res. 122. Joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Robert C. Broomfield, of Arizona, to be United States District Judge for the District of Arizona;

Donald W. Walter, of Arizona, to be United States District Judge for the Western District of Louisiana;

Claude M. Hilton, of Virginia, to be United States District Judge for the Eastern District of Virginia;

Wayne E. Alley, of Oklahoma, to be United States District Judge for the Western District of Oklahoma;

James D. Todd, of Tennessee, to be United States District Judge for the Western District of Tennessee; and

Larry James Stubbs, of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

By Mr. GOLDWATER, from the Committee on Armed Services:

Mr. GOLDWATER. Mr. President from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of June 12 and June 13, 1985, at the end of the Senate proceedings.)

SENATE ARMED SERVICES COMMITTEE: ROUTINE MILITARY NOMINATIONS

JUNE 20, 1985

**1. In the Air Force Reserve there are 32 promotions to the grade of lieutenant colonel (list begins with Robert L. Baldwin). (Ref. #361)

**2. In the Navy there is 1 promotion to the grade of captain (John O. Creighton). (Ref. #362)

**3. In the Navy there are 1,277 promotions to the permanent grade of lieutenant commander (list begins with Robert David Abel). (Ref. #A363)

*4. Lt. Gen. Max B. Bralliar, U.S. Air Force, to be placed on the retired list. (Ref. #367)

**5. In the Air Force there are 5 appointments to the grade of second lieutenant (list begins with Gordon P. Mangente). (Ref. #370)

Total 1,316.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1330. A bill to amend section 504 of the Alaska National Interest Lands Conservation Act to allow expanded mineral exploration of the Admiralty Island National Monument in Alaska; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL:

S. 1331. A bill to amend the headnotes of Schedule 3 of the Tariff Schedules of the United States and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 1332. A bill for the relief of Ms. Shon Ning Lee; to the Committee on the Judiciary.

S. 1333. A bill for the relief of Mr. Faalili Afele, Mrs. Liugalua Afele, and Ms. Siliolo Afele; to the Committee on the Judiciary.

S. 1334. A bill for the relief of Marlene Sabina Lajola; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. D'AMATO, Mr. ROTH, Mr. DENTON, and Mrs. HAWKINS) (by request):

S. 1335. A bill entitled the "Money Laundering and Related Crimes Act of 1985"; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. CRANSTON, Mr. LEVIN, Mr. COCHRAN, Mr. SPECTER, Mr. PRESSLER, and Mr. EXON):

S. 1336. A bill to amend the Arts and Artifacts Indemnity Act to facilitate the indemnification of works of art by Americans exhibited outside the United States; to the Committee on Labor and Human Resources.

By Mr. GORE:

S. 1337. A bill to direct the Administrator of Veterans' Affairs to establish a national cemetery in Knoxville, TN; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

S. 1338. A bill to amend title VIII of the Higher Education Act of 1965, to strengthen cooperative education programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DIXON:

S.J. Res. 149. Joint resolution to designate the week of September 15, 1985, through September 21, 1985, as "National Dental Hygiene Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DECONCINI:

S. Con. Res. 52. Concurrent resolution expressing the sense of Congress regarding additional assistance for Jordan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1330. A bill to amend section 504 of the Alaska National Interest Lands Conservation Act to allow expended mineral exploration of the Admiralty Island National Monument in Alaska; to the Committee on Energy and Natural Resources.

EXPANDED MINERAL EXPLORATION OF ADMIRALTY ISLAND NATIONAL MONUMENT

● Mr. MURKOWSKI. Mr. President, today I am introducing legislation which will amend the Alaska National Interest Lands Conservation Act of 1985. The passage of the Alaska Lands Act was one of the major land allocation and land use legislative decisions made by the Congress in this century. It was hailed as one of the greatest conservation measures in the history of the country. The passage of that act more than doubled the total acreage of the National Park System and National Wildlife Refuge System and more than tripled the acreage in the National Wilderness Preservation System.

Congress also recognized the vast mineral wealth in Alaska in the act. Numerous compromises were made during consideration of the act which were intended to permit the exploration and development of seven mineral deposits in Alaska determined by the Stanford Research Institute to be of world-class status. My legislation will carry out the intent of those compromises by modifying portions of the act which prevent full exploration of one of those seven mines. Specifically, this amendment will extend the time period and expand the geographical area in which exploration activities can be carried out.

The mine to which this amendment is directed is the Greens Creek deposit located in the northwestern portion of Admiralty Island in the Tongass National Forest. It is a deposit of associated minerals of silver, lead, zinc, and gold which was first identified in 1973. This is a world-class mineral deposit. Recoverable reserves are estimated to be 3,084,174 tons of very high grade ore. The ore has been assayed at 0.36 percent copper per ton 2.74 percent lead per ton, 7.89 percent zinc per ton, and contains 11.7 ounces of silver and 0.104 ounces of gold per ton. From 1974 through 1978 numerous claims were staked in the area and subsequent exploration has found several of the claims to be valid under the mining laws of the United States. Exploration of the remaining claims continues.

As those who were Members in this body of the 95th and 96th Congress will recall, one of the major areas of contention during the Alaska lands debate was Admiralty Island. Most of the controversy centered around the harvesting of timber from the island. During the final negotiations in the 96th Congress which led to the legislative version which became public law, a specific compromise on timber management and wilderness was reached. That compromise provided for the designation of most of Admiralty Island as a national monument and wilderness, accompanied by a specific mechanism to guarantee Forest Service appropriations necessary to prepare timber harvest on Federal lands and to insure that adequate timber could be made available for harvest on those lands in the National Forest which were not designated as wilderness.

That compromise also attempted to deal with the exploration and development of the Greens Creek deposit, which fell within the National Monument. Because the claims had been located prior to passage of the Alaska Lands Act, it was necessary to fashion a program which would permit full development of the deposit within the confines of the monument. It was decided that an existing mineral exploration regime developed for a different deposit, the Quartz Hill deposit located within the proposed Misty Fjords National Monument near Ketchikan, AK, would be applied to the Greens Creek deposit. No hearings or other inquiries were made to determine whether this provision was adequate for full exploration of the Greens Creek deposit. Frankly Mr. President, this decision was made rapidly at the end of the Congress and was one of many issues which was not fully studied prior to passage of the final legislation.

Nevertheless, the regime which was developed for exploration of the Quartz Hill deposit was applied to the Greens Creek deposit. Herein lies the problem. That regime was well suited to an open pit deposit such as that at Quartz Hill. It provided for a short-term exploration period in which all of the mineral deposit could be fully delineated. Unfortunately, the Greens Creek deposit is of a different nature. It is a lode style deposit which can best be described as resembling a snake or meandering river. By that I mean the deposit follows no specific path and twists and winds throughout the area of its general location including, in some cases, folding over itself and twisting itself almost into knots. The appropriate method for delineating this deposit is to explore it during the life of the mine's development. Rather than attempt to bifurcate the exploration process from the development process, it is more appropriate to follow the deposit during the mine's development and keep an adequate amount of mineralization, approximately 2 to 3 years worth, in front of you as exploration and reserves, while you develop and further explore the deposit. In this manner it is possible to accurately establish that there is adequate mineralization to warrant further mining.

This information on the physical structure of the deposit was not available during the 95th and 96th Congress when the fate of the Greens Creek deposit was being discussed. Much of this information has been made clear during the exploration which has occurred since the passage of the Alaska Lands Act. Four separate seasons of surface drilling have shown that surface drilling is simply not an adequate or appropriate manner for exploring the deposit. Surface drilling, which includes unnecessary surface disturbance, timber cutting, and establishment of drill pads, has been successful in identifying

major areas of mineralization but not in fully delineating the mineral deposit. It is clear now that the only way to properly explore this mine is to permit a longer time period for exploration and to permit those existing claims with identified mineral potential to be fully explored.

In addition to being consistent with congressional intent to permit full development of this deposit, my legislation will also promote the area as a national monument. Exploration and development of the mine will be almost entirely underground; therefore minimizing to a large extent the surface disturbances usually associated with large scale mining. The present owners of the valid existing claims on the deposit would be required to forgo any opportunity to acquire a patent to the surface of the claims which will eliminate the inholdings in the monument in this area. Finally, no new claims would be staked nor would any area which has not been previously identified as having mineralization be available for exploration. In fact, there are certain areas which have been shown not to be of mineral value which are subject to location and existing claims. This legislation would foreclose further exploration in those areas. Exploration would only be permitted on certain existing claims which had been located prior to the creation of the Admiralty Island National Monument.

Mr. President, it is my firm belief that a commitment was made to permit the full development of this mineral deposit. Development of identified mineral resources was one of the major concessions made to the State of Alaska during the consideration of the Alaska lands bill. Specific areas were identified as having mineral potential and their eventual full development was agreed upon. Greens Creek was one of these areas. It was not the intent of Congress, in borrowing the Quartz Hill regime, to limit development of this deposit to less than one-half of the available recoverable minerals. This legislation simply redeems the promise of the Alaska Lands Act by permitting full exploration and delineation of the Greens Creek deposit.

Mr. President, I urge my colleagues, particularly those on the Senate Energy Committee, to give this bill a fair and rapid hearing. It is a worthy piece of legislation that deserves this body's support.●

By Mr THURMOND (for himself, Mr. D'AMATO, Mr. ROTH, Mr. DENTON, and Mrs. HAWKINS) (by request):

S. 1335. A bill entitled the "Money Laundering and Related Crimes Act of 1985"; to the Committee on the Judiciary.

MONEY LAUNDERING AND RELATED CRIMES ACT

Mr. THURMOND. Mr. President, I am introducing at the request of the administration—the Money Laundering and Related Crimes Act of 1985—to provide stiff civil and criminal penalties for individuals and institutions that engage in laundering money from illegal enterprises.

The proposed legislation would prohibit individuals and institutions from conducting transactions involving the movement of money generated by, or derived from, the commission of crimes. The President's Commission on Organized Crime has identified this problem as one of the biggest challenges facing law enforcement today. It has been estimated that billions of dollars each year are being laundered through the financial institutions of this Nation.

A wide variety of organized criminal groups, ranging from drug trafficking rings to the more traditional organized crime racketeers, could not reap the profits of their unlawful activity without the means to camouflage their proceeds to appear as though they came from legitimate sources and business investments. This bill would severely restrict the ability of criminal groups to disguise and profit from illegal gains.

The proposed bill would create, for the first time, a Federal offense based on the commerce clause that would directly prohibit the laundering of money. The bill includes numerous substantive revisions to the criminal code, and amendments to the Bank Secrecy Act, the Right to Financial Privacy Act, and the Federal Rules of Criminal Procedure. These changes would provide significant assistance to law enforcement officials in obtaining information that exposes money laundering activities. It is my hope that we will be able to act upon this important and noncontroversial bill as expeditiously as possible. Attorney General Edwin Meese is to be commended for developing this comprehensive package designed to remedy a dramatic national problem.

● Mr. D'AMATO. Mr. President, I am pleased to join the distinguished chairman of the Senate Judiciary Committee, Senator THURMOND, in introducing the Money Laundering and Related Crimes Act. In preparing this bill, the Justice and Treasury Departments recognized that drug traffickers and organized crime cannot operate successfully if they cannot make their illegitimate earnings look legitimate.

As the sponsor of S. 571 and S. 572, legislation that has much in common with the Money Laundering and Related Crimes Act, I welcome the direct and active involvement of the administration in our effort to develop and pass this much-needed legislation. I also want to take this opportunity to praise the work of Judge Irving Kaufman and the President's Commission on Organized Crime, whose comprehensive proposals, set forth in the Commission's October 1984 report, form the basis for this bill.

The central points of the Money Laundering and Related Crimes Act are that it makes money laundering for criminal purposes a crime; raises fines to the full amount of the money laundered; and gives the Treasury Department power to subpoena testimony and bank records to enforce the Bank Secrecy Act.

The need for stronger laws against money laundering has been demonstrated repeatedly in a long list of cases, starting with Operation Greenback in Miami and Operation El Dorado in New York, and continuing with the Bank of Boston's guilty plea on February 7 of this year. It is my belief that the Bank of Boston case will be followed by others until we enact legislation such as that being introduced today.

This belief is based on extensive testimony presented at a Senate Banking Committee hearing I held in New York City on January 28, and at an April 3 hearing of the Permanent Subcommittee on Investigations, which was called by Senators ROTH and RUDMAN to investigate the Bank of Boston's failure to report $1.2 billion in violation of the Bank Secrecy Act. At these hearings, it was repeatedly stated by Government witnesses, professional money launderers, and by the Bank of Boston chairman, that evasion of the Bank Secrecy Act would be greatly curtailed if the provisions contained in S. 571, S. 572, and the bill we introduce today, were law.

The Money Laundering and Related Crimes Act corrects the most egregious weaknesses in the laws now available to combat money laundering. Present law merely requires the money launderer to file reports when he deposits or withdraws more than $10,000 to a time, or moves that amount in or out of the country.

As the Bank of Boston case makes clear, however, this approach, which attempts to combat money laundering indirectly through a little-understood reporting system, is wholly inadequate. The bill we introduce today attacks the problem directly by making it a crime to launder money to promote unlawful activity. It also makes it a crime to launder money derived from unlawful activity.

If we are serious about money laundering, we should say so in terms that all bank and financial institution employees, from tellers to presidents, can understand. Put simply, we should make money laundering a crime.

The words of one retired Bank of Boston employee illustrate the limitations of a system limited to the filling out of forms:

> If you had to stop and bang out a report for every single transaction, you'd never get anything done.

The new crime is punishable by a fine of up to the greater of $25,000 or twice the value of the money laundered, imprisonment for up to 20 years, or both. There is a civil penalty up to the amount laundered, or $10,000, whichever is greater. This bill also provides for the criminal and civil forfeiture of laundered funds, property acquired with laundered money, and substitute assets.

The Money Laundering and Related Crimes Act recognizes that those who launder illicit drug money are as responsible for the epidemic of drug abuse and drug-related crime as are those who distribute narcotics. The crime of money laundering, therefore, is made a predicate offense for purposes of the Racketeer Influenced and Corrupt Organizations [RICO] statute, and an offense for which a title III wiretap may be employed.

This bill's second major contribution to an effective war on crime is the power it gives the Treasury Department to subpoena testimony and records in its investigations of money laundering cases. When this provision is enacted, we will avoid the absurd situation that now exists, and that was such an enormous problem during the Bank of Boston case. The agency with primary responsibility for civil enforcement of the Bank Secrecy Act, the Treasury Department, lacks the tools to carry out its responsibility in a truly effective manner.

Giving the Treasury Department a subpoena power would change that by giving the Department the ability to review systematically all evidence of noncompliance with the Bank Secrecy Act. The Department would not have to rely on the bank regulatory agencies, such as the Comptroller of the Currency, whose interest in Bank Secrecy Act compliance is lukewarm at best.

The Money Laundering and Related Crimes Act also provides for increased penalties for violations of the Bank Secrecy Act's reporting rules. The maximum civil penalty for willful violations is increased to the greater of $25,000, or the amount of the transaction itself, up to $1 million. For the first time, negligent violations will also be subject to penalty. Criminal penalties for Bank Secrecy Act violations also, would be increased. When these violations occur in conjunction with violations of other laws, the maximum prison term available is raised from 5 years to 10 years.

Another major weakness in our defenses against organized crime is created by the rules that now hinder cooperation between banks and law enforcement officials, alert criminals that they are under investigation, and enable them to withdraw their money and place their assets beyond the reach of the law.

The bill we introduce today proposes several changes to correct this situation. It amends the Right To Financial Privacy Act to permit a financial institution to provide records to law enforcement agencies without notice to customers when it has reason to believe that those records are relevant to the commission of a crime. It also permits a financial institution to alert a law enforcement agency that it has information relevant to a possible violation of law. The financial institution would have a defense to a civil suit under the Right To Financial Privacy Act if it provides such records or information in the good faith belief that they are relevant to a possible violation of law.

Mr. President, I look forward to hearings on this legislation, and to working with my colleagues in the Congress on improving our ability to combat the laundering of money obtained through drug dealing and other illegal activities. I urge my colleagues to support this effort to pass strong legislation to combat illegal money laundering, and thereby create the necessary tools to break the financial empires of those who operate the drug distribution and other organized crime networks.●

By Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. CRANSTON, Mr. LEVIN, Mr. COCHRAN, Mr. SPECTER, Mr. PRESSLER, and Mr. EXON):

S. 1336. A bill to amend the Arts and Artifacts Indemnity Act to facilitate the indemnification of works of art by Americans exhibited outside the United States; to the Committee on Labor and Human Resources.

ARTS AND ARTIFACTS INDEMNITY ACT AMENDMENTS

● Mr. METZENBAUM. Mr. President, today I am introducing a measure which, if enacted, will end the unfair and unnecessary discrimination toward American artists under the Arts and Artifacts Indemnity Act of 1975. This act—on the whole an excellent piece of legislation—contains a provision which I believe is greatly flawed, and actually discourages the international display of works by America's great artists.

Currently, the Federal Government is authorized to insure the value of works of art, rare documents and books, films and photographs, when they are borrowed from abroad and on exhibition here in the United States. However, this same protection is not afforded to American works of art. If these works are to be protected, they must be part of an exchange exhibition organized with another country.

It further restricts American exhibitions by prohibiting indemnification for both halves of the exchange. So in practice, an American exhibit is restricted twice under current law: First, it must be part of an exchange and, second, its exchange partner cannot receive indemnification assistance.

The result of this requirement has been that American works of art, by American artists of every period, have received far less assistance under this program than works of foreign art.

The shows and exhibitions involved here are extremely valuable and quite expensive to insure under ordinary non-Government procedures. When Government indemnification is withheld, the exhibits cannot travel extensively. This means that they may never be accorded international recognition. Without a doubt, this unfair discrimination against American art has severely inhibited its traveling to other nations. This barrier to exchange is harmful to international cultural understanding, and harmful to this country's artists and museums.

There is simply no reason to require American artists and art works to conform to a stricter standard, than the standard applied to, for example, works of Japanese or French art. Most importantly, this restriction is not in keeping with the spirit of international cultural exchange.

Mr. President, our bill—I am happy to name my distinguished colleagues, Senators HEINZ, CRANSTON, LEVIN, COCHRAN, SPECTER, PRESSLER, and EXON as cosponsors—simply deletes the current law requirement that American art be eligible for indemnification only when it is part of a formal exchange program. This would allow American art to be treated equally with the art of any other nation on its own merits, not as a part of a package arrangement. This measure also deletes the prohibition against insuring both halves of an exchange.

I firmly believe that this would be fairer to our artists. It would make certain a deeper understanding of American culture in other nations, and be more in the spirit of promoting international cultural exchanges.

Finally, Mr. President, there is no cost associated with this measure. The Indemnification Program has been operating virtually cost free since its inception, and this modification would not require any authorizations about current law.

I strongly urge my colleagues to join us in support of this measure.●

By Mr. GORE:

S. 1337. A bill to direct the Administrator of Veterans' Affairs to establish a national cemetery in Knoxville, TN; to the Committee on Veterans' Affairs.

NATIONAL CEMETERY IN KNOXVILLE, TN

● Mr. GORE. Mr. President, I am introducing today a bill which will direct the Administrator of Veterans' Affairs to establish a new National Cemetery in Knoxville, TN. The land for this

cemetery to be provided by the State of Tennessee.

The current National Cemetery in Knoxville will be full by the end of the year. This bill will provide a new cemetery for the veterans of east Tennessee at a nominal cost to the Federal Government. The importance of this bill becomes even larger in light of the proposed cuts in veterans' programs. I hope that my colleagues will join me in supporting the bill.●

By Mr. GRASSLEY:

S. 1338. A bill to amend title VIII of the Higher Education Act of 1965, to strengthen cooperative education programs, and for other purposes; to the Committee on Labor and Human Resources.

COOPERATIVE EDUCATION ACT

● Mr. GRASSLEY. Mr. President, today I am introducing legislation to reauthorize and expand the highly successful cooperative education program, which is currently authorized under title VIII of the Higher Education Act. Cooperative education is a cost-effective program whereby college students combine periods of classroom study with periods of off-campus, paid employment in jobs related to their field of study. Through cooperative programs, students gain valuable work experience and earn income to help them offset the costs of attending college, while their wages generate Federal tax dollars. Federal support is limited to grants to institutions to assists them with the heavy burden of administrative costs involved in planning, implementation, and expansion of cooperative education programs, and for grants for research and training activities. Grant moneys may not be used to compensate students.

On a very small scale, cooperative education has been effectively utilized as a meaningful education strategy by higher education institutions since 1906. However, Federal recognition and support for the program began in 1965 with an authorization under title III of the Higher Education Act as part of aid for strengthening developing institutions. The authorization for cooperative education was transferred to title IV in 1968. Through the 1976 amendments, the program gained its current authorization status as a separate title, title VIII of the Higher Education Act.

Although cooperative education has received minimal funding over a 15-year period—$185.9 million total appropriation for fiscal years 1970–85—the program has earned a widespread acceptance by both public and private sector employers. It has also repeatedly demonstrated its value to institutions as a viable academic program, as well as a cost-effective means of student financial assistance. The statistics are convincing. In 1970, 195 institutions of higher education were conducting cooperative education programs. By 1983, the number had increased to 918. The 177,000 students participating in cooperative programs in 1983 earned a total of $1.05 billion in wages, and returned to the Federal Treasury a total of $133 million in Federal income and Social Security taxes. The revenue generated through taxes, compared to the $14.4 million appropriation for cooperative education, yields to the Federal Treasury more than a 900 percent return on investment. Few other Federal programs could boast of such cost-effectiveness.

Yet, despite this proven cost-effectiveness, the administration has recommended zero funding for cooperative education for the past 2 years. Congress has not followed this recommendation, however, and has retained the program at level funding. It is apparent to me that there is a lack of recognition by the administration that cooperative education programs yield substantial benefits to students, educational institutions, employers, and society as a whole.

College students gain exposure to practical workplace application of theory they have learned in the classroom. Through cooperative education experiences, students have the opportunity to explore career alternatives and have direct contact with potential employers. Frequently, students have the opportunity to work with resources and state-of-the art equipment which are often not available in campus classrooms or laboratories. They also earn college credit while receiving pay for their work which helps defray the cost of attending college.

Through cooperative programs, educational institutions enjoy valuable linkage with local business, industry, and Government agencies. This linkage helps colleges maintain relevant and current curricula. Also, because academic credit is awarded to students for work experience, institutions require faculty collaboration with work supervisors to monitor student progress, thus facilitating professional development opportunities for faculty members.

Employers find that participants in cooperative education programs provides them with a cost-effective recruitment tool. They have an opportunity to preview potential employees before they are hired permanently, and to train potential employees while they are still in the formative stages. In addition, employers are able to influence the design and content of college curricula through the program's requirement for communication between the student's work supervisor and college advisor.

Cooperative education programs also benefit society in general. Participation in the program is a reinforcement of the American work ethic. It builds in young people a respect for work and for the value of money earned through work. Young people also gain an understanding and appreciation of the American free enterprise system. Because they are allowed to be part of that system, they recognize a role for themselves as responsible, contributing members of our society. Cooperative education programs also contribute to the Nation's economic development by producing a steady flow of qualified, appropriately skilled workers.

Mr. President, my bill, the Cooperative Education Act of 1985, would extend the authorization for the cooperative education program for 5 years. This measure authorizes funding at $50 million in fiscal year 1986 to a ceiling of $70 million in fiscal year 1990. While retaining the four basic types of grants authorized under current law—administrative, demonstrative, training, and research—my bill expands the training grants to include the establishment of resource centers. These resource centers would be created to furnish technical assistance to institutions, improve materials, train personnel, and encourage the development of model programs which furnish education and training in occupations for which there is a national need. To continue and expand successful existing cooperative education programs, my bill would allow an institution which had exhausted its eligibility for Federal funding under the current 5-year funding limit, to reapply for grant moneys. An institution would be able to reapply if it had maintained the program 2 years at a level equal to the total cost of the program in its fifth year of Federal funding.

Provisions to increase institutional accountability and commitment to cooperative education programs have been added in my legislation. While current law allows a 100-percent Federal share of the costs of the program in the first year of grant funding, my bill requires institutions to make at least a 10-percent institutional commitment the first year. Also, the bill requires institutions applying for second subsequent years of grant funding to analyze their program's effectiveness and provide statistical data on the grant application as to the number of students, employees, and personnel involved in the program, and the incomes of students. By requiring institutions to submit this type of statistical data on their programs, my bill encourages institutions to yearly assess the direction, scope, and effectiveness of their programs.

Mr. President, I urge my colleagues to join me in cosponsoring this legislation which would strengthen an educational program which exemplifies the principle of community partnerships, and provides an exceptional return on investment to the Federal Treasury. I

ask unanimous consent that the bill and section by section analysis be printed in the RECORD.

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

S. 1338

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 "Cooperative Education Act of 1985".

SEC. 2. Title VIII of the Higher Education Act of 1965 is amended to read as follows:

"TITLE VIII—COOPERATIVE EDUCATION

"APPROPRIATIONS AUTHORIZED; RESERVATIONS

"SEC. 801. (a) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated $50,000,000 for fiscal year 1986, $55,000,000 for fiscal year 1987, $60,000,000 for fiscal year 1988, $65,000,000 for fiscal year 1989, and $70,000,000 for fiscal year 1990, to carry out the cooperative education program authorized by this title.

"(b) RESERVATIONS.—Of the amounts appropriated in each fiscal year—

"(1) not less than 75 percent shall be available for carrying out grants to institutions of higher education and combinations of such institutions for cooperative education under section 802;

"(2) not to exceed 13 percent shall be available for demonstration projects under clause (1) of section 803(a);

"(3) not to exceed 10 percent shall be available for training and resource centers under clause (2) of section 803(a); and

"(4) not to exceed 2 percent shall be available for research under clause (3) of section 803(a).

"(c) AVAILABILITY OF APPROPRIATIONS.—Appropriations under this title shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this title.

"GRANTS FOR COOPERATIVE EDUCATION PROGRAMS

"SEC. 802. (a) GRANTS AUTHORIZED; MAXIMUM AMOUNT OF GRANT.—(1) The Secretary is authorized, from the amount available under section 801(b)(1) in each fiscal year and in accordance with the provisions of this title, to make grants to institutions of higher education, or to combinations of such institutions, to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or combinations of institutions.

"(2)(A) Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

"(B) The amount of each grant shall not exceed $500,000 to any one institution of higher education in any fiscal year, and shall not exceed an amount equal to the product of $345,000 times the number of institutions participating in such combination, for any fiscal year.

"(b) APPLICATIONS.—Each institution of higher education, or combination of institutions desiring to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

"(1) set forth the program or activities for which a grant is authorized under this section;

"(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant and the compensation to be paid for such performance;

"(3) provide that the applicant will expend during such fiscal year for the purpose of such program or activities not less than the amount expended for such purpose during the previous fiscal year;

"(4) describe the plans which the applicant will carry out to assure that the applicant will continue the cooperative education program beyond the 5-year period of Federal assistance described in subsection (c)(1);

"(5) provide that the applicant will—

"(A) make such reports as may be essential to insure that the applicant is complying with the provisions of this section, including in the reports for the second and each succeeding fiscal year for which the applicant receives a grant data with respect to the impact of the cooperative education program in the previous fiscal year, including—

"(i) the number of students enrolled in the cooperative education program,

"(ii) the number of employers involved in the program,

"(iii) the income of the students enrolled, and

"(iv) the increase or decrease of enrollment in the program in the second previous year compared to such previous fiscal year; and

"(B) keep such records as are essential to insure that the applicant is complying with the provisions of this title;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) include such other information as is essential to carry out the provisions of this title.

"(c) DURATION OF GRANTS; FEDERAL SHARE.—(1)(A) Except as provided in paragraph (3), no individual institution of higher education, and no individual participant in a combination of such institutions may receive grants under this section for more than 5 fiscal years.

"(B) The limitation contained in subparagraph (A) shall apply to each institution of higher education or participant in a combination of such institutions whether the grant was received before or after the date of enactment of the Cooperative Education Act of 1985.

"(2) The Federal share of a grant under this section may not exceed—

"(A) 90 percent of the cost of carrying out the application in the first year the applicant receives a grant under this section;

"(B) 80 percent of such cost in the second such year;

"(C) 70 percent of such cost in the third such year;

"(D) 60 percent of such cost in the fourth such year; and

"(E) 30 percent of such cost in the fifth such year.

"(3) Any institution of higher education, or participant in a combination of such institutions which—

"(A) has received a grant for 5 fiscal years under this section;

"(B) has conducted without Federal assistance a cooperative education program for at least 2 academic years subsequent to the end of the fifth such fiscal year;

"(C) has expended for the cooperative education program for each such subsequent academic year an amount at least equal to the total cost of the program in the fifth fiscal year in which the institution, or participant, received assistance under this section; and

"(D) provides statistics in the application required under subsection (b) on the number of students enrolled in the cooperative education program, the number of institutional personnel, including faculty advisers and cooperative education coordinators, and the income of the students enrolled, for each such year;

may apply under subsection (b) as an institution, or participant, to which clause (A) of paragraph (2) applies.

"(4) Any provision of law to the contrary notwithstanding, the Secretary shall not waive the provisions of this subsection.

"(d) FACTORS FOR SPECIAL CONSIDERATION OF APPLICATION.—In approving applications under this section, the Secretary shall give special consideration to applications from institutions of higher education for programs which show the greatest promise of success because of—

"(1) the extent to which programs in the academic discipline with respect to which the application is made have had a favorable reception by public and private sector employers,

"(2) the commitment of the institution of higher education to cooperative education has demonstrated by the plans which such institution has made to continue the program after the termination of Federal financial assistance,

"(3) the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit, and

"(4) such other factors as are consistent with the purposes of this section.

"DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH

"SEC. 803. (a) AUTHORIZATION.—The Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts for—

"(1) the conduct of demonstration projects designed to demonstrate or determine the feasibility or value of innovative methods of cooperative education, from the amounts available in each fiscal year under section 801(b)(2);

"(2) the conduct of training and resource centers designed to—

"(A) train personnel in the field of cooperative education;

"(B) improve materials used in cooperative education programs;

"(C) furnish technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance; and

"(D) encourage model cooperative education programs which furnish education and training in occupations in which there is a national need, from the amounts available in each fiscal year under section 801(b)(3); and

"(3) the conduct of research relating to cooperative education, from the amounts available in each fiscal year under section 801(b)(4).

"(b) ADMINISTRATIVE PROVISION.—To carry out this section, the Secretary may—

"(1) make grants to or contracts with institutions of higher education, or combinations of such institutions, and

"(2) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will make an especially significant contribution to attaining the objectives of this section.".

SECTION-BY-SECTION ANALYSIS OF THE COOPERATIVE EDUCATION ACT OF 1985

SECTION 1

Provides the short title to the bill, the "Cooperative Education Act of 1985."

SECTION 2

Rewrite title VIII, Cooperative Education, of the Higher Education Act of 1965. The following sections are sections of the title as it would be amended by the bill.

SECTION 801

States the authorizations of appropriations for the title. Reserves a minimum of 75 percent of appropriations for grants to institutions. Limits funding for demonstration projects to 13 percent of appropriations; training and resource centers, 10 percent; and research, 2 percent.

Authorizes to be appropriated $50 million for FY 1986, $55 million for FY 1987, $60 million for FY 1988, $65 million for FY 1989, and $70 million for FY 1990. Under current law, a total of $35 million is authorized for FY 1985, and $14.4 million is the current appropriation.

SECTION 802

Authorizes the Secretary to make grants to institutions of higher education. Describes the application process for institutions desiring to receive grants. Requires such applications to: (1) describe the program or activities; (2) specify the portion of the program or activity to be performed by a nonprofit entity other than the applicant; (3) assure the applicant will spend for any fiscal year at least as much as in the preceding fiscal year; (4) describe plans for the applicant to continue the program beyond the final year of Federal assistance; (5) assure the applicant will make annual program compliance reports; (6) provide for necessary fiscal control and fund accounting procedures; and (7) provide other information essential to these grants. Limits the size of grants to $500,000 per institution, or $350,000 per institution when participating with other institutions receiving a single grant. Limits the duration of grants to an institution to no more than 5 years. Limits the Federal share to 90 percent in the first year of a grant to an institution, and decreasing amounts in the following 4 years. Allows any institution, or participant in a combination of institutions, to apply for program grants if: (1) at least 2 years have elapsed since the end of the 5-year period of previous Federal support; (2) cooperative education programs have been supported from non-Federal sources at an expenditure level each year of at least as much as in the fifth year of previous Federal assistance; and (3) statistics are provided for each intervening year on the number of students served, the number of personnel involved, and the income of the participating students. Requires the Secretary to give special consideration to applications from institutions with the greatest promise of success because of: (1) the extent to which the programs have had a favorable reception by employers; (2) the commitment of the institution to the continuation of programs after the termination of Federal support; (3) the commitment of the institution to extending cooperative education programs throughout the institution; and (4) other factors consistent with the purposes of this section.

SECTION 803

Authorizes the Secretary to make grants and enter into contracts with institutions of higher education, or combinations of such institutions, and other agencies or organizations that might make an especially significant contribution toward the objectives of this section, for the conduct of demonstration projects; training and resource centers designed to train personnel, improve materials, furnish technical assistance, and encourage model programs; and research relating to cooperative education.●

By Mr. DIXON:

S.J. Res. 149. Joint resolution to designate the week of September 15, 1985 through September 21, 1985, as "National Dental Hygiene Week"; to the Committee on the Judiciary.

NATIONAL DENTAL HYGIENE WEEK

Mr. DIXON. Mr. President, I am introducing today a joint resolution to designate the week beginning September 15, 1985, as "National Dental Hygiene Week" to honor dental hygienists across this Nation, and to encourage people to become familiar with and appreciative of the practice of dental hygiene.

Dental hygienists have made many contributions over the past 70 years in improving the dental health of the American public.

Moreover, hygienists have initiated innovative programs to improve the delivery of dental care. One such outreach program is where dental hygienists voluntarily donate their time to provide geriatric dental care services to groups with special needs, an effort the American Dental Hygienists' Association developed in conjunction with the National Council on Aging.

I believe that this is the kind of dedication that we should recognize and applaud.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD and I urge its prompt approval.

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

S.J. RES. 149

Whereas dental hygienists, as licensed oral health professionals, have been actively involved in promoting oral health and preventing oral disease for more than seventy years;

Whereas dental hygienists, as preventive specialists, contribute to the dental health of the American people and provide an essential service for total health;

Whereas dental hygienists donate time and effort to provide dental education and preventive dental care services to groups with special needs, such as elderly persons, mentally or physically disabled persons, underprivileged persons, and children; and

Whereas it is appropriate to honor the dental hygienists of the Nation and to encourage the people of the Nation to become familiar with and appreciative of the practice of dental hygiene: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 15, 1985 through September 21, 1985, is designated as "National Dental Hygiene Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 434

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 434, a bill to extend the authorization of the Robert A. Taft Institute Assistance Act.

S. 491

At the request of Mr. QUAYLE, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 491, a bill to improve debt-collection activities and default recoveries and to reduce collection costs and program abuse under student loan programs administered by the Department of Education, and for other purposes.

S. 670

At the request of Mr. PELL, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 670, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, and to give to employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 797

At the request of Mr. HATCH, the names of the Senator from Texas [Mr. GRAMM], the Senator from Delaware [Mr. ROTH], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 797, a bill to authorize an employer to pay a youth employment opportunity wage to a person under 20 years of age from May through September under the Fair Labor Standards Act of 1938 which shall terminate on September 30, 1987, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 908, a bill to provide market expansion and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and for other purposes.

S. 962

At the request of Mr. COHEN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 962, a bill to amend chapter 30 of title 38, United States Code, to provide for educational assistance for apprenticeship or other on job-training under the All-Volunteer Force Educational Assistance Program.

S. 974

At the request of Mr. WEICKER, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 974, a bill to provide for protection and advocacy for mentally ill persons.

S. 1209

At the request of Mr. CHILES, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1209, a bill to establish the National Commission to Prevent Infant Mortality.

S. 1265

At the request of Mr. ARMSTRONG, the name of the Senator from Louisiana [Mr. LONG] was added as a cosponsor of S. 1265, a bill to provide prompt, exclusive, and equitable compensation, as a substitute for inadequate tort remedies for disabilities or deaths resulting from occupational exposure to asbestos; and for other purposes.

SENATE JOINT RESOLUTION 34

At the request of Mr. QUAYLE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution to designate the week of October 6, 1985, through October 12, 1985, as "National Children's Week."

SENATE JOINT RESOLUTION 48

At the request of Mr. LEVIN, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution to designate the year of 1986 as the "Year of the Teacher."

SENATE JOINT RESOLUTION 67

At the request of Mr. QUAYLE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 67, a joint resolution to designate the week of October 6, 1985, through October 12, 1985, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of Senate Joint Resolution 73, a joint resolution to designate the week of September 15, 1985, through September 21, 1985, as "National Independent Free Papers Week."

SENATE JOINT RESOLUTION 86

At the request of Mr. WILSON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 86, a joint resolution to designate the week of July 25, 1985, through July 31, 1985, as "National Disability in Entertainment Week."

SENATE JOINT RESOLUTION 88

At the request of Mr. LEVIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 88, a joint resolution to designate the week beginning September 8, 1985, as "National Osteopathic Medicine Week."

SENATE JOINT RESOLUTION 111

At the request of Mr. DIXON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate the month of October 1985 as "National Spina Bifida Month."

SENATE JOINT RESOLUTION 115

At the request of Mr. LEAHY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Tennessee [Mr. SASSER], the Senator from Mississippi [Mr. STENNIS], the Senator from Massachusetts [Mr. KERRY], the Senator from Maine [Mr. MITCHELL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate 1985 as the "Oil Heat Centennial Year."

SENATE JOINT RESOLUTION 117

At the request of Mr. LEVIN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 117, a joint resolution designating the week beginning September 22, 1985, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 130

At the request of Mr. QUAYLE, the names of the Senator from Tennessee [Mr. GORE], the Senator from North Dakota [Mr. ANDREWS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Utah [Mr. HATCH], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Mr. DIXON], the Senator from Ohio [Mr. METZENBAUM], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating the week beginning on November 10, 1985, as "National Blood Pressure Awareness Week."

SENATE JOINT RESOLUTION 103

At the request of Mr. SIMON, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of Senate Resolution 103, a resolution expressing the sense of the Senate that the President should initiate negotiations with the Government of the Soviet Union on a long-term agreement on expanded trade in agricultural products.

SENATE JOINT RESOLUTION 178

At the request of Mr. EVANS, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Resolution 178, a resolution to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standard.

AMENDMENT NO. 367

At the request of Mr. BYRD, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of amendment No. 367 proposed to H.R. 2577, a bill making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes.

AMENDMENT NO. 368

At the request of Mr. STEVENS, his name was added as a cosponsor of amendment No. 368 proposed to H.R. 2577, a bill making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes.

At the request of Mr. BYRD, the names of the Senator from Montana [Mr. BAUCUS], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of amendment No. 368 proposed to H.R. 2577, supra.

SENATE CONCURRENT RESOLUTION 52—SENSE OF THE CONGRESS REGARDING ADDITIONAL ASSISTANCE FOR JORDAN

Mr. DECONCINI submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 52

Whereas the main objective of United States foreign policy in the Middle East is to insure a just and lasting peace among the nations of the region;

Whereas the instability and lack of peace in the Middle East has led to the growth of terrorism which threatens the lives of innocents and which, if left unchecked, will perpetuate factionalization in the area and will prove to be a permanent impediment to peace; and

Whereas those nations in the Middle East which desire assistance from the United States can best show their support for the United States by doing all they can to bring a just and lasting peace to the region, particularly by joining in comprehensive peace negotiations with the other nations of the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress does not intend to make available any more than $150,000,000 in additional economic assistance to Jordan for the balance of fiscal years 1985 through September 30, 1986, to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, until the Government of Jordan joins in peace talks with the Government of Israel.

(b) It is the sense of the Congress that no sales of advanced defense articles or defense equipment for Jordan should be proposed by the President until Jordan and Israel agree to a peace treaty.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

● Mr. DECONCINI. Mr. President, the concurrent resolution that I am proposing today is a simple one. It expresses the sense of the Congress that the additional economic aid package which the administration is proposing for Jordan should be limited to a total of $150 million for fiscal years 1985 and 1986 and should be a one time only arrangement until that nation becomes an active and serious participant in the Middle East peace process with Egypt and Israel. This resolution also expresses the sense of the Congress that the President should propose no sales of advanced defense articles or defense equipment for Jordan until Jordan and Israel agree to a peace treaty.

Mr. President, I think we all recognize that the main objective of our Nation's Middle East policy is to ensure a just and lasting peace among the nations of the region. It is my firm belief that the only long-term solution to the instability in the Middle East is to bring about a strong and comprehensive agreement among the nations of the region. Without such an agreement, it is clear to me that the problem of terrorism that has so tragically affected the nation of Israel and is increasingly plaguing the United States, will continue to escalate and will become a permanent impediment to peace.

Therefore, it is long past time for the nation of Jordan, which the administration considers to be a friend of the United States, to become a full participant in the peace process. The granting of substantially higher aid packages to Jordan prior to its commitment to the peace process gives away our leverage in convincing Jordan of the necessity of their participation in this process. Similarly, until Jordan reaches a peace treaty with Israel, it does not make sense for our Nation to continue to sell Jordan advanced weaponry which upsets the balance of power in the region.

I believe this concurrent resolution correctly describes the sense of the Congress—that major levels of assistance to the nations of the Middle East must go hand in hand with their level of participation in the peace process with Israel. I urge my colleagues to look very closely at this concurrent resolution.●

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1985

DIXON (AND OTHERS) AMENDMENT NO. 371

Mr. DIXON (for himself, Mr. HEINZ, Mr. SARBANES, Mr. BRADLEY, Mr. MOYNIHAN, Mr. KENNEDY, Mr. GORTON, Mr. KERRY, and Mr. MATSUNAGA) proposed an amendment to the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985; as follows:

On page 92, between lines 14 and 15, insert the following:

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $110,000,000 to the Federal Emergency Management Agency, to remain available until September 30 1986, to carry out an emergency food and shelter program. Notwithstanding any other provision of this or any other Act, such amount shall be made available under the terms and conditions of the following paragraphs:

The Director of the Federal Emergency Management Agency shall, as soon as practicable after enactment of this Act, constitute a national board for the purpose of determining how the program funds are to be distributed to individual localities. The national board shall consist of seven members. The United Way of America, the Salvation Army, the National Council of Churches of Christ in the U.S.A., the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross, and the Federal Emergency Management Agency shall each designate a representative to sit on the national board. The representative of the Federal Emergency Management Agency shall chair the national board.

Each locality designated by the national board to receive funds shall constitute a local board for the purpose of determining how its funds will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board except that the mayor or appropriate head of government will replace the Federal Emergency Management Agency member.

The Director of the Federal Emergency Management Agency shall award a grant for $110,000,000 to the national board within thirty days after enactment of this Act for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations and through units of local government.

Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

Participation in the program should be based upon a private voluntary organization's or unit of local government's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the local boards.

Total administrative costs shall not exceed 2 per centum of the total appropriation.

As authorized by the charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with the Federal Emergency Management Agency.

McCLURE (AND BINGAMAN) AMENDMENT NO. 372

Mr. McCLURE (for himself and Mr. BINGAMAN) proposed an amendment, which was subsequently modified, to the reported amendment to the bill H.R. 2577, supra; as follows:

On page 111, line 2, insert before the period the following:

; Provided, That any reprogramming submission under this General Provision shall be referred concurrently to the House and Senate Committees on Appropriations, the Senate Committee on Energy and Natural Resources, and the House Committee on Interior and Insular Affairs; *Provided further,* That such reprogramming submissions shall be submitted to the aforementioned Committees at least thirty days prior to implementation of such reprogramming proposals *; Provided further,* That notwithstanding any other act, more of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1985 by this or any other act may be used to implement the proposed jurisdictional interchange program within the States of Arizona, Montana, New Mexico, Oregon, Wyoming, Nevada, and North Dakota.

GORTON (AND OTHERS) AMENDMENT NO. 373

Mr. GORTON (for himself, Mr. SASSER, and Mr. WARNER) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 37, between lines 11 and 12, insert the following new section:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For the Simplified Munitions Lift Trailer program for the Air Force, $3,800,000, to be derived from funds appropriated to the Air Force for fiscal year 1985, or any previous fiscal year, for research and development and which remain available for obligation, such funds to be used by the Secretary of the Air Force to enter into a contract, not later than 10 days after the date of the enactment of this Act, with the winner of the competition (mandated by section 112 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2507)) to determine the contractor best qualified to develop such trailer, such funds to remain available for obligation for such purpose until September 30, 1986.

GORTON (AND EVANS) AMENDMENT NO. 374

Mr. GORTON (for himself and Mr. EVANS) proposed an amendment to the bill H.R. 2577, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ——. Upon the request of the Pike Place Market Preservation and Development Authority, Seattle, Washington, the Secretary of Commerce shall authorize the sale or lease to any person of the Fairley

Group Building (project numbers 07-01-01890, as modified by 07-01-01890.01, and 07-11-02606) located in the Pike Place Market, King County, Washington, without affecting the federal assistance provided under the Public Works and Economic Development Act of 1965, if the transfer documents provide for the continued use of the Fairley Group Building as a public market during the expected useful life of the building.

DURENBERGER (AND LEAHY) AMENDMENT NO. 375

Mr. DURENBERGER (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2577, supra; as follows:

At the appropriate place, insert the following:

"ENHANCED SECURITY COUNTERMEASURES CAPABILITIES

"To the Director of Central Intelligence, for the enhancement of the security countermeasures capabilities of relevant agencies $50,000,000 to remain available until September 30, 1986, to be allocated by the Director of Central Intelligence among the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and any other agency that the Director of Central Intelligence may determine, such funds to be expended exclusively for the purpose of improving United States security countermeasures capabilities abroad in accordance with a plan to be developed by the Director of Central Intelligence in conjunction with the National Security Council and submitted to the Appropriations and Intelligence Committees of the Congress no later than September 1, 1985."

STAFFORD AMENDMENT NO. 376

Mr. STAFFORD proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 91, strike out lines 17 through 21.

HUMPHREY AMENDMENT NO. 377

Mr. HUMPHREY proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 33, line 14, after the period at the end of the line, insert the following: And for an additional amount under this head to promote the development of an independent media service by the Afghan people and to provide for the training of Afghans in media and media-related fields, $500,000: Provided, That the Director, with the Secretary of State, shall report to the appropriate Committees of Congress on the obligation of these funds 60 days from the date of enactment of this Act.

CHILES (AND OTHERS) AMENDMENT NO. 378

Mr. CHILES (for himself, Mr. LEAHY, Mr. BENTSEN, Mr. DECONCINI, Mr. DOMENICI, Mr. HOLLINGS, Mr. JOHNSTON, Mr. MCCONNELL, Mr. PROXMIRE, Mr. ROTH, Mr. SASSER, and Mr. SYMMS) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 30, line 11, before the period at the end of the line insert a colon and the following: "*Provided*, That notwithstanding any other provision of law, the Secretary of State shall not permit the Soviet Union to occupy the chancery building at its new embassy complex in Washington, D.C., or any other new facilities in the Washington D.C. metropolitan area, until the Soviet Union provides reimbursement to the United States for damages incurred as a result of the construction of the new U.S. embassy in Moscow, in an amount to be determined by agreement between the U.S. and the U.S.S.R. or in the event of disagreement by the decision of an international arbitral tribunal as created pursuant to the contract for construction between the U.S. and the U.S.S.R., provided that in any event the amount may not be less than the amount of funds expended from this account for damages arrising from delays at the site of the new U.S. embassy complex in Moscow that are determined by the Secretary of State to be the responsibility of the Soviet Union."

MCCLURE AMENDMENT NO. 379

Mr. STEVENS (for Mr. MCCLURE) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 103, line 18 after the word "Act" insert the following: *Provided further*, That no funds shall be paid to creditors of the Sangre de Cristo Develpoment Company, Inc., whose claims are set aside by the U.S. Bankruptcy Court for the District of New Mexico.

JOHNSTON (AND LONG) AMENDMENT NO. 380

Mr. JOHNSTON (for himself and Mr. LONG) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 28, line 7, after the period insert:

For an additional amount for grants for the establishment on a continuing basis of clinical programs to supplement the services of local Legal Services Grantees by accredited Law Schools, $4,000,000, to remain available until expended.

BINGAMAN AMENDMENT NO. 381

Mr. BINGAMAN proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 67, between lines 19 and 20, add the following:

In order to expedite the completion of the Hooker Dam or alternative of the Central Arizona Project (1) the selection of the preferred site for the Hooker Dam or alternative as authorized by section 301 of the Colorado River Basin Project Act shall be completed by August 15, 1985, (2) the initial draft environmental impact statement required for the Hooker Dam or alternative shall be completed and made available by September 1, 1986, (3) the final environmental impact statement for Hooker Dam or alternative shall be completed and made available by September 1, 1987, and (4) the Secretary of the Interior shall make a record of his decision as soon as practically possible after the completion of the final environmental impact statement.

METZENBAUM (AND OTHERS) AMENDMENT NO. 382

Mr. METZENBAUM (for himself, Mr. GLENN, Mr. LEVIN, Mr. MOYNIHAN, and Mr. KERRY) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 112, between lines 24 and 25, insert the following:

For an additional amount for "State unemployment insurance and employment service operations", from the Employment Security Administration Account in the Unemployment Trust Fund, $30,000,000.

MCCLURE AMENDMENTS NOS. 383 AND 384

Mr. MCCLURE proposed two amendments to the bill H.R. 2577, supra; as follows:

AMENDMENT No. 383

On page 64, after line 2, add the following paragraph:

"Funds appropriated to the U.S. Army Corps of Engineers in the "Energy and Water Development Appropriations Act, 1985", Public Law 98-360, for the purpose of compensating certain landowners who have experienced damages as a result of drawdown operations of the Libby Dam in Montana shall be expended to evaluate and award compensation for damages of leveed and unleveed tracts of land in Kootenai Flats, Boundary County, Idaho resulting from power or flood control drawdown operations at Libby Dam, Montana: Provided, That such evaluation and compensation of claims shall be made without regard to historic and expected patterns of erosion which otherwise might have occurred without the dam: Provided further, That all pertinent claims which have been previously denied shall be reinstated and reevaluated in accordance with this standard: Provided further, That compensation paid pursuant to this provision shall not exceed $1,500,000."

AMENDMENT No. 384

At the appropriate place in the bill, add the following new section:

"( ) No reductions in stockpile goals may be made below those in effect on October 1, 1984 by the President under authority provided by the Strategic and Critical Materials Stock Piling Revision Act of 1979 (98 Stat. 319), as amended, until October 1, 1986, unless authorized by Act of Congress.

GARN (AND OTHERS) AMENDMENT NO. 385

Mr. GARN (for himself, Mr. DOMENICI, Mr. LAXALT, Mr. GOLDWATER, and Mr. HATCH) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 88, after line 22, insert the following:

GENERAL PROVISIONS

SEC. 501. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act or any other

Act, for the production of any copper commodity for export or for the financing of the expansion, improvement, or modernization of copper mining, smelting, and refining capacity.

HATFIELD AMENDMENT NO. 386

Mr. HATFIELD proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 106, line 16, after the words "which is" insert the words "defaulted, or which is"

On page 106, line 25, after the sentence ending with the word "injunctions." insert the following new sentence: "The Secretary shall give priority to resale of timber which is determined to have the least risk for environmental degradation to streams or other bodies of water."

GLENN AMENDMENT NO. 387

Mr. GLENN proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 50, line 7, strike $10,000,000 and insert in lieu thereof $25,000,000.

HELMS AMENDMENT NO. 388

Mr. HELMS proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 74, line 22, strike the period, and insert in lieu thereof the following: "or involuntary sterilization.".

DOMENICI (AND OTHERS) AMENDMENT NO. 389

Mr. DOMENICI (for himself, Mr. GARN, Mr. DECONCINI, Mr. LAXALT, Mr. BINGAMAN, Mr. GOLDWATER, and Mr. HATCH) proposed an amendment to the bill H.R. 2577, supra; as follows:

Add the following at the end of chapter 5:

SEC. 502. (a) United States active participation in international financial institution activity is based on our national objective of furthering the economic and social development of the nations of the world, in particular the developing nations. The attainment of this national objective is most effectively realized through a world economic and financial system which is both free and stable. Therefore, it is the intent of the United States Congress that United States financial assistance to the international financial institutions should be primarily directed to those projects that would not generate excess commodity supplies in world markets, displace private investment initiatives or foster departures from a market-oriented economy.

(b) The Secretary of the Treasury shall instruct the representatives of the United States to the international financial institutions described in subsection (d) to take into account in their review of loans, credits, or other utilization of the resources of their respective institutions, the effect that country adjustment programs would have upon individual industry sectors and international commodity markets in order to—

(1) minimize any projected adverse impacts on such sector or markets of making such loans, credits, or utilization of resources; and

(2) avoid wherever possible government subsidization of production and exports of international commodities without regard to economic conditions in the markets for such commodities.

(c) More specifically, the following criteria should be considered as a basis for a vote by the respective United States Executive Director to each of the international financial institutions described in subsection (d) against a project proposal involving the creation of new capacity or the expansion, improvement, or modification of mining, smelting, refining, and fabricating of minerals and metal products:

(1) Analysis shows that the risks, returns, and incentives of a project are such that it could be financed at reasonable terms by commercial lending services.

(2) Analysis by the Bureau of Mines indicates that surplus capacity in the industry for the primary product of the defined project would exist over half the period of the economic life of the project because of projected world demand and capacity conditions.

(3) United States imports of the commodity constitute less than 50 percent of the domestic production of the primary product in those cases where the United States is the substantial producer of such commodities.

(d) The international financial institutions referred to in subsections (a) and (b) are the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

HELMS AMENDMENT NO. 390

Mr. HELMS proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 11, after line 9, insert the following: "None of the funds provided under this Act for the special supplemental food program for women, infants, and children shall be reallocated except to the extent that unspent funds within any State exceed 5 per centum of the amount of funds allocated to a State agency under subsection (i) of section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i))."

EVANS (AND GORTON) AMENDMENT NO. 391

Mr. EVANS (for himself and Mr. GORTON) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 60, strike lines 9-25, on page 61, strike lines 1-25, on page 62, strike lines 1-23; and insert the following in lieu thereof "The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to construct, operate and maintain a sediment retention structure near the confluence of the Toutle and Green Rivers, Washington, with such design features and associated downstream actions as are necessary."

MOYNIHAN AMENDMENT NO. 392

Mr. WEICKER (for Mr. MOYNIHAN, for himself, and Mr. ABDNOR) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 118, between lines 12 and 13, insert the following:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

The Secretary of Education shall distribute funds appropriated under title III of Public Law 98-619 under the heading "School Assistance in Federally Affected Areas" for entitlements under section 2 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) to local educational agencies having such entitlements in order to assure that such agencies receive 75 percent of the amount to which such agencies were entitled in fiscal year 1984. The distribution required by this paragraph shall take effect 30 days after the date of enactment of this Act.

MELCHER AMENDMENT NO. 393

Mr. MELCHER proposed an amendment to the bill H.R. 2577, supra; as follows:

At the end of the bill, insert the following:

The State Department shall take all necessary steps to protect the rights and safety of John Lincoln Tamboer during his extradition to the country of Colombia for trial in that country and subsequent actions of the courts or government of Colombia.

HATFIELD AMENDMENT NO. 394

Mr. HATFIELD proposed an amendment to the bill H.R. 2577, supra; as follows:

At the appropriate place in the bill, insert the following:

REPORT ON WITHDRAWAL FROM COMPULSORY JURISDICTION OF THE WORLD COURT

SEC. . Sixty days before any notification of the Secretary-General of the United Nations, on or after the date of enactment of this section, of the intent of the United States Government that its declaration of acceptance of the compulsory jurisdiction of the International Court of Justice shall not apply to a certain dispute, the President shall prepare and transmit to the Speaker of the House of Representatives and the President of the Senate a report setting forth his reasons for such notification.

GORTON (AND EVANS) AMENDMENT NO. 395

Mr. GORTON (for himself and Mr. EVANS) proposed an amendment to the bill H.R. 2577, supra; as follows:

SALMON HATCHERIES

Sec. (a) In consultation with the Fish and Wildlife Service and the Bureau of Indian Affairs, the National Marine Fisheries Service (hereinafter in this section referred to as the "Service") shall, in accordance with the provisions of this section, enter into a contract within 90 days after the date of enactment of this Act with a private entity for a study of State and Federally funded salmon hatcheries in the States of Washington, Oregon and Idaho which will enable the United States to fulfill its obligations under Article V of the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985. The purpose of such study is to develop information to assist in evaluating the production and effectiveness of such hatcheries in increasing salmon stock levels as expeditiously and cost effectively as possible, and in providing

for a more effective system of disseminating the information necessary to improve future enhancement activities for salmon stock at such hatcheries.

(b) In carrying out subsection (a) of this section, the Service shall enter into such a contract only with an entity whose personnel—

(1) possess expertise in (A) salmon production and management in the Pacific Northwest, (B) mathematical and statistical data systems used by the Federal, State, and tribal governments. And (C) international interception problems;

(2) are not presently employees of (A) any entity involved in the operation, management or development of hatcheries or (B) any entity engaged in hydropower production; and

(3) do not represent any organized salmon recreational or commercial fishing activity.

(C)(1) Such study shall—

(A) evaluate existing salmon stock production activities at such hatcheries, including consideration of such factors regarding survival of hatchery-produced salmon stocks as management practices and environmental constraints;

(B) consider the operations of and plans for existing and new salmon production activities in the United States, in order that the United States may better evaluate existing and new salmon stock production activities and their adequacy in fulfilling obligations of the United States under the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985;

(C) evaluate the salmon enhancement projects of Canada, in order that the United States may comply with its obligations under Article V of such Treaty;

(D) formulate recommendations for any necessary changes in salmon stock production, alternative strategies for major production units, and small-scale experiments; and

(E) develop objective criteria, including cost criteria, to assess proposals for the improvement of existing hatcheries and the development of new hatcheries.

(2) Such study shall also consider the consequences of the interaction of salmon stock production activities and international salmon interception problems, including effects on the ability of the United States to fulfill its obligations under the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

(3) The study to be conducted under this subsection shall also devise a system to—

(A) develop expedited methods for assessing difficulties in increasing salmon stock production at such hatcheries; and

(B) collect, organize and analyze information on any changes in salmon stock production due to the implementation of recommendations formulated under this section.

(4) Such study shall also consider and analyze other studies to assess wild and natural salmon stocks and the potential for natural salmon production, and shall include recommendations to enhance natural salmon production in conjunction with or in lieu of hatchery production.

(d)(1) The Service shall establish an Advisory Committee to assist in carrying out the purposes of this section. The Advisory Committee shall be composed of representatives of—

(A) agencies within the Federal Government and the governments of the States of Washington, Oregon and Idaho which have responsibilities for the management and enhancement of salmon;

(B) Treaty Indian tribes;

(C) the Northwest Power Planning Council; and

(D) the Salmon and the Steelhead Advisory Committee established pursuant to the Salmon and Steelhead Conservation and Enhancement Act of 1980 (16 U.S.C. 3301 et seq.).

(2) The Advisory Committee shall conduct an ongoing review of the study to be conducted under this section, and shall submit to the Service its recommendations for issues to be included as part of such study, methodologies to be employed in such study, and any preliminary and final drafts of the study required to be submitted under this section. Neither the Service nor the entity conducting the study under this section shall be bound by such recommendations.

(3) The Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C. 1 et seq.), and members shall not receive compensation for their participation in Advisory Committee activities.

(e) The study required by subsection (c) of this section shall be submitted to the Service not later than 18 months after the date on which the contract is entered into under this section. The Service shall immediately transmit such study to the Congress without change.

(f) The Comptroller General of the United States, and any of the Comptroller General's duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the entity conducting the study required by this subsection that are pertinent to the funds received under this section.

(g) Employees of such entity shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

KERRY (AND OTHERS) AMENDMENT NO. 396

Mr. KERRY (for himself, Mr. HATFIELD, and Mr. MOYNIHAN) proposed an amendment to the bill H.R. 2577, supra; as follows:

At the appropriate place in the bill, add the following:

None of the monies appropriated in this act can be used to fund directly, or indirectly, acitivities against the government of Nicaragua which have not been authorized by, or pursuant to, law and which would place the United States in violation of our obligations under the Charter of the Organization of American States, to which the United States is a signatory, or under international law as defined by treaty commitments agreed to, and ratified by, the government of the United States.

SIMON AMENDMENT NO. 397

Mr. SIMON proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 17, insert between lines 14 and 15 the following:

FEDERAL AVIATION ADMINISTRATION OPERATIONS

For an additional amount for the Civil Aviation Security Office of the Department of Transportation for the training of United States and foreign law enforcement personnel to prevent aircraft piracy, $2,000,000 to remain available until expended.

For additional amount for the Associate Administrator for Development and Logistics, Office of Engineering and Maintenance Service, Aircraft Safety Program 18 (Aviation Security) for additional research and development in aviation security technologies, $1,500,000 to remain available until expended.

ABDNOR AMENDMENT NO. 398

Mr. ABDNOR proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 171, line 12 before the semicolon insert the following:

: *Provided*, That expenses of transportation audit contracts and contract administration shall be in addition to this amount and shall be hereafter financed from overcharges collected from carriers on transportation bills by the Government and other similar type refunds at not to exceed $5,200,000 annually.

HATFIELD AMENDMENT NO. 399

Mr. HATFIELD proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 23, after line 23, insert:

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $10,000 for each such Leader; in all $20,000.

SEC. 197. (a) There is hereby established an account, within the Senate, to be known as the "Representation Allowance Account for the Majority and Minority Leaders". Such Allowance Account shall be used by the Majority and Minority Leaders of the Senate to assist them properly to discharge their appropriate responsibilities in the United States to members of foreign legislative bodies and prominent officials of foreign govenments and intergovernmental organizations.

(b) Payments authorized to be made under this section shall be paid by the Secretary of the Senate. Of the funds available for expenditure from such Allowance Account for any fiscal year, one-half shall be allotted to the Majority Leader and one-half shall be allotted to the Minority Leader. Amounts paid from such Allowance Account to the Majority or Minority Leader shall be paid to him from his allotment and shall be paid to him only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses. Amounts paid to the Majority or Minority Leader pursuant to this section shall not be reported as income and shall not be allowed as a deduction under title 26, United States Code.

(c) There are authorized to be appropriated for each fiscal year (commencing with the fiscal year ending September 30, 1985) not more than $20,000 to the Allowance Account established by this section.

SIMPSON (AND WALLOP) AMENDMENT NO. 400

Mr. SIMPSON (for himself and Mr. WALLOP) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 66 after line 18 insert the following:

"*Provided further*, That the proviso requiring Congressional review shall not apply to any binding agreements on cost-sharing entered into before the date of enactment of this Act, upon certification of the Secretary that the agreements comply with the cost-sharing financing and certification requirements of this section."

MELCHER (AND BAUCUS) AMENDMENT NO. 401

Mr. MELCHER (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 2577, supra; as follows:

On line 11, page 106, change to "Administrative Provisions"

On line 3, page 107, insert the following new paragraph:

"Notwithstanding any other provision of law, the Forest Service shall continue to operate Equipment Development Facilities in San Dimas, California, and in Missoula, Montana, at least through the end of fiscal year 1986, and funds and personnel, to operate these facilities in fiscal years 1985 and 1986 shall not be reduced by more than 10% from currently appropriated levels."

BYRD AMENDMENT NO. 402

Mr. BYRD proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 36, between lines 19 and 20, insert the following:

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

From funds previously appropriated and made available under this heading in other Appropriation Acts, the Secretary of the Navy may make payments of not to exceed $1,500,000 for expenses of the Commission on Merchant Marine and Defense as authorized in section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525).

HATFIELD AMENDMENT NO. 403

Mr. HATFIELD proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 71 after line 7, insert the following:

GEOTHERMAL RESOURCES DEVELOPMENT FUND

(By Transfer)

For carrying out activities authorized by title II of Public Law 93-410 the Department of Energy is authorized to transfer no more than $15,000,000 to the Geothermal Resources Development Fund from unobligated balances within the Uranium Supply and Enrichment Activities account: Provided, That such transfer shall be reported promptly to the Committees on Appropriations of the House and Senate. The amount authorized to be transferred by this provision is in addition to the authority provided in sections 302 and 307 of Public Law 98-360.

RUDMAN (AND OTHERS) AMENDMENT NO. 404

Mr. RUDMAN (for himself, Mr. HOLLINGS, Mr. HATFIELD, Mr. GORTON, and Mr. PACKWOOD) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 13, after line 23, insert the following:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $30,730,000, to remain available until expended, of which $15,000,000 is for a grant to Thayer School of Engineering in Hanover, New Hampshire, for construction, renovation and related costs for facilities for its model interdisciplinary engineering program; $5,730,000 is for a grant to the City of Columbia, South Carolina, to assist in the completion of the relocation and consolidation of railroad tracks; and $10,000,000 is for a grant to the Oregon Health Sciences University Hospital in Portland, Oregon, for the south wing rehabilitiation project.

DOLE AMENDMENT NO. 405

Mr. DOLE proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 5, after line 20, insert the following:

For an additional amount for a grant under the Act of August 4, 1965, as amended (7 U.S.C. 450i) to the University of Kansas for the evaluation and transfer of remote sensing applications to agricultural users, $200,000.

COCHRAN (AND OTHERS) AMENDMENT NO. 406

Mr. COCHRAN (for himself, Mr. BURDICK, and Mr. STENNIS) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 8, after line 26, insert the following:

None of the funds provided for fiscal year 1985 in this or any other act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

KENNEDY AMENDMENT NO. 407

Mr. RUDMAN (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2577, supra; as follows:

At the appropriate place insert the following:

For the Private Sector Exchange Programs, an additional $500,000 is provided, to remain available until expended, for the model Chinese-American Development Student Exchange Program at Tufts University as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq).

McCLURE (AND CRANSTON) AMENDMENT NO. 408

Mr. McCLURE (for himself and Mr. CRANSTON) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 107, line 13, insert before the period the following: "; *Provided*, That funds hereafter appropriated for demonstration of the magnetohydrodynamics (MHD) technology shall become available for obligation only upon the execution of a cost-sharing agreement between the Department of Energy and the private sector which provides that a minimum of fifty percent of the cost shall be borne by the private sector; *Provided further*, that the determination of allowable private sector contributions in meeting the MHD costsharing agreement shall be the same as in other clean Coal Technology projects funded under Public Law 98-473."

On page 107, line 6, strike "$8,350,000" and insert in lieu thereof $23,350,000"

PACKWOOD (AND MATTINGLY) AMENDMENT NO. 409

Mr. PACKWOOD (for himself and Mr. MATTINGLY) proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 149, strike all beginning at line 5 through line 14, and insert in lieu thereof:

It is the sense of the Senate that the Treasury department shall examine the question of whether cooperatives subject to section 521 or subchapter T of the Internal Revenue Code may net earnings and losses between and among any of their purchasing and marketing allocation units in determining the amount of patronage dividends to be issued and in determining their taxable income after the deduction for patronage dividends.

LUGAR AMENDMENT NO. 410

Mr. LUGAR proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 175, after line 21, insert the following new title:

TITLE IV—AUTHORIZATION OF ECONOMIC SUPPORT FUND ASSISTANCE FOR JORDAN

SEC. 401. This title may be cited as the "Jordan Supplemental Economic Assistance Authorization Act of 1985".

ECONOMIC SUPPORT FUND

SEC. 402. (a)(1) In addition to funds otherwise available for such purposes for such fiscal year, there are authorized to be appropriated to the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $250,000,000 for the fiscal year 1985, which amount shall be available only for Jordan.

(2) Of the funds authorized to be appropriated by paragraph (1)—

(A) for the fiscal year 1985, $50,000,000 shall be available only for commodity import programs and $30,000,000 shall be available only for project assistance;

(B) for fiscal year 1986, $50,000,000 shall be available only for commodity import programs and $30,000,000 shall be available only for project assistance; and

(C) for fiscal year 1987, $60,000,000 shall be available only for commodity import programs and $30,000,000 shall be available only for project assistance.

(b) Amounts appropriated to carry out this section are authorized to remain available until September 30, 1987.

POLICY

SEC. 403. It shall be the policy of the Congress to consider a Jordanian request for major defense articles upon the commencement of direct peace negotiations between Israel and Jordan if Israel is willing to enter into such negotiations.

MATTINGLY AMENDMENT NO. 411

Mr. MATTINGLY proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 73, line 5, before the period at the end of the line insert the following: *"Provided,* That the Secretary of the Treasury shall direct the United States Executive Director to the Inter-American Development Bank to use the voice and vote of the United States to oppose any loan by the Bank to Nicaragua: *Provided further,* That the Congress hereby expresses its intent to reconsider future appropriations for payment to the Bank if the Bank approves any loan for Nicaragua on or after the date of enactment of this Act".

KASTEN (AND OTHERS) AMENDMENT NO. 412

Mr. KASTEN (for himself, Mr. INOUYE, Mr. HEINZ, Mr. KENNEDY, Mr. LUGAR, and Mr. PELL) proposed an amendment to the bill H.R. 2577, supra; as follows:

On Page 75, line 3, strike "$2,008,000,000: *Provided"* and insert in lieu thereof the following: $2,258,000,000: *Provided,* That of the funds provided by this paragraph $250,000,000 shall be made available for Jordan only in accordance with the schedule of availability set forth in section 401(a)(1) and section 401(a)(2) of this Act: *Provided further,* That of the funds provided in this paragraph for Jordan, not more than 33⅓ percent may be disbursed before September 30, 1985, not more than 50 percent may be disbursed before March 31, 1986, not more than 66⅔ percent may be disbursed before September 30, 1986, and not more than 85 percent may be disbursed before March 31, 1987: *Provided further,* That notwithstanding any other provision of law, funds provided in this Act for Jordan, if not utilized for programs, projects, or other activities in Jordan, must be returned to the United States Treasury: *Provided further*

DECONCINI AMENDMENT NO. 413

Mr. DECONCINI proposed an amendment to amendment No. 412 proposed by Mr. KASTEN (and others) to the bill H.R. 2577, supra; as follows:

At the end of the pending amendment, add the following amendment:

That it is the sense of the Congress that no sales of advanced defense articles or defense equipment for Jordan should be proposed by the President until Jordan and Israel agree to a peace treaty.

BYRD AMENDMENT NO. 414

Mr. BYRD proposed an amendment to the bill H.R. 2577, supra; as follows:

At the appropriate place in the bill add the following:

"TITLE II—COAL IMPORTS.

"SEC. . SHORT TITLE.

"This title may cited as the National Coal Imports Reporting Act of 1985.

"SEC. . UNITED STATES COAL IMPORTS REVIEW.

"(a) The Energy Information Administration shall issue a report quarterly and provide an annual summary of the quarterly reports to the Congress, on the status of United States coal imports. Such quarterly reports may be published as a part of the Quarterly Coal Report published by the Energy Information Administration.

"(b) Each report required by this section shall—

"(1) include current and previous year data on the quantity, quality (including heating value, sulfur content, and ash content), and delivered price of all coals imported by domestic electric utility plants that imported more than 10,000 tons during the calendar year into the United States;

"(2) identify the foreign nations exporting the coal, the domestic electric-utility plants receiving coal from each exporting nation, domestically-produced coal supplied to United States electric-utility plants of imported coal, and domestic coal production, by State, displaced by the imported coal;

"(3) identify at regional and state levels of aggregation (where allowed under disclosure policy) transportation modes and costs for delivery of imported coal from the exporting country port of origin to the point of consumption in the United States; and

"(4) specifically high-light and analyze any significant trends of unusual variations in coal imports.

"(c) The first report required by this section shall be submitted to Congress in March 1986. Subsequent reports shall be submitted within 90 days after the end of each quarter.

"(d) Information and data required for the purpose of this Act shall be subject to existing law regarding the collection and disclosure of such data.

SEC. . ANALYSIS OF THE UNITED STATES COAL IMPORT MARKET.

"(a) The Secretary of Energy, acting through the Energy Information Administration, shall conduct a comprehensive analysis of the coal import market in the United States and report the findings of such analysis to the Committee on Energy and Natural Resources of the Senate and the appropriate committees of the House of Representatives, within nine months of the date of enactment of this Act.

"(b) The report required by this section shall—

"(1) contain a detailed analysis of potential domestic markets for foreign coals, by producing nation, between 1985 and 1995;

"(2) identify potential domestic consuming sectors of imported coal and evaluate the magnitude of any potential economic disruptions for each impacted State, including analysis of direct and indirect employment impact in the domestic coal industry and resulting income loss to each State;

"(3) identify domestically produced coal that potentially could be replaced by imported coal;

"(4) identify contractual commitments of domestic utilities expiring between 1985 and 1995 and describe spot buying practices of domestic utilities, fuel cost patterns, plant modification costs required to burn foreign coals, proximity of navigable waters to utilities, demand for compliance coal, availability of less expensive purchased power from Canada, and State and local considerations;

"(5) Evaluate increased coal consumption at domestic electric utilities resulting from increased power sales and analyze the potential coal import market represented by this increased consumption. Increased consumption should include that represented by existing coal-fired plants, new coal-fired plants projected up to the year 1995 and plants planning to convert to coal by 1995;

"(6) identify existing authorities available to the Federal government relating to coal imports, assess the potential impact of exercising each of these authorities, and describe Administration plans and strategies to address coal imports;

"(7) identify and characterize the coal export policies of all major coal exporting nations, including the United States, Australia, Canada, Colombia, Poland, and South Africa with specific consideration of such policies as—

"(A) direct or indirect government subsidies to coal exporters;

"(B) health, safety, and environmental regulations imposed on each coal producer; and

"(C) trade policies relating to coal exports;

"(8) identify and characterize the excess capacity of foreign producers, potential development of new export-oriented coal mines in foreign nations, operating costs of foreign coal mines, capacity of ocean vessels to transport foreign coal and constraints on importing coal into the United States because of port and harbor availability;

"(9) identify and characterize specifically the participation of all United States corporations involved in mining and exporting coal from foreign nations; and

"(10) identify and characterize the policies governing coal imports of all coal-importing industrialized nations, including the United States, Japan, and the European nations by considering such factors as import duties or tariffs, import quotas, and other governmental restrictions or trade policies impacting coal imports.".

CHILES AMENDMENT NO. 415

Mr. CHILES proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 175, between lines 21 and 1 the following new title:

TITLE IV—DEPARTMENT OF DEFENSE PLAN FOR DRUG-INTERDICTION PROGRAM

SEC. 401 (a) The Congress finds that—

(1) the drug trafficking problem continues to plague the United States and our national security interests;

(2) the effort to halt the flow of drugs into the United States is one of this nation's most pressing problems;

(3) the Armed Forces of the United States can make a substantial and unique contribution to the drug interdiction efforts of the United States;

(4) in 1981, Congress enacted chapter 18 of title 10, United States Code, which permitted certain military support to civilian drug interdiction programs; and

(5) the Congress has consistently supported efforts of the military in supporting the drug interdiction programs of civilian agencies within the confines of the Posse Comitatus Act (18 U.S.C. 1385).

(b) Not later than December 31, 1985, the Secretary of Defense shall submit a report, which has been developed in conjunction with the Joint Chiefs of Staff, to the Appropriations and Armed Services Committees of the House of Representatives and the Senate with regard to the role of the Department of Defense in the drug interdiction and law enforcement activities of the United States. Such report shall address:

(1) the roles, mission, and organization of the Department of Defense efforts within the overall drug interdiction and law enforcement programs of the United States;

(2) the relationship of the Department of Defense to the civilian departments and

agencies of the United States Government involved in drug interdiction and law enforcement efforts;

(3) the estimated cost of the Department of Defense participation in this program;

(4) any appropriate military assistance, training and equipment which should be provided for drug interdiction purposes to governments in Central and South America.

(c) Nothing in this title shall authorize the Department of Defense to engage in any activities in support of drug interdiction or law enforcement activities not authorized by law.

(d) Not later than December 31, 1985, the President shall report to the Congress as to how the United States Government is organized to interdict drugs and enforce the drug laws of the United States, including a detailed description of the jurisdiction and responsibilities of the Department of Defense and all other relevant departments and agencies and the mechanisms for coordinating the policy and operational control of the elements of each agency in the drug interdiction and law enforcement mission.

McCLURE AMENDMENT NO. 416

Mr. McCLURE proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 96, on line 23, insert before the period the following: ", of which not to exceed $20,000 shall be available to pave the street and to build the sidewalk and curb in front of the BLM district office in Worland, Wyoming."

HATFIELD AMENDMENT NO. 417

Mr. HATFIELD proposed an amendment to the bill H.R. 2577, supra; as follows:

On page 11, line 13, strike the word "further".

On page 15, line 13, strike the period at the end of the line and insert in lieu thereof ", to be derived from the general fund of the Treasury".

On page 55, between lines 5 and 6, insert the center head "Mountrail Country Park, North Dakota".

On page 55, line 6, insert "(a)" before the word "Section".

On page 56, line 24, strike the word "Act" and insert in lieu thereof "section".

On page 57, before line 1, insert the center head "Transfer of Federal Townsites".

On page 57, line 1, insert "(a)(1)" before the word "Except".

On page 57, line 23, strike "MFP118-2E" and insert in lieu thereof "MFP118-2E1".

On page 58, line 22, strike the word "herein" and insert in lieu thereof "in subsection (a)".

On page 59, line 6, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 59, line 11, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 59, line 13, strike the word "herein" and insert in lieu thereof "in subsection (a)".

On page 59, line 17, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 59, line 22, strike the word "herein" and insert in lieu thereof "in subsection (a)".

On page 60, lines 2 and 3, strike the words "this paragraph" and insert in lieu thereof "subsection (a)".

On page 88, immediately after line 22, insert the text appearing on page 76, lines 7 through 15, and thereafter strike out lines 7 through 15 on page 76.

On page 120, immediately after line 5, insert the text appearing on lines 18 through 25, and thereafter strike out lines 18 though 25.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to annoUnce that the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing to consider the nomination of John William Bode, of Oklahoma, to be Assistant Secretary of Agriculture for Food and Consumer Services, vice Mary Claiborne Jarratt, resigned.

The hearing is scheduled to begin at 1:00 p.m. on Monday, June 24, 1985, in room 328-A Russell Senate Office Building.

For further information, please contact the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence, be authorized to meet during the session of the Senate on Thursday, June 20, 1985, in closed executive session, in order to hold a briefing on intelligence matters.

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

COMMITTEE ON ARMED SERVICES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 20, in closed executive session, to hold a hearing to receive testimony on Army light division and to consider routine military nominations.

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

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Thursday, June 20, 1985, in order to conduct a hearing on the proposed changes in the survivor benefit plan as contained in H.R. 1872.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GARN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, June 20, 1985, in order to consider the nomination of Ralph E. Kennickell, Jr., to be Public Printer of the United States, and to mark up S. 43, the line-item veto bill.

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

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND RESOURCE CONSERVATION

Mr. GARN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 20, to hold a hearing on S. 816, to establish the Pine Ridge Wilderness in Nebraska National Forest in the State of Nebraska, and for other purposes.

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

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. GARN. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, June 20, to hold a hearing on S. 904, the Water Research Foundation Act of 1985.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GARN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, June 20, 1985, in order to conduct a business meeting on auto fuel economy and standards, and methanol fueled vehicles.

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

ADDITIONAL STATEMENTS

OPPORTUNITIES INDUSTRIALIZATION CENTERS

● Mr. QUAYLE. Mr. President, last month, the Secretary of Housing and Urban Development, the Honorable Samuel R. Pierce, Jr., delivered an inspiring speech before the 21st Annual Convention of the Opportunities Industrialization Centers [OIC] in Indianapolis, IN. For years, the OIC's have been working to improve the lives of disadvantaged individuals. Nationwide OIC's, led by Dr. Leon Sullivan, have been involved in job training, counseling, and community action. OIC's are trying to find ways to help people to help themselves. I am delighted that Secretary Pierce took the time from his very busy schedule to go to Indianapolis, and I hope that my colleagues will take the time to read his remarks.

Mr. President, I ask that a copy of Secretary Pierce's remarks be inserted in the RECORD at this point.

The remarks follow:

REMARKS PREPARED FOR DELIVERY BY SAMUEL R. PIERCE, JR.

Thank you for that kind introduction.

Good evening. I'm absolutely delighted to be here for the 21st OIC Convocation. I've seen more than enough energy and enthusiasm here to realize that this event already is a big success. That's only to be expected. Anything that Rev. Leon Sullivan puts his mind to has "success" stamped on it from the start.

The best example of that fact is the OIC organization itself.

Here you are—in the prime of life as we measure a person's age. You're 21 years young, going strong—and growing stronger! With OICs of America in over 100 cities, you're bringing opportunity, progress and prosperity to people and places that desperately need those conditions.

I'm happy that we at HUD have been able to work with you on such worthwhile efforts as Opportunities Tower for the elderly and handicapped in Philadelphia—and for the acquisition, rehabilitation and syndication of Orchard Park to help revitalize that neighborhood here in Indianapolis.

I'm pleased we can work with you on such efforts, because thanks to Leon Sullivan, those of you here, and people like you—OIC has spread from its roots in Philadelphia to here in Indianapolis and cities across the country. You've become a widespread positive force for those who need nothing more than a chance to make their own way.

Just 21 years ago, Leon dared to take a cherished ideal—a spark of hope—and work on it and build with it until the spark he ignited burst into flame. He talked to anyone who would listen. He taught anyone who would learn. And soon, there were community leaders, business and industry executives, government officials—countless people spreading and tending the fire he helped them light for self-determination. He showed us how to take a spark of hope and, with that spark, light the way so thousands of people could see the path and seize the opportunity to build a life based upon one's own dream.

What OIC does is bring within a person's reach the chance to succeed. Your slogan speaks well for the good you do, lending those who need it "* * * a hand up, not a handout." Your approach shows your understanding of the Chinese proverb which says: "If you give a man a fish he will have a single meal. If you *teach* a man how to fish he will eat all his life."

But, even that is not all you have done.

The people you help to educate, train and gain employment have a "multiplier" effect on their surroundings. They enter the mainstream, providing for themselves and their families.

And, each person you help, each mind you influence, acts as a pebble tossed into a stream—rippling out across the pond of poverty. And that ripple, and others like it, grow into a wave—introducing hope where there was none, offering to help where it's needed—setting an example for others to follow.

That mind you influence becomes a contagious spirit. It spreads through the family and through the community. The symptoms of that healthy contagion are hope, confidence and strength.

The people you help, the spirit you build, brings us the kind of citizens . . . the brothers, sisters and neighbors—we want in our world. It brings us the kind of leaders we want in our future.

As we look at the progress and accomplishments of OIC, one simple fact stands out bright and clear: one person can make a difference.

And each person we add to an effort like OIC's means we can make that much greater a difference where hope is in short supply.

You of the OIC, and the business and community partners of OIC, recognize the strength that comes from merging the public and private sectors in a common beneficial cause. You have formed working relationships and partnerships that combine the advantages of your individual strengths for the good of the many.

You've brought training and job opportunities to those who had neither. You've brought economic development to communities desperately poor. You've brought hope where despair once thrived.

Mindful as I am of all OIC and its working partners have done, I find a striking parallel between 1964 and today.

In 1964, OIC began in Philadelphia. It was an idea and a commitment that survived and grew. Now, OICs of America are in over 100 communities. You're helping people, previously unprepared, to gain a skill, get a job—build a future.

Today, another idea is in its infancy—an idea that deserves a chance to survive and grow. It's an idea that, like OIC, can mean so much for the people who need help.

This idea has much in common with OIC, and with what makes OIC work.

It's simple, really.

The driving force behind this idea is cooperation and partnership between the private sector and government. It's people helping themselves by stimulating the energy of our free enterprise system to invest and grow—bringing jobs where they're needed most.

Enterprise Zones are being created in State after State, town after town, city after city. Indiana has Enterprise Zone legislation, and the experience here demonstrates how well the idea can work.

Indiana's first six Enterprise Zones became effective January 1, 1984. A conservative estimate by the State counts over 2,000 jobs created in 1984, many from small business.

Just last December, Indiana announced its zone designations for 1985. Just one of those zones, in Evansville, has attracted a new Zayre Corporation distribution center. It will employ 2,000 people.

I want to see Federal Enterprise Zone legislation enacted so the Federal Government can do its part to help communities revitalize themselves—to help citizens find jobs and influence the course of their own lives.

That's why President Reagan and I have Enterprise Zones as our number one economic development priority.

Enterprise Zones are a low-cost, high-return initiative that taps the private sector's energy to revitalize the Nation's most economically distressed areas. The zones will be designated areas of high unemployment, poverty and blight in urban and rural communities. In these zones, tax and regulatory incentives will be provided to encourage economic development. There will be tax credits for investment in the Zones, for creating jobs—especially jobs for disadvantaged workers—and for investing in plant and equipment and rental housing.

There will be no capital gains taxes for qualified zone businesses, and other incentives will encourage new business start-ups and expansion of existing enterprises.

Jurisdictions containing zones will be permitted to seek waiver or modification of some Federal regulations that add to the burden and cost of doing business. This will not include regulations affecting health, minimum wages or equal opportunity.

About half the States already have their own Enterprise Zone programs. People who desperately need work are finding jobs, the transformation of distressed communities is under way. But State zones can't offer Federal tax incentives, or relief from Federal regulations. And, State and local officials, community leaders, people from all walks of life are telling us they need Federal Enterprise Zone legislation to pull private investment into some of their hardest-hit poverty areas.

I think the people in those areas deserve a chance. I want to give them that chance. I know you have the same goal.

I know you have an interest in Enterprise Zones. I urge you to act on that interest. Talk to your business leaders. Talk to your State and local officials. Let your representatives in the Congress know you support this idea. Tell them what it can mean to people who need jobs. Let them know this is an idea that deserves their support.

It isn't a make-work hole in the taxpayer's pocket.

It's innovative. Stimulative. It's an idea that gives people a chance to make their own way. The same chance you brought to life 21 years ago with OIC.

We can build an opportunity society with the same initiative and commitment that took the dream in Leon Sullivan's heart and built it into a tremendous force for opportunity and self-determination.

Members of OIC, members of the business community, Rev. Sullivan—lend your voice and your strength to bring enactment of our Enterprise Zone bill.

Give this idea a chance. With your effort, and ours, we can make it work.

Thank you.●

USDA HONOR AWARD FOR TWO FOREST SERVICE SCIENTISTS

● Mr. MELCHER. Mr. President, this week two Forest Service scientists from the Forest Service Intermountain Research Station, Ms. Pat Andrews and Mr. Bob Burgan, are receiving the USDA Honor Award for their work regarding forest fire control. I submit for the RECORD a description of that work and the value it served. This description was prepared by the Forest Service, and I include it in the RECORD today to demonstrate why all Montanans are proud of Pat and Bob's work and also to help others realize the importance of Forest Service fire research.

The description follows:

MERGING THE ART AND SCIENCE OF FIRE CONTROL

The wildfire had burned out of control for 3 days. It was now burning in a wilderness area, where rules barring machinery made any fire control effort extremely costly, dangerous, and of questionable effectiveness. Just outside the wilderness boundaries, and directly in the path of the blaze, lay valuable homes and developments.

The fire could be seen from the State's capital city, and the governor had visited the fire camp to personally express concerns over the threat the fire posed to homes on the outskirts of the city. What were fire control officers to do? Hope the fire would burn out in the wilderness on its own, or mount a costly and dangerous control effort against it?

A nightmare of some overburdened fire boss? A Hollywood scriptwriter's fantasy? Neither. The situation actually occurred in 1984 when the North Hills Fire burned into the Gates of the Mountain Wilderness and threatened the outskirts of the city of Helena, Montana.

And thanks to the development of a computer program that merges human judgment and experience with a systematic method of calculating fire behavior, the story ended on a happy note.

Fire control officers on the Lewis & Clark National Forest Fire used BEHAVE, a computer program developed by Forest Service scientists at the Intermountain Research Station, to predict the probably behavior of the fire. By combining their knowledge of terrain, fire bahavior, and weather with the computer's fuel models and mathematical fire prediction models, a reliable estimate was made of how the fire would behave. Officials decided not to attempt to fight the fire in the Wilderness, as BEHAVE predicted the fire would diminish and not cause a serious threat to resources outside its boundaries.

Dave Poncin, Forest Service fire boss of the North Hills Fire, used BEHAVE to support and explain his position to his superiors, to Gates of the Mountain Wilderness managers, and to Montana State officials. Poncin advocates the use of BEHAVE, "It's a tractable, logical program that provides information non-fire control people can understand."

Predictions are fine, but results are what count. The fire behaved as predicted. Poncin estimates over $750,000 was saved by the decision not to fight the fire in the Gates of the Mountain Wilderness.

This is a dramatic application of a new technology merging the science and art of fire control. According to Forest Service scientist Richard Rothermel, BEHAVE is a fire behavior prediction tool as well as a fuel modeling system designed for use by fire managers who are familiar with fuels, weather, and fire situations.

"Given the type of fuel a fire is burning in, major terrain features, and weather conditions, the program will predict the fire's intensity, and how fast, how far, and the direction a fire will spread," says Rothermel. "The program has been used for estimating initial attack and planning on wildfires, but it can be adapted for many other uses."

Rothermel expects BEHAVE will be used in the future to assist fire managers in determining the right conditions for prescribed burns, in monitoring unmanned wildfires, and in training fire control personnel. He concludes, "BEHAVE is no substitute for experience, but by coupling experience with a systematic prediction method, we can move with more confidence to implement new concepts in fire management."●

HONORING LAWRENCE E. ELOVICH

● Mr. D'AMATO. Mr. President, Lawrence E. Elovich, an outstanding trial lawyer and my very good friend, was first admitted to the bar in 1960. He serves on the board of directors of the New York State Trial Lawyers, the Nassau-Suffolk Trial Lawyers, and the Nassau County Bar Association. Larry has served as president of the Long Beach Lawyers Association and has been active in civic, charitable, and community services for all of his adult life. He presently serves for the fourth consecutive year as president of the Long Beach Chamber of Commerce and has helped to revitalize the city of Long Beach. Larry now serves for the 15th year as a trustee of the Long Beach Memorial Hospital. He has served as president of the Long Beach Lions Club, and zone chairman and deputy district governor of the Lions of Nassau County. He has served as exalted ruler of the Long Beach Elks.

Mr. Elovich currently serves as a member of the Knights of Pythias and is a trustee of the Channel Lodge Federal Credit Union. Larry originated and was the first chairman of the Tri-Parish Long Beach Catholic School dinner/dance and has served as a member of the board of directors of the cancer care fund-raising drives and is a life member of Cancer Care. He is also active in the Arthritis Foundation and the Cerebral Palsy Organization. He is a member of the American Cancer Care Society and the Muscular Dystrophy Foundation.

In addition, Larry has been active in political life and has served as the Democratic chairman of the Long Beach Democratic Party.

Helen Elovich has worked as a nursery school teacher and has been an active member in the Sisterhood of Temple Emanu-el. She started the temple cradle roll and has a special interest in the development of young children. Besides working and raising three beautiful daughters, List, Lauree, and Lynn, she has found time to run several marathons. Helen has just been elected to serve on the board of trustees of Cancer Care; she has served as an officer of Cancer Care for many years. She also serves as a member of the board of the Council of the Arts. Mrs. Elovich was the founder of the Lioness Club in Long Beach and has served with the Lioness organization to help the unfortunate.

Together Helen and Larry Elovich have devoted most of their adult lives to making the city of Long Beach a better place to live.

Temple Emanu-el on its 40th anniversary brings honor to itself by honoring these two outstanding and special people. The event is scheduled for June 29; I think this body does well to honor them today.

Thank you, Mr. President.●

AMUSEMENT PARK RIDES INSPECTION LAWS

● Mr. SIMON. Mr. President, amusement park attendance has soared in the last few years. Unfortunately, the number of senseless injuries and fatalities caused defective rides at the amusement parks in our Nation has also increased.

Going to an amusement park is often a long-awaited outing for both parents and children. As any advertisement for an amusement park suggests, the purpose of a park is to provide fun, relaxation and a festive atmosphere. For three teen-age boys in my home State of Illinois, fun turned to fear when a ride that they assumed was safe plunged 50 feet, injuring them all.

As American consumers, we expect the products that we buy or use to have been inspected for harmful substances or for harmful consequences. Currently, only half of the States have inspection laws to certify the safety of amusement park rides. I will soon be offering a plan which encourages the remaining States to enact inspection laws. In the meantime, the Consumer Product Safety Commission will have authority to send Federal engineers to sites where serious accidents have occurred so that we may learn from each mistake to ensure that it is not repeated.

The following editorial appeared in the Bloomington, IL, Pantagraph. I ask that it be inserted into the RECORD.

RIDE INSPECTION BILL COULD LIMIT TERROR

Amusement park rides can be a source of enjoyment and pleasure. They can also be a source of danger and death.

Central Illinoisans need not be reminded of the danger. They still remember the death of Richard Stahl of rural Pontiac on a carnival ride there one year ago. His death and an accident at Great America theme park that injured three LaSalle teen-agers helped spur passage of a ride inspection bill in Illinois.

But the Illinois Carnival-Amusement Safety Board is getting off to a slow start. In 24 other states there are no agencies overseeing ride safety.

This gap cannot continue.

Sen. Paul Simon plans to offer a bill this month that would amend the charter of the Consumer Product Safety Commission to get the federal government involved in amusement park ride safety.

A similar bill proposed by the Illinois Democrat was passed by the House of Representatives last year when Simon was a member of that chamber, but the measure died in the Senate.

We are generally reluctant to have the federal government increase its intrusion into what should be a matter for state control. However, Simon's bill provides for federal inspections only in states or localities that do not have inspection efforts of their own.

"Our aim is to encourage states to do this job so the federal government won't have to," Simon said.

The bill could also lead to a more coordinated effort among the states.

Simon's proposed Amusement Park Safety Act would permit federal safety engineers to investigate serious accidents on amusement park rides, require park operators to send

notice when serious defects are found in ride equipment, and empower the Safety Commission to order repairs on defective rides.

The federal notification provisions could help speed exchange of information among states about dangerous defects that similar rides could have in common.

The amusement park industry's trade group is proposing an 18-month federal study in place of Simon's bill.

We feel too much time has already passed without effective inspections of these rides.

The stimulated terror a person feels on a fast-moving amusement park ride should not be turned into real terror.●

THE 450TH ANNIVERSARY OF THE DEATH OF ST. THOMAS MORE

● Mr. DURENBERGER. Mr. President, I am pleased to call to the attention of the Senate that on June 22 of this year will be celebrated the 450th anniversary of the death of one of the greatest and most appealing of England's saints, Sir Thomas More, a scholar, writer, humanist, lawyer, businessman, and a former Lord Chancellor of England. He was beheaded on July 6, 1535, on orders from King Henry VIII, and his feast day in the Roman Catholic Church calendar falls on June 22, along with the feast of saintly Bishop John Fisher, who was executed a few days earlier.

Remarkably, in this year of 1985 we also commemorate the 50th anniversary of Saint Thomas More's canonization, in 1935. I was interested to discover last year, from a group of West German visitors, that in the mid-1930's when More was elevated to sainthood, he became in Germany a symbol of resistance to tyranny. Devotion to this new English saint, thus, could become an innocent and unchallenged symbolic act of resistance to the evil of Hitler's tyranny.

Another anniversary this year should also be noted: It is just 25 years since the first publication in 1960 of Robert Bolt's magnificent play about Thomas More, "A Man For All Seasons." This play was first presented on stage at the ANTA Theater in New York City on November 22, 1961 and later became one of Columbia Pictures' great motion pictures, winning the Motion Picture Academy's Award for Best Picture in 1966 and winning another Oscar for Paul Scofield as Best Actor.

On Friday, June 21, 1985, at noon, in St. Joseph's Church on Capitol Hill, at 2d and C Streets, across from the Hart Senate Office Building, a special Mass will be celebrated in honor and anticipation of the Feasts of Saints Thomas More and Bishop John Fisher. The celebrant will be Rev. Robert P. Mohan, professor of philosophy at the Catholic University of Washington, DC. After the Mass at 1 p.m., there will be a reception sponsored by the Thomas More Society of America, in room SD 628 of the Dirksen Senate Office Building. All Members of Congress and their staffs are invited to the Mass and reception.

Recently in the Boston Sunday Globe, on April 7, 1985, there appeared an editorial linking Thomas More's view of life with that of our present Pope John Paul II. This illustrates again the relevance of More to modern day concerns, and I have included its text at the end of these remarks.

As a lawyer and writer, Thomas More has become a model to emulate in our legal and judicial system. He is, of course, the patron saint of lawyers, judges and civil servants. His views of the law as expressed in his own writings and in the words of Bolt's play are cited often in our courts as well as in the popular media. Recently the chief judge of the Federal Circuit Court of Appeals for the Federal Circuit, the Honorable Howard T. Markey, addressed this very point in an erudite speech to the Thomas More Society of Notre Dame University and the law students and professors of the Thomas J. White Center, the law school of Notre Dame. His speech, "A Man For All Sessions: Thomas More in American Courts," is a masterful compilation of judicial references to the wisdom and character of Thomas More, a man whom the Boston Globe termed "a saint of forthrightness and heroism."

Mr. President, I ask that the editorial from the Boston Sunday Globe and the speech by Chief Judge Markey be printed in the RECORD.

The material follows:

THE VIEWS OF A MODERN POPE

Many Americans may have been late to work last week, fascinated by the visit of NBC's "Today" show to Rome for Holy Week. Msgr. John Magee, the Irish private secretary to Pope John Paul II, told of how his boss enjoys movies on a videocassette recorder. "The Pope has a VCR?" asked Bryant Gumbel. Yes indeed, the monsignor replied. "He recently asked to see 'A Man for All Seasons.'"

That splendid 1966 movie won an Oscar for Paul Scofield's portrayal of Sir Thomas More, a saint of forthrightness and heroism who clearly seems a model for this remarkable modern pontiff.

Pope John Paul travels widely and speaks often. His views do not meet with universal acclaim, but he speaks for a reason that Thomas More explained to the court that sentenced him to death. Accused of silence, More corrects the prosecutor:

"Not so, Master Secretary. The maxim of the law is '*Qui tacet consentire.*' The maxim of the law is 'Silence gives consent.'"

The prosecutor, Thomas Cromwell, responds that the world construes silence as denial. More replies, "The world must construe according to its wits. This court must construe according to the law."

The world sometimes construes John Paul's views as incorrect, irrelevant or inconvenient. In the spirit of Thomas More, this Pope for all seasons speaks out, and for that the world this Easter can say, *Viva il papa.*

A MAN FOR ALL SESSIONS: THOMAS MORE IN AMERICAN COURTS

(By Chief Judge Howard T. Markey)

When Thomas More chose death over a violation of his conscience, he died for a principle dear to lovers of the American Constitution and to admirers of the experiment in liberty called the United States. His was the ultimate affirmation that the human mind and soul are beyond legitimate control by the state. It should surprise no one that events of More's life, and words by and about him, would find their way into the opinions of American judges.

As Anglican Scholar Hutton has said, it is difficult to speak of More without using language that seems extravagant. More was orator, author, poet, wit, humorist, diplomat, scholar, lawyer, philosopher, theologian, judge, undersheriff, Ambassador, Speaker of the House, and Lord Chancellor, and excelled in all. He was the first to demonstrate that one so thoroughly active in secular affairs might yet earn his church's canonization as a saint. But what has most frequently intrigued modern admirers is his readiness to suffer family impoverishment, imprisonment, and torture in the tower, and death itself, when he could have avoided it all with a single signing of his name. Appreciating More is easy; understanding him is difficult.

That More was an outstanding judge, who reduced to zero his court's backlog and who was one of the first laymen appointed Lord Chancellor, would be enough to justify notice by American judges. But there have been many excellent British judges and Lords Chancellor, and it is More who lives on, not only in America's literary and academic circles, but in its judicial opinions.

In the early 1900's, people began to form Thomas More societies devoted to disseminating the lessons his life and writings hold for modern men and women. Though interest in More has steadily grown, Robert Bolt's play, "A Man for All Seasons," accelerated the process, and there are now Thomas More societies in many parts of the world. Comparisons are difficult, but nowhere does the growing interest in More appear more intense than in the United States. The reasons cannot be explored in this short talk, but they may center on the ease with which More speaks across the centuries to a people who built a Nation on the concept of respect for the individual person and human liberty. Judges sworn to uphold and defend the U.S. Constitution can have no difficulty in hearing More's voice as it talks of the dignity and dominance of the human spirit. More's approach to kings is not unlike Madison's to government.

Many an American judge, perhaps without knowing or thinking of him, has, like More, stood firm against current popular fads and government pronouncements promulgated to please perceived public preferences. Others have surely done so under the conscious or subconscious influence of what they have read or heard of Thomas More. The latter instances of More's presence in American courts cannot be documented, but some judges have elected to make that presence explicit by references to More in their opinions.

THE CONSTITUTION

Sir Thomas More's silence in response to the royal demand for his allegiance in things clerical has been cited as presaging the fifth amendment's privilege against self-incrimination:

"Molded by the courage of Sir Thomas More, the fifth amendment's great protection of individual dignity assures the accused that he will not be forced to speak or jailed for silence." [1]

That quotation was repeated in a unanimous opinion dealing with an allegation that a U.S. attorney had referred in closing argument to defendant's failure to testify,[2] and soon thereafter a modified version appeared in a dissent from a holding that an immunity grant removed the need for notice and hearing.[3]

The U.S. Supreme Court, in denying respondent's right to sue a committee of State legislators, traced the constitutional "speech and debate" privilege, article I, § 6, back to Thomas More's presence at its earliest beginnings:

"The privilege of legislators to be free from arrest or civil process for what they do or say in legislative proceedings has taproots in the parliamentary struggles of the sixteenth and seventeenth centuries. As Parliament achieved increasing independence from the Crown, its statement of the privilege grew stronger. In 1523, Sir Thomas More could make only a tentative claim."[4]

The sixth circuit quoted the foregoing in approving exclusion of evidence as privileged speech and debate.[5]

Justice Douglas, concurring in an upholding of the first amendment's right of assembly, introduced an extended quotation in this manner:

"Once the investigator has only the conscience of government as a guide, the conscience can become ravenous, as Cromwell, bent on destroying Thomas More, said in Bolt's 'A Man For All Seasons' (1960), p. 120. The first amendment mirrors many episodes where men, harried and harassed by government, sought refuge in their conscience, as these lines of Thomas More show. . . ."[6]

CIVIL DISOBEDIENCE

Not only More's silence, but his delay in deciding has been recognized for its relation to cases involving civil disobedience. Judge Wyzanski has written:

"For men of conscience there remains a less risky but not a less worthy moral choice. Each of us may bide his time until he personally is faced with an order requiring him as an individual to do a wrongful act. Such patience, fortitude, and resolution find illustration in the career of Sir Thomas More. He did not rush in to protest the act of Henry VIII's Parliament requiring Englishmen to take an oath of supremacy attesting to the King's instead of the Pope's headship of the English Church. Only when attempt was made to force him to subscribe to the oath did he resist."[7]

The foregoing was quoted in an opinion dealing with certain conduct of Vietnam war protesters,[8] and its concept was referred to by Judge Wyzanski in dealing with an habeas corpus action brought when conscientious objector status was denied.[9]

American judges have commented on another aspect of More's refusal to sign; namely, his acceptance of the consequences. When the majority had affirmed a conviction for refusing to perform hospital duty, based on defendant's refusal to fill out an employment form, a dissenting judge, after noting a distinction between obedience and affirmation, included this:

"Sir Thomas More would die at the block not for unwillingness to recognize the power of the sovereign, Henry VIII, but for refusal to take the oath required of every person of legal age in England swearing allegiance to the act of succession".[10]

Concluding that adherence to individual moral standards carries no immunity from punishment for lawbreaking, an opinion writer placed Thomas More in good company:

"Adherents and practitioners of civil disobedience who have reached this conclusion are too many to list. One need only allude to Socrates, Sir Thomas More, Henry David Thoreau, Gandhi, and Martin Luther King, Jr., whose actions supported this proposition".[11]

The substance of the foregoing quotation appears also in a number of subsequent opinions.[12]

CENSORSHIP

Beyond More's supreme act of conscience, his "Utopia" has caused American judges to recognize his place among the world's great authors. Protesting the reversal of an injunction against sale of a book, he called an affront to the "dignity of man", a dissenting Pennsylvania supreme court justice said:

"I would recoil in dismay if I attempted to visualize the reaction of the founding fathers if they could see this, one of the foulest books that ever disgraced printer's type, now taking a place on library shelves with the Bible, Pilgrim's Progress, Shakespeare's works, Plutarch's Lives, Homer's Iliad, Sir Thomas More's Utopia, Cervante's Don Quixote, Thomas Paine's Common Sense, and the other immortal books that inspired the brilliant architects, the brave leaders, the kneeling prayers, and the heroic soldiers who fashioned the United States of America." [13]

A dissenting justice of California's Supreme Court noted there was no death penalty in More's Utopia:

"But we have not yet reached the state which Sir Thomas More envisioned. Until a utopian government has become reality, organized society (if it is to exist) must continue on the posit of free will and personal responsibility for one's choices of action . . ., with sanctions for crimes appropriate to their gravity.[14]

ETHICS

A dispute over church property prompted West Virginia's Supreme Court of Appeals to include in a footnote discussing 200 years of religious strife: "An early and prominent victim of this religious upheaval was Sir Thomas More, who was executed for his refusal to acknowledge Henry VIII's supremacy in church affairs".[15]

In dealing with the canon prohibiting an attorney from functioning as both counsel and witness. The Supreme Court of Arkansas said:

"The soundness of the canon is evidenced by many opinions of various courts. Lord Campbell, in his 'Lives of the Chancellors,' in relating the fact that the Solicitor General who was conducting the prosecution against Sir Thomas More, offered himself as a witness for the crown, said that he did it to his eternal disgrace, and to the eternal disgrace of the court which permitted such an outrage on decency."[16]

When Ohio's Supreme Court held nonprejudicial a trial judge's communication with the jury, a dissenting justice said, "Aptly, Sir Thomas More, once observed, 'This poynte is . . . metely playn inough.' " [17]

Alabama's Court of Criminal Appeals granted a writ requiring a judge to recuse himself, closing its opinion with:

"Sir Thomas More embodied the principle of judicial impartiality in this eloquent expression: 'If the parties will at my hand call for justice, then were it my father on one side, and the devil on the other, his cause being good, the devil should have right.' " [18]

Holding that a judge's conduct could never excuse a lawyer's contemptuous conduct, the court cited historical trials illustrating the proper response to judicial improprieties. Doubtless remembering More's expressed hope of joining merrily in heaven with the judges who had just condemned him. The court included:

"Sir Thomas More's farewell to his judges is another magnificent example of the transcendency of meekness over injustice." [19]

Reference to More's trial, in which he was convicted of treason on the testimony of one witness, reminds us, though no American court has mentioned it, that Parliament, two years later, required testimony of two witnesses, as did the Framers of our Constitution 250 years later.

"THE LAW, ROPER, THE LAW"

Widely applicable to many types of cases, a particular exchange from Bolt's play has been frequently cited in American court opinions. In Bolt's scene, More, his wife Alice, Daughter Margaret, and prospective son-in-law Roper, note the departure from the assemblage of Richard Rich. The eventual perjurer-betrayer of Thomas More:

"MARGARET. Father, that man's bad.

---

[1] *Charles* v. *Anderson*, 610 F.2d 417, 424 (6th Cir. 1979) (dissenting opinion), Rev'd Sub Nom., *Anderson* v. *Charles*, 447 U.S. 404 (1980).

[2] *United States* v. *Robinson*, 651 F.2d 1188, 1196 (6th Cir. 1981).

[3] *In Re Grand Jury Investigation. United States* v. *Berger*, 657 F.2d 88, 92 (6th Cir. 1981).

[4] *Tenney* v. *Brandhove*, 341 U.S. 367, 372 (1951).

[5] *United States* v. *Gillock*, 587 F.2d 284, 287 (6th Cir. 1978).

[6] *Gibson* v. *Florida Legislative Committee*, 372 U.S. 539, 574, 75 (1963).

[7] "Civil Disobedience", the Atlantic Monthly, vol. 221, February 1968.

[8] *United States* v. *Berrigan*, 283 F. Supp. 336, 34L-42 (D. MD. 1968).

[9] *Silberberg* v. *Willis*, 306 F. Supp. 1013, 1021-22 (D. Mass. 1969).

[10] *Elizarraraz* v. *United States*, 400 F.2d 898, 906 (5th cir. 1968).

[11] *United States* v. *Moylan*, 417 F.2d 1002, 1008 N.21 (4th cir. 1969), *cert. denied*, 397 U.S. 910 (1970).

[12] *United States* v. *Kroncke*, 459 F.2d 697, 703 N.9 (8th cir. 1972); *United States* v. *Best*, 476 F. Supp. 34, 44-5 (D. Colo. 1979); *Cleveland* v. *Municipality of Anchorage*, 631 P.2d 1073, 1084 (1981).

[13] *Commonwealth* v. *Robin*, 218 A.2d 546, 560-61 (1966).

[14] *People* v. *Love*, 366 P.2d 33, 47 (S. CT. CA. 1961).

[15] *Board of Church Extension* v. *Eads*, 230 S.E.2d 911, 916 (1976).

[16] *Rushton* v. *First National Bank of Magnolia*, 426 S.W.2d 378, 389 (1968).

[17] *Ohio* v. *Abrams*, 313 N.E.2d 823, 826 (1974).

[18] *Ex parte White*, 300 S.2d 420, 434 (1974). The courts quote of More can be found in William Roper's "The life of Sir Thomas More," [Two Early Tudor Lives, P.220 (Yale University Press)].

[19] *United States* v. *Offutt*. 145 F. Supp. 111, 115 (D. D.C. 1956).

"MORE. There is no law against that.

"ROPER. There is! God's law!

"MORE. Then God can arrest him.

"ROPER. Sophistication upon sophistication!

"MORE. No, sheer simplicity. The law, Roper, the law. I know what's legal, not what's right. And I'll stick to what's legal.

"ROPER. Then you set man's law above God's!

"MORE. No, far below: But let me draw your attention to a fact—I'm not God. The currents and eddies of right and wrong, which you find such plain sailing, I can't navigate. I'm no voyager. But in the thickets of law, Oh, there I'm a forster. I doubt if there's a man alive who could follow me there, Thank God. . . .

"ALICE. (exasperated, pointing after Rich). While you talk. He's gone!

"MORE. And go he should, if he was the devil himself, until he broke the law!

"ROPER. So now you'd give the devil benefit of law!

"MORE. Yes. What would you do? Cut a great road through the law to get after the devil?

"ROPER. I'd cut down every law in England to do that!

"MORE. (roused and excited). Oh? (advances on Roper) and when the last law was down, and the devil turned around on you, where would you hide, Roper, the laws being flat? (he leaves him) this country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you would stand upright in the winds that would blow then? (Quietly) Yes, I'd give the devil benefit of law. For my own safety's sake." [20]

Bolt's scene was quoted in its entirety as "Literary backdrop" for a court opinion upholding denial of a prisoner's desire to practice satanism.[21] It has been quoted in part in reversing an order prohibiting use in school of the novel "Slaughterhouse Five".[22] In ordering a new trial in view of a failure to suppress evidence.[23] In dealing on remand with a contempt judgment.[24] In dissenting from denial of summary judgment to one seeking retirement benefits.[25] In dissenting from affirmance of a murder conviction.[26] In holding that evidence obtained from intentional eavesdropping should have been excluded.[27] In concurring in affirmance of denial of a motion to suppress.[28] And in upholding the State's discharge of CETA employees as required by congressional legislation.[29]

Bolt's scene has thrice been cited by the U.S. Supreme Court: In the famed "Snail Darter" Case.[30] In holding a State entitled to protection of the 11th amendment against suit for reimbursement to nursing homes;[31] And in a case involving the Navy's use for training operations of land it owned on an island in the Commonwealth of Puerto Rico.[32]

DISCUSSION

If one theme can be gleaned from the foregoing examples, it must be the universality of More's presence in American court opinions. More's approach to the royal demand, though crafted entirely of silence, was the ultimate dissent, yet of the 31 samples listed, only 9 are found in dissenting opinions. Even then, the attribution of the fifth amendment's genesis to More's courage made in two of the dissenting opinions appears in an intervening majority opinion of the same court. Similarly, the same words ascribed to More by Bolt were employed in support of separate majority, concurring, and dissenting opinions in different cases by the Supreme Court.

The universality of More's presence in American courts is reflected also in the differing subject matter of the cases. The cited samples dealt with the fifth amendment's right to remain silent, the speech-and-debate privilege, the first amendment's right of free association, the rules surrounding civil disobedience and its consequences, the first amendment's right of free expression, lawyers' professional ethics, judge-jury communication, judicial bias, a prisoner's religious freedoms, contempt of court, the fourth amendment's protection against unreasonable seizures, courtroom decorum, retirement benefits, fair trial to all, eavesdropping, limitation of the judicial role, and the importance of stare decisis.

The universality reflected here is the more remarkable in light of the limited sources employed by the opinion authors. Little has been preserved to evidence More's work as a lawyer, and judicial opinions were not published for history in his day. Yale University Press is presently engaged in publishing more than 16 volumes of More's own writings. Books about him, his life, and his works, are many. That 14 of the 33 opinion authors in the sample cases quoted words attributed to More in Bolt's play is not harmful, for Bolt's attributions are authentic and basically supported in More's writings, as well as in books written about him. But More's own writings provide a vast and as yet virtually untapped store of quotable material. Recourse to that vast store could only increase the presence of More in the opinions of American judges.

Risk is always present when secondary sources are employed and when parts of an extended dialogue are quoted. Taken alone, "I know what's legal, not what's right . . . I'll stick to what's legal" would appear to make of More a positivist unfamiliar with natural law theory. That very thought disturbed the judge who quoted the entire scene. More's recognition of the law's primacy was and remains a valid counter to the judicial activist who would bend or rewrite the law in accord with personal predilections. His refusal to sign, with death the alternative, was a consummate recognition that More would "stick to what's legal" unless "what's legal" violated what was to him a higher law. His conscience being bound by that higher law, More resigned the chancellorship well before his arrest, for that office would have required him to accept and enforce, as might a true positivist, a man-made law in conflict with his conscience.

Taken in context, "I'll stick to what's legal" meant only that More would not arrest rich for being "bad", or would not otherwise act officially on a personal premise that secular law must be interpreted as proscribing everything More considered "bad". In this, More was an early rejector of the judicial activism present when a judge makes law to match his personal predilections.

Indeed, Thomas More would make an ideal candidate for our Supreme Court today. He would understand that the Court is not our country's sole conscience, or the only institution concerned about minorities, or the only safeguard against abuse of government power. He would be the first to recognize that the Court is not infallible. He would look to the language of the Constitution and the intent of its Framers as his only guides to its interpretation. It was More who said, "All laws are promulgated for this end, that every man may know his duty; and, therefore, the plainest and most obvious sense of the words is that which must be put upon them".[33] He would not join in gratuitously pronouncing on the constitutionality of acts of the other branches or of the States. He would recognize that the Court itself exercises Government power, the abuse of which is most difficult to rectify, and would be ready to reverse his position when the need was clearly shown. He would honor our federalism and the role of the States. In sum, he would be a Justice devoted to what we now call judicial restraint.

THOMAS MORE—CIRCA 1985

That he is quoted and admired in court opinions 400 years after his death is additional evidence that Thomas More, this man of letters, of professional excellence, of learning, of statesmanship, of domestic happiness, and of sanctity, led a life filled with lessons applicable to the choices and changes we face today. His abhorrence of violence, his placement of home before commercial success, and his refusal to live when the price grew too high, are examples needed by us all as much in 1985 as they were in 1535. The modern seige of faith, expressed in slogans like "situational ethics," "the new morality," and "God is dead, so do your own thing," is not unlike the pleas of More's family and friends that he sign and save himself. More knew, with knowledge certain and faith unwatered, that God lived, that there was life after death, that this world was not all.

Though the lessons of More's life are useful to all, they are special for men and women of law. Erasmus described More as "the greatest lawyer of his time," and as a judge, "the best friend the poor ever had." More demonstrated that when every man's

---

[20] "A Man for All Seasons," a play in two acts, Robert Bolt, pp. 65-67, Random House, New York, 1960.

[21] *Childs* v. *Duckworth.* 509 F. Supp. L254, L256 (N.D.) IND. (1981).

[22] *Todd* v. *Rochester Community Schools.* 200 N.W.2d 90. 98 (1972).

[23] *State* v. *Peele,* 516 P.2d 788, 793 (WASH. APP. (1973).

[24] *In re David T, Dellinger, et al.,* 370 F. SUPP. 1304, 1323 (N.D. ILL. 1973): *aff'd,* 502 F.2d 813 (7th CIR. 1974): *cert. denied* 420 U.S. 990 (1975).

[25] *Hilton* v. *State Employees Retirement Board,* 355 A.2d 883, 886 (PA. CMWLTH (1976).

[26] *People* v. *Moreland,* 567 P.2d 355, 364 (1977) (IN BANC).

[27] *People* v. *Warner,* 258 N.W.2d 385, 396-97 (MICH. 1977). *See also State* v. *Drowne,* 436 S.2d 916, 921 (D.CT. APP. FLA. 1983) (Violation of "Knock and Announce" requirement).

[28] *State* v. *Arnold,* 336 N.W.2d 97, 100-01 (NEB. (1983).

[29] *Patrick* v. *Marshall* 460 F. UPP. 23, 29 (N.D. CA. (1978).

[30] *Tennessee Valley Authority* v. *Hill,* 437 U.S. 153, 194-95 (1978).

[31] *Florida Department of Health and Rehabilitative Services* v. *Florida Nursing Home Association,* 450 U.S. 147, 154 N.14 (1981).

[32] *Weinberger* v. *Romero-Barcelo,* 456 U.S. 305, 335 N.20 (1982).

[33] "Utopia," bk.2.

conscience is silent, the law loses all binding force but fear. He sealed with his blood his protest against the cleavage of law from conscience.

It is not accidental that Professors Kurland and Hurstfield quoted More in separate letters to the Washington Post in the midst of the allegations of corruption involved in what we call "Watergate." More's devotion to moral principles, his love-affair with God, and his defense of the liberty of conscience, have direct application and deep significance to every man and woman living in this time of pressure by totalitarians and others against the values that undergird western civilization.

More's whole life teaches us lawyers and judges, playing as we must a crucial and growing role in our society, that we can do more and be more while we are here. That life counsels lawyers to seek always the soothing, saving, solace of settlement, and to work toward a supreme competence in their ancient and honorable profession. That life counsels us judges to be humble when, because we are given power over the affairs of others, we are tempted to think our position grand and our work great. When a lawyer's success at the bar or the deference paid the judge's office beckon to pride. We can gain from More's treatment of even the lord chancellorship as but a phase of life, and one he would not retain with a single signing of his name.

Today, when the world is more than ever divided between those (whatever their current label) who believe that people exist for the state and those who believe the state exists for people. More's willingness to die for the principle that the human mind and soul are not subject to invasion and control by the state is a constant beacon. That same beacon lit the path of those who wrote our Constitution. And for we lawyers and judges who must interpret and defend that Constitution. It remains to light our own. That light is sorely needed today. Though the heresies are now those of Marx and Lenin, the battle of ideas and ideologies is the same as in More's time and the prize is still the mind of man. In preparing for the practice of law, you are preparing to join at the heart of that battle. I hope you will fight it as a Thomas More in modern dress.

We lawyers and judges, including those of you who will soon join us, are all called to a love for the things of the mind. As members of a learned profession, we are bound to keep alive the devout humanistic spirit with which More so nobly adorned that profession, lest our society be ruled by cold materialism and de-humanizing technocracy. We must defend the old faiths and values with weapons adequate to new learning and new methods. More's life teaches that a prime need of the professions in changing times like his and ours is a spirit venturesome in vision yet steadfast in devotion to the values of the centuries.

But perhaps the greatest lesson left us by this complete and complex figure of history, this rich personality, this consummate counselor, and this just judge, is this: That it is in truth possible to lead a busy, busy life, a life successful in the world's eyes, and yet be truly a holy man. Judges do well to cite More in their opinions. Dealing daily with the morality of justice, lawyers and judges may find More a man for all sessions. And, as lawyers and judges, we can all aspire—when our work is done and our time has run—to paraphrase More's last words, "I die the law's good servant—and God's."●

SOVIET JEWISH REFUSENIKS

● Mr. GORE. Mr. President, I would like to take this opportunity to call to the attention of my colleagues in the Senate the plight of the Soviet Jewish Refuseniks. Further, I call their attention to a special group of persons whose names I share with them today.

These persons have a strong desire to leave the Soviet Union and join their families in Israel. Some of these people have been separated from their families for as long as 10 years. Letters to and from the refuseniks are censored, they are harrassed, and not allowed to obtain employment. Suffering is part of their daily existence and they are ostracized by their fellow countrymen.

Although we are limited, for obvious reasons, as to what we can do to help these people, it is of the utmost importance that we continue to pressure the Soviet Government to release the refuseniks.

In 1975, the Soviet Union became a signatory to the Helsinki accords, pledging to "present human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief" and to work in a positive and humanitarian spirit with the applications of persons who wish to reunite with members of their family." The U.S.S.R. has flagrantly disobeyed the Helsinki accords.

I strongly encourage Members of the Senate to become active in helping the Soviet Jewish Refuseniks. We need a commitment to action if we are to realize our desire to see the people leave the Soviet Union and begin life again reunited with their families.

The list I have shared with my colleagues today is but a small portion of the people who are classified as refuseniks and in desperate need of our help.

The partial list of Soviet Jewish Refuseniks separated from their families in Israel follows:

PARTIAL LIST OF SOVIET JEWISH REFUSENIKS SEPARATED FROM THEIR FAMILIES IN ISRAEL

Name	Address	Relative in Israel	Kinship	Period of separation
Senem Abramova	Lenina 38-1, Derbent, RSFSR, USSR	Asaf Abramov, Hostel 101, Shikun Peer, Hadera	Father	5 years.
Israel Achildiev	Kvartal 11-44-46, Chilanzar, Tashkent, Uzbek SSR, USSR	Aser and Tamara Achildiev, Har Habad 1144-27, Kiryat Malakhi	Parents	Do.
Lia Akkerman-Prestina	Kropotkinskaya 33-19-55, Moscow, RSFSR, USSR	Inna Levin, Rehov Gilboa 25-8, Beersheva	Daughter	Do.
Yehudit Bialy-Ratner	Butlerova 24-41, Moscow, RSFSR, USSR	Ksiya Ratner, Milchen 5-6, Rehovot	Parents	Do.
Ida Borodkina	Dzerzhinskogo 49-4, Vinnitsa, Ukr.SSR, USSR	Efim Borodkin, Hashomer 47, Tiberias	Husband	6 years.
Galena Braun	Svoboda 7-3, Mukachevo, Ukr.SSR, USSR	Braun, Rehov Yerushalaim 98, Kiryat-Yam	Parents	8 years.
Kim Fridman	Kosmicheskaya 12-12, Kiev, Ukr. SSR, USSR	Genrietta Fridman, Merkaz Klitah, Mevasseret Zion, Jerusalem	Wife	7 years.
Khaim Gelb	Karl Marx 24-2, Mukachevo, Ukr.SSR, USSR	Leib Gelb, Eizorim 41-22, Netania	Father	4 years.
Mina Gelfgat	Uritskogo 5-2, Kharkov 125, Ukr.SSR, USSR	Arkady Gelfgat, Arbel 20-7, Karmiel	Husband	3½ years.
Yakov Goikhman	Kolarova 6-3, Chernovtsy, Ukr.SSR, USSR	Iosif Goikhman, Shalom-Aleikhem 6-1, Tsur-Shalom	Parents	9 years.
Stella Goldberg	2-aya Pugachevskaya 8-5-72, Moscow, RSFSR, USSR	Victor Yoran	Husband	10 years.
Cherna Goldort	Vatutina 33-32, Novosibirsk, RSFSR, USSR	Irina Tseitlin, Mints 28-17, Beersheva	Daughter	6 years.
Semion Gorelik	Ploshchad Kalinina 1-107, Minsk, Bel.SSR, USSR	Mara Gorelik, Maimon 13-12, Bat-Yam	Wife	4½ years.
Marku Grauer	Pereyaslavskaya 6-16, Chernovtsy, Ukr.SSR, USSR	Ida Grauer, Givat-Hamore 172-9, Afula	Mother	10 years.
Boris Gornshtein	Toreza 24-78, Leningrad, RSFSR, USSR	Masha Barkan, Hamatmid 8-8, Holon	....do	4 years.
Mikhail Gots	Lenskaya 10-78, Leningrad, RSFSR, USSR	Dorotea Korob, Kats 68-2, Petah-Tikva	....do	3½ years.
Betia Grinfarb	Lazo 29-19, Kishinev, Ukr.SSR, USSR	Polina Radomyslsky, Sokolov 131, Holon	Daughter	5 years.
Brana Grinfeld	2-oy per. Gertsena 6-6, Chernovtsy, Ukr.SSR, USSR	Boris Grinfeld, c/o Katsaf, Kiryat-Nordau 106-18, Netania	Son	4 years.
Iliya Guberuk	Revolutsii 21-4, Slavuta, Ukr.SSR, USSR	Raisa Guberuk, Hashvatim 16-19, Bat-Yam	Mother	4½ years.
Shmil Guman	Yakira 3-4, Beltsy, Mold.SSR, USSR	Avram and Rivka Guman, Merkaz Eizori 1410-15, Kiryat-Gat	Parents	5 years.
Georgy Gutman	pr. Nauki 7-68, Leningrad, RSFSR, USSR	Boris and Tauba Gutman, Shikun Ein Sara 16, Naharia	....do	4 years.
Khizgil Isaev	ul. Kommunarov 38, Derbent, RSFSR, USSR	Turi Isaeva, Derekh Metzada 218-29, Beersheva	Mother	4½ years.
Igor Kabatiansky	Edelshtein 13-3, Vinnitsa, Ukr.SSR, USSR	Lili Kabatiansky, Megido 156-7, Beersheva	Wife	5 years.
Iosif Kaplan	Frunze 177-14, Kishinev, Mold.SSR, USSR	Ilya Kaplan, Sheshet-Hayamim 19-2, Bat-Yam	Parents	4 years.
Frida Kasperovsky	Gagarina 15-36, Bendery, Mold.SSR, USSR	Anna Vaksman, Kiryat-Moshe 48-11, Rehovot	Daughter	4½ years.
Tashpulat Katanova	26-oy Kvartal 10-24, Tashkent Uzb.SSR, USSR	Itzhak Talit, Maon Kshishim, Ashkelon	Parents	3½ years.
Tsilia Kats	Zelinskogo 32-1-37, Kishinev, Mold.SSR, USSR	Golda Fuksman, Harav Maimon 13-16, Bat-Yam	....do	7 years.
Faina Kazakovsky	Sosiuri 1-9, Lvov 20, Vinnitskaya Oblast Ukr.SSR, USSR	Mikhail Vendrov, Shivtei-Israel 54-16, Kiryat-Khaim	....do	4½ years.
Isaak Khaimchaev	Festivalnaya 22-2-192, Moscow, RSFSR, USSR	Shmuel Khaimchaev, Givat-Hatakhmoshet 2, Kiryat-Sharet, Holon	Father	8 years.
Ilya Khakham	Kotlerskaya 26-4, Chernovtsy, Ukr.SSR, USSR	Rachel and Semion Khakham, Hahadas 8-6, Kiryat-Giora, Or-Yehuda	Parents	Do.
Flora Khakimova	Mayakovskogo 75-4-8, Dushanbe, Tadz.SSR, USSR	Amnon Aminov, Sharet 1-25, Kriyat-Sharet, Holon	Husband	3½ years.
Nakhman Khomak	25 Let Oktyabrya 12-3, Kishinev 277004, Mold.SSR, USSR	Bella Khomak, Rabinovich 33, Beit-Giora, Jerusalem	Daughter	5 years.
Rita Kleinerman	Cheliuskintsev 13-5, Chernovtsy, Ukr.SSR, USSR	Ita Gold, Dolinsky 20-13, Oshiot	Mother	Do.
Valentina Kochubievskaya	Vatutina 5-50, Novosibirsk, RSFSR, USSR	Aleksandr Kochubievsky, c/o Naor, Harav Bloi 5-6, Petah-Tikva	Son	3½ years.
Anatoly Kochorva	Sovetskoy Armii 21-3-18, Kishinev, Mod.SSR, USSR	Valentina Kranzburg, Merkaz Klitah "Barnea", Ashkelon	Wife	4½ years.
Mikhail Kremen	Molostovykh 11-2-64, Moscow, RSFSR, USSR	Yulia Kremen, Yalag 22-3, Kiryat-Ata	Mother	9 years.
Gedi Kun	Shchelkovskoye shosse 77-1-160, Moscow, RSFSR, USSR	Fani Sholomon, Neve-Yakov 32-19, Jerusalem	....do	7 years.
Iraida Lanis	Frunze 5-64, Berdichev, Ukr.SSR, USSR	Leibl and Zisel Raevich, Ilanot 10-8, Karmiel	Parents	5 years.
Grigory Leiderman	Komsomolskaya 14-5, Kishinev, Mold.SSR, USSR	Batia Leiderman, Haorgim 24, Bat-Yam	Parents	6 years.
Solomon Lekhtman	Bulvar Lenina 12-16, Beltsy, Mold.SSR, USSR	Moshe and Feiga Lekhtman, Hagolan 1-26, Kiryat-Yam	....do	10 years.

PARTIAL LIST OF SOVIET JEWISH REFUSENIKS SEPARATED FROM THEIR FAMILIES IN ISRAEL—Continued

Name	Address	Relative in Israel	Kinship	Period of separation
Grigory Lemberg	Merkelya 9–4, Riga, Lat.SSR, USSR	Frida Lemberg, Levi Eshkol 14–8, Jerusalem	Mother	8 years.
Aleksander Lerner	Dmitry Ulyanova 4–2–322, Moscow 117393, RSFSR, USSR	Sofia Levin, Hanassi Harishon 33–15, Rehovot	Daughter	12 years.
Luiza Lyandres	Veteranov 40–19, Leningrad, RSFSR, USSR	Semion Lyandres, Neve-Yakov 109–3, Jerusalem	Son	3½ years.
Bella Livshits	Leiklos 7–3, Vilnius, Lith.SSR, USSR	Alla Lifshits, Shtern 65–32, Jerusalem	Daughter	10 years.
Evgenia Lutskaya-Kalendareva	Basseinaya 12–81, Leningrad, RSFSR, USSR	Mila Zisman, Shprinzak 1–22, Rishon L'Zion	do	6 years.
Elena Mai-Seidel	Leningradskoye Shosse 112/1–3–709, Moscow, RSFSR, USSR	Sofia Berman, Ben-Gurion 5–2, Azur	Mother	9 years.
Arkady Maizel	Basanavichus 11–12, Vilnius, Lith.SSR, USSR	Daniel and Khasia Maizel, Ramat Ben-Zvi 27–12, Nes-Ziona	Parents	8 years.
Yangil Manashirov	Prikaspiiskaya 47, Derbent, RSFSR, USSR	Boris Manashirov, Derekh Lamerkhav 527–7, Pardes-Khana	do	7 years.
Bella Modilevsky	Stadionny proyezd 8–4–84, Kharkov 319091, Ukr.SSR, USSR	Arkady and Raya Solomonov, Ben-Zvi 22–21, Karmiel	do	5 years.
Basia Muleris	Laisves Alleya 72–A–16, Kaunas, Lith.SSR, USSR	Yoisif Libman, Ezra Hasofer 5–7, Herzliya	do	8 years.
Mark Nashpits	Osipenko 17, Strunino, Vladimirskaya Obl., RSFSR, USSR	Ita Nashpits, Habikurim, 7–17, Neve-Chen, Kiryat-Beniamin	Mother	12 years.
Ideya Nikulina	Baranova 26–7, Odessa, Ukr.SSR, USSR	Karpivsky, Shikun Peer 5–4, Hadera	Father	9years
Esphir Orlova-Slutskaya	Avangardnaya 15–66, Moscow, RSFSR, USSR	Miriam Ainbinder, Shakhal 56–30, Jerusalem	Daughter	5 years.
Marat Osnis	Ordzhonikidze 11–5, Chernovtsy, Ukr.SSR, USSR	Vanda Osnis, Herzl 62–A–17, Kfar-Saba	Mother	10 years.
Masha Pitkovsky	Gagarina 39–189, Kharkov, Ukr.SSR, USSR	Alla Khodorkovsky, Merkaz Klitah, Tiberias	Daughter	3½ years.
Boris Prudinsky	Degtyarny per. 8–10–17, Leningrad 193144, RSFSR, USSR	Gutia Prudinsky, Maon Kshishim, Karavanim, Ashkelon	Mother	5½ years.
Natalia Rozenshtein	Butlerova 2–1–69, Moscow, RSFSR, USSR	Asya Ploshchanskaya, Herzl 47–24, Safed	do	9 years.
Lizaveta Shalumova	per. Karl Marx 42, Derbent, RSFSR, USSR	Khibris Elishaeva, Eizor "Khet" 1368–10, Ashdod	do	5 years.
Nelly Shpeizman-Lipovich	Slavy 64–33, Leningrad, RSFSR, USSR	Rita Levin, Ramot 17–22, Jerusalem	Daughter	3½ years.
Musia Shtein	Pushkina 4–38, Novgorod-Volynsk, Ukr.SSR, USSR	Shmuel and Hanah Gorbaty, Pardes Rubin 7–2, Givat-Shmuel	Parents	4 years.
Alla Smelyansky	Tashkentskaya 17–2–42, Moscow, RSFSR, USSR	Anna Gurevich, Derekh Hashalom 100–17, Tel-Aviv	Mother	11 years.
Nina Soifer	Zorge 15–10, Novosibirsk, RSFSR, USSR	Iosif Soifer, Tabenkin 32–6, Beersheva	Son	8 years.
Yudit Solovey	Dzelzavas 29–9, Riga, Lat.SSR, USSR	Bentzion and Alla Valk, Gilo 52–67, Jerusalem	Parents	5 years.
Keila Taicher	Skovorody 23–1, Chernovtsy, Ukr.SSR, USSR	Girsh Taicher, Herz 2–15, Rehovot	Son	3½ years.
Leonid Vainshtein	Prospekt Mira 31–95, Kishinev, Mold.SSR, USSR	Klara Vainshtein, Hatabor 9–16, Kiryat-Yam, Haifa	Wife	8 years.
Vasily Vavilov	Yantarnaya 9–2, Kaliningrad-Oblastnoy 236009, RSFSR, USSR	Tatiana Vavilova, Kalisher 800–3, Shikun "Gimel", Beersheva	do	5 years.
Grigory Vigdarov	Malakhitovaya 10–2–165, Moscow, RSFSR, USSR	Aleksander and Sara Vigdarov, Kaf-Tet b'November 5–14, Petah-Tikva	Parents	10 years.
Emma Vinnik	8-ogo Marta 10–44, Vilnius 30, Lith.SSR, USSR	Anna Mazukina, Shaar Ha'aliya 37, Kiryat-Shprinzak, Haifa	Mother	5 years.
Ibolia Zilbert	Osipenko 5, Mukachevo, Ukr.SSR, USSR	Braun, Yerushalaim 98, Kiryat-Yam	Parents	7 years.

DAV REACHES OVER 1 MILLION MEMBERS

● Mr. LAUTENBERG. Mr. President, I would like to draw my colleagues' attention to the achievement of the Disabled American Veterans' [DAV] organization in enlisting more than 1 million members, and to congratulate the New Jersey DAV for helping to contribute to this milestone by reaching its own all time membership high of 28,952.

Surpassing the 1-million membership mark is a particularly noteworthy accomplishment when one considers that only 2.2 million veterans in this country suffer compensable service-connected disabilities. No other veterans group, and few other organizations of any kind, have ever recruited such a high percentage of those eligible for membership.

The ability to add so many of those eligible to the membership roster is a testament to DAV's effectiveness in dealing with the problems that confront disabled veterans. Wartime disabled veterans' battles do not end when the war is over. Disabled veterans need help in regaining their health, in finding jobs, and in adjusting to their disabilities.

For 64 years, the DAV in New Jersey and in other States has helped disabled veterans to make these adjustments. The DAV helps New Jersey veterans to obtain the benefits and services they deserve, and works closely with Federal, State, and local agencies to keep veterans informed of available programs and services. DAV provides scholarships to children of disabled veterans, works to combat job discrimination against disabled veterans, and visits patients in VA hospitals.

But the most eloquent testimony to the DAV is in the numbers of members it is able to attract and help, and once again I commend the national DAV and the New Jersey chapter for their invaluable work in helping disabled veterans. It is without doubt because of their excellent work that they have succeeded in expanding their ranks to over 1 million.●

DR. MARK DELAY

● Mr. SIMON. Mr. President, I should like to take this opportunity to recognize one of my constituents, Dr. Mark DeLay, who will soon retire. Dr. DeLay has spent 30 years devoting exemplary service to public education in School District No. 61, in DuPage County, IL. Those who have had the pleasure of working with Dr. DeLay cite his honesty, fairness, vision, and unflagging commitment to children and the community. The participation of individuals like Dr. Mark DeLay make our school system a brighter place, and I am grateful for his years of dedicated service. I extend my best wishes to him as he retires.

I ask that the following resolution be reprinted in full in the RECORD.

The resolution follows.

RESOLUTION

Whereas Dr. Mark DeLay has devoted thirty years of dedicated service to students and staff members of our public schools; and

Whereas he has served as Superintendent of Schools in Darien District #61 for twenty-three years providing an exemplary basic education for the children of Darien and Downers Grove; and

Whereas he has been a respected community leader who has selflessly devoted great contributions of time, energy, and care to all citizens of Darien; and

Whereas Dr. Mark DeLay has built schools which are the heart and pride of the community and which provide a place where all students have the opportunity to learn important academic skills; to grow into strong, healthy, and responsibile young men and women; to acquire solid democratic values; and to develop a love and enthusiasm for lifelong learning; therefore, be it

Resolved, That the United States Senate formally recognize Dr. Mark DeLay for his meritorious work and service; and be it further

Resolved, That Dr. Mark DeLay receive recognition of our appreciation for his enduring commitment to public education in the form of an official copy of this Resolution.●

SEX OFFENDER SENT TO FLORIDA

● Mrs. HAWKINS. Mr. President, on March 19, 1985, Weston Hill, a known sex offender, was flown one-way to Miami by the Police Department of Santa Monica. Weston Hill, a 44-year-old drifter, has been in and out of mental hospitals since he was 14. He was diagnosed in a recent psychiatric profile as being "grossly psychotic." In addition, he has a criminal record which includes assault with a deadly weapon and sexual battery, and he is an admitted pedophile. Yet, rather than deal with Hill and seek help for him in California, the Police Department of Santa Monica sent Hill to Florida to get him off their hands.

Less than 1 month after Hill's arrival in Florida, he was arrested for indecent exposure. This is a serious situation. Such actions on the part of our city officials are both irresponsible and deplorable. Fortunately, Hill committed a misdemeanor. However, he could just as easily, as evidenced by his criminal record and mental state, done serious harm to Miami's citizens—especially the children of that city.

The city commission of Miami recently adopted a resolution in response to Santa Monica's actions. Essentially, the resolutions proposes that legal proceedings be initiated against the city and its police chief and seeks

Federal legislation which will prevent governmental bodies from sending known offenders to other States.

Mr. President, I ask that Resolution No. 85-466 of the Miami City Commission be printed in the RECORD.

The material follows:

RESOLUTION NO. 85-466

A resolution authorizing the city attorney to initiate legal proceedings in the courts of the State of Florida against the city of Santa Monica, California and the police chief of said city for having caused Weston Hill, a known sex offender to be sent to Miami, Florida and to pursue such proceedings if they are removed to the Federal courts with the inclusion in said proceedings of a petition for injunctive relief against the city of Santa Monica, California, and its police department to prevent said city from repeating actions of this type in the future; requesting the city manager to lodge formal protests and complaints concerning the conduct of Santa Monica officials with the Conference of Mayors, the International City Managers Association, and the league of Cities requesting those organizations place such protests on their next possible meeting agenda; further requesting the Florida congressional delegation to have Federal regulations implemented which will prohibit government entitites of one State from sending known offenders or individuals with known undesirable propensities to another State; and directing the city clerk to send a copy of this resolution to each member of the Florida congressional delegation, including Senator Chiles and Senator Hawkins.

Be it resolved by the city commission of the city of Miami, Florida:

Section 1. The City Attorney is hereby authorized to initiate legal proceedings in the Courts of the State of Florida against the City of Santa Monica, California and the Police Chief of said city for having caused Weston Hill, a known sex offender to be sent to Miami, Florida and to pursue such proceedings if they are removed to the Federal Courts with the inclusion in said proceedings of a petititon for injunctive relief against the City of Santa Monica and its police department to prevent said city from repeating actions of this type in the future.

Section 2. The City Manager is hereby requested to lodge formal protests and complaints concerning the conduct of Santa Monica officials with the Conference of Mayors, the International City Managers Association, and the League of Cities requesting that those organizations place such protests on their next possible meeting agenda.

Section 3. The Florida Congressional Delegation is hereby requested to have federal regulations implemented which will prohibit governmental entities of one state from sending known offenders or individuals with known undesirable propensities to another state.

Section 4. The City Clerk is hereby directed to send a copy of this resolution to each member of the Florida Congressional Delegation, including Senator Chiles and Senator Hawkins.

Passed and adopted this 9th day of May, 1985.

MAURICE A. FERRE,
Mayor.

Attest:

RALPH G. ONGIE,
City Clerk.

Prepared and approved by:

ROBERT F. CLARK,
Chief Deputy City Attorney.

Approved as to form and correctness:

LUCIA A. DOUGHERTY,
City Attorney.●

WATCHDOGS FOR THE PUBLIC GOOD

● Mr. PRYOR. Mr. President, I was encouraged to pick up the newspaper late last week and learn that an honorable American—Mr. George B. Spanton—has finally been vindicated. In 1983, Spanton was ordered transferred from his position with the Defense Contract Audit Agency [DCAA] from West Palm Beach, FL, to California when he went to the press—after concluding he was being ignored at DCAA—with information about excessive expenses charged to the Government by Pratt and Whitney on an Air Force contract.

The Merit Systems Protection Board [MSPB] ruled that the director of DCAA must be relieved of his duties and fined for using this transfer to try to punish Mr. Spanton for exposing alleged overcharges in Federal contracts. This action, which has been described as the toughest action of the board's 7-year history, bodes well for our country and for those who are sometimes referred to as whistleblowers, who put country before self to force sunlight into the darkness of procurement waste and abuse.

Mr. Spanton responded to the MSPB decision by saying:

It's one of the greatest days in my life. Maybe now more audits will be done to protect the American people.

Mr. President, in this country we want to encourage, not penalize, those who are watchdogs for the public good and for our national security. This Merit Systems Protection Board decision and the precedent it creates demonstrate that retaliation for bringing abuses into the public forum will not be tolerated. As K. William O'Connor, special counsel to the Board said:

• • • if you're thinking of taking reprisal against a whistleblower, even if you're the head of the most significant audit agency in the executive branch, don't do it, because your head can roll.

Mr. President, I believe we must rock the boat and rock it hard if we hope to dislodge the institutional bias toward acceptance and timidity in Government contracting. For their actions toward this end, we owe Mr. George Spanton and others like him a great deal of gratitude.●

REPORTS OF TORTURE AND MURDER OF PREGNANT WOMEN AND BABIES IN AFGHANISTAN

● Mr. HUMPHREY. Mr. President, a transcript of recent interviews with Afghan refugees taken in refugee camps in Pakistan reveals that the Holocaust continues unabated in Afghanistan.

Refugees report that Soviet soldiers accuse pregnant women of having grenades in their stomachs and then bayonet them to death. They pour kerosene over children and burn them alive. One witness claims that Soviet soldiers, "hung a 1- or 2-week-old baby boy in a tree, bayoneted him and made the parents watch while they burned him; when the baby was dead, they shot the parents." The Soviet invaders burn fields, mosques, villages, food, and livestock. They gather the old people of a village in one room and then throw grenades at them.

To talk of human rights violations in the context of such total brutality is to grossly understate the barbarity of the Red army, which resembles in its approach to total war the armies of Genghis Khan.

The eradication of an entire country and its people is the goal of Soviet military activity in Afghanistan. They want the land without the people. Americans must face the Holocaust in Afghanistan now, and demand that we support those who are fighting against it, or, as with the Nazi death camps, history will force us to face it later when we walk through the charred and ghostly remains of towns, villages, and countryside, where a peaceful, godly, and independent people used to live.

Mr. President, I ask that the aforementioned transcript be printed in the RECORD.

The transcript follows:

TRANSCRIPT OF INTERVIEWS WITH REFUGEES FROM LAGHMAN PROVIENCE, AFGHANISTAN MUNDA CAMP, NORTHWEST FRONTIER PROVIENCE, PAKISTAN

My name is Lal Mir. I am from Char Bagh bazaar town, in the Qarghai district of Laghman Provience.

How long have you been here?

We came 15 days ago, with just the clothes on our backs. We lost all our property, but we didn't care, we lost so many people. We got word the Russians came again, and the women ran away into the mountains and the desert.

Why did you come here? We heard stories of Russian massacres and cruelty.

The Russians put 8 ladies and 5 men in a mosque, and burned them.

When?

Eighteen days before.

Did you see this yourself?

Yes, with my own eyes.

In your village?

Near my village. It happened 18 days ago, and we came here 15 days ago. Char Bagh was a big bazaar—the Russians burned all the shops, with everything in them. Char Bagh is our town, and they burned all the shops, and all our property. They burned all the shops. The ladies and children who came out had only the clothes on their backs.

The Russians come into the houses, asking for money; so one Russian took money and left, another came in, asking for money, and if he didn't get any, he would kill them. Sometimes someone would give 20,000-30,000 Afghanis, and they would kill them anyway. They took gold and all the

valuables. They put the barrel of the Klashnikov against people's necks and demanded money. They took all our money. They killed people who gave them 20,000 Afghanis, and they killed people who had no money to give. They destroyed the houses, looking for money to steal.

What other stories or evidence can you give?

At 8 or 9 at night, suddenly the sound of fighting, shelling woke up the whole town. Fighting went on all night. In the morning, we found 11 people were dead. We went out from the village in the early morning, and hid. The next night we came back, and the Russians surrounded the village. Many people were killed. Men, women and children fled and hid in the surrounding mountains—all the people went out and hid.

You were telling us about children burned. Were any people killed in the Mosque your relatives?

No, friends. I knew them.

They were from your area?

Yes.

How many children were killed?

(Some one else speaks.)

My name is Shir Dal, I am from the Kats area. I lost four members of my family—my sister's children, her husband, and her.

Your children?

No, my sister's. She was killed, her husband, and the children. The only thing left alive was one calf—they even killed chickens, pigeons, everything alive they killed.

When the Russians first came, the children were hiding in a cave. One Parchamite Communist man was with them, and helped bring the children out, and they burned them to death. They were burning the Mosques, and they killed even chickens and dogs, and then they went away. When they came back, they began looting. They killed 768 people, along the valley. They burned the fields everywhere in the province, all the way up to the province capital. They came back to Surkhrud, and they did more things there. The children who were killed, their parents could not recognize them, because they were burned. They made fires with wood, and put the children in them, or put kerosene on children and burned them. Sometimes they killed children and then burned them, and sometimes they burned children alive. They were taking children out to the fields and burning them alive, and they put them in the rushes and brush and burned them alive. They killed all the faithful Moslems in the area. In Kats area, they killed 67 people—total, 768 that we know of. Some people are still missing, some are hiding in the mountains. Those families who have surviving men have come out, those whose men were killed are still hiding, with no one to bring them out.

Mostly children and ladies were killed?

Yes.

Why did they kill children and ladies?

The first time, they searched the area and got money from people. The second time, they captured one Mujahed. They had Parchamite Communist with them. And they started killing people everywhere. They took people from one village to another and killed them there. There was no reason. They killed that way many, many people. And this went on continuously for 6 days and nights. Some of the ladies and children who hid went without food and water for days. Some ladies drowned themselves in the river to escape.

(Someone else speaks.)

They hung one 2 or 3 weeks old baby boy in a tree, bayoneted him and made the parents watch while they burned him; when the baby was dead, they shot the parents. One ½ year old boy and 7 year old girl, my sister's children, were killed. It was very cruel. They killed many people, and this is a story people should not forget. They burned the houses, also.

When did they kill your sister?

Fourteen days ago.

Only one of my sister's daughters came out, with my mother—the rest are dead. The daughter didn't come out until 5 days ago—a very little girl. One 2 day old boy they tied, legs to one branch, hands to another, and built a fire under him and burned him. He was just 2 days old—only 2 days old—I swear it! My people will tell you.

There were 700 tanks, 8,000 Russian soldiers—maybe 200 MiGs and helicopters. There was heavy bombing over all of Laghman . . .

Did any old or religious people ask the Russians to stop?

When anyone asked them to stop, or why they were doing these things, they were shot. So there was no way of stopping them.

Because of bombing and shelling, women and children were trapped, with no way of escape.

You were talking about the Malang?

(A Malang is a religious man who lives in the local graveyard, praying for the souls of the dead.)

Some one gave the Malang three colored eggs to eat—so the Russians came and shot him in the mouth and blew his head off.

The Russians were like wild animals—they had no pity—they had no human feelings. Eight farmers were working in a field, cutting wheat. The Russians asked them what they were doing. The farmers said they were harvesting grain, to take to the mill. The Russians shot and killed them all.

One girl went inside her house, and a Russian followed her in. She killed him with a sickle. This happened in Bolan——she cut his head off. Another Russian came and shot and killed her.

In the Qarghai district of Laghman, not more than 80 people still live. My own house, with everything in it, was burned.

They were destroying the houses in the district with BM-13 rockets, and dropping bombs that killed everyone for 2000 meters on all sides.

The Russians play at many, many games inside Afghanistan.

(A young man speaks.)

When the Russians first attacked the area, the Mujaheddin ambushed them and killed 24. Then airplanes came, with bombs and rockets, bombing everywhere. Four rockets hit near my house.

Though the Mujaheddin defeated the Russians at first in the Sheihk Mahmud Farindar area, they warned the villagers that the Russians were coming, and they should hide in the mountains, but this time the Russians had surrounded the mountains with paratroops and there was no escape. People who hid in the mountains had to eat grass, because they had no food with them—I myself lived by eating grass.

In previous times, the young people hid in the mountains to avoid being drafted in the army, but this time, bombing, artillery and automatic gunfire killed many. Russians had occupied the mountains in advance, so there was no place to go.

Total of martyrs, we don't know. Many died when they fled into the mountains paratroops were already there, and BM-13 rockets and bombs killed people even far away in the mountains.

The Russians rounded up 23 or 25 old, respected people, put them in a room threw a hand grenade in and killed them all.

There were no Mullahs or old people left to bury the dead properly. The few people left are hiding, waiting to harvest their crops—then they, too, will leave, and there will be no one left in Qarghai no one alive.

They were so cruel? They hung women from trees by the neck, or hung them by one leg and stabbed them to death with bayonets, and killed children the same way.

We want to go back, as soon as possible, whenever the Russians leave Afghanistan. We want to go home.

(Another speaker.)

They were firing BM-13 rockets, and some houses were burning and I and three brothers and 1 guest were together. We decided to go to the mountains, but they were already occupied by the Russians during the night. When we reached a flat area below the mountains, the Russians shot at us. We stopped, 4 machine guns shot at us, tracer bullets, then mortars firing. I lay on the ground; I lost my cap. My four friends ran back toward the village, the Russians firing at them; they escaped into a small area of forest safely. Tanks moved toward me, and I ran away, toward the mountains again—the machine guns fired again and I lay down behind rocks; 200-300 villagers were also running toward the mountains; when they got there, they found the Russians were there, and the Mujaheddin and the Russians began fighting. The Russians were using very heavy rockets, tanks, MI-24s, MiGs. One Mujahed was wounded. The Mujaheddin only had one machine gun, 1 Muhjahed used it to hold the Russians off while everyone escaped—then the other Mujaheddin fired at the Russians, allowing the man with the machine gun to escape. So they all fled under heavy fire. The wounded man wanted water, but the only spring in the area was occupied by the Russians. At night, I went back to my village. No one was there—some had gone to other villages, they had fled to places where tanks could not go. A woman offered me a loaf of bread, but I said, I'm not hungry, I cannot eat after what I have seen. I spent the night in a haystack with other wanderers. The night was lit up by flares, tracers and bullets.

In the morning, we found that the village was occupied by the Russians again. They were killing, cattle, sheep, everything, not to eat, just to kill. At noon, the Russians started to move out, and we began collecting the bodies of the martyrs. Many people we could not recognize, because the heads had been cut off, faces crushed by beating. I found my cousin, who was a teacher, at first, I could not recognize him. In each house we found 2 or 3 bodies. They had killed almost everybody. We went up into the Sheikh Mahmud Farindar area of the mountains, and there we found 14 more martyrs—some without clothes, they had been killed naked, or burned alive the clothes burned off them. As we carried the bodies down, the Russians saw us and began firing BM-13 rockets, we brought the bodies to the village. When we tried to go back and get more, the Russians fired rockets and stopped us. While we were burying the dead the Russians were bombarding the area with tanks. One 9 months pregnant woman ran out of her house, and a shell hit her and killed her. Her brother's son saw his dead aunt and ran toward her, and he was shot through the head.

In Shahmangal, the Russians took pregnant women and asked them, "What's in

your stomach? A grenade? A mine?" The woman would turn her face away, because Afghan people don't talk like that. The Russians said "There's a hand grenade or mine in your stomach." Then they took bayonets and stabbed them in the stomach, killing the unborn baby and the mother.

The Russian said, "you are Moslems, believing in God—call your God to come and save you death. Where is your God, and how is he?" And the people said, "We believe in God, and whatever happens is God's Will." And the Russians killed them, too. MiGs and helicopters were still bombarding the area . . . In another village, the Russians took three old people and 1 religious leader, and killed them. No one knows where the bodies are.

The Mujaheddin fought for peace for Afghanistan and Islam; they did many good works for the sake of God. The Holy Koran says, "My land is wide, and you can go from one place to another to find peace." So now we are in Pakistan, and we pray for a long and happy life for President Zia ul-Haq, and a good life and more wealth for Pakistani people.●

DR. BENJAMIN FRANK

● Mr. LEAHY. Mr. President, last fall the Nation lost one of it's leading experts on Federal corrections policy, Dr. Benjamin Frank. Dr. Frank served 26 distinguished years in the Federal Prison Service, where he was recognized by long time Director James V. Bennett as chairman of Bennett's "brain trust."

Dr. Frank held a doctorate in psychology from New York University and among his many distinguished achievements he was the principal architect of the Center for the Study of Crime, Delinquency and Corrections at Southern Illinois University, he was a professional lecturer in the Criminal Justice Program at Maryland University, he was director of the Commission on Correctional Manpower and Training, he was a visiting expert at the U.N. Far East and Asian Institute in Japan, an adjunct professor at the School of Justice at American University, and he was the author of Contemporary Corrections. In addition to these many achievements he was also a fellow of the American Association for the Advancement of Science.

Ben Frank not only brought tremendous insight and ability to the field of Federal corrections, he brought a quality and depth of scholarship to the field which, in the view or Dr. Moeller, will be a valuable part of the debate on correctional policy in this century.

Mr. President, the September 1984 issue of Federal Probation, A journal of correction philosophy and practice for which Dr. Benjamin Frank served as book review editor was dedicated to his memory. I ask that a copy of the tribute to Dr. Frank in that issue written by H.G. Moeller, former Deputy Director of the U.S. Bureau of Prisons and professor emeritus at East Carolina University be printed in the RECORD.

The tribute follows:

[From the Federal Probation, September 1984]

BENJAMIN FRANK—1902-84

The writer is one of the privileged handful of those who knew Ben Frank for nearly a half-century. For us, his death shortly after his 82nd birthday marked the end of a rich association with one we knew as a philosopher, scholar, teacher and corrections practitioner of unusual stature.

Some ten lines of text in "Contributors to This Issue" on the back cover of Federal Probation, September 1983, provide a quick summary of the bare facts of a distinguished career—a doctorate in psychology from New York University; 26 years in the Federal Prison Service, where he was recognized by long-time Director James V. Bennett as chairman of the latter's "Brain Trust"; a principal architect of the Center for the Study of Crime, Delinquency and Corrections of Southern Illinois University; Professional Lecturer in the criminal justice program at Maryland University; Director, Commission on Correctional Manpower and Training, a unique project which he brought to a highly successful conclusion; Visiting Expert at the UN Far East and Asian Institute in Japan; Adjunct Professor, School of Justice, American University; author of Contemporary Corrections; lifetime member of and leader in several professional organizations; and Fellow of the American Association for the Advancement of Science.

Omitted from the summary were his contributions to Federal Probation over the history of that publication. One of the early editors, in association with Vic Evjen, he subsequently became a member of the magazine's Advisory Committee, and since 1947 was editor of its "Bookshelf in Review" department. He was one of the forces which made the magazine a unique professional journal.

But the recital of these facts tells us too little about the man. Some insight into the quality and depth of his scholarship is suggested by the lead article in Federal Probation, September 1983, which he called "Writing About Justice: An Essay Review." Written when he was in his eighty second year, this piece holds up to the light the philosophical debates which will contribute to the shaping of correctional policy in this century. His book, Contemporary Corrections—A Concept in Search of Content published a decade ago remains a valuable anthology. Dr. Frank's editorial commentaries which introduce the essays of an outstanding roster of contributors as well as his own chapter entitled "Crime, Law and Justice" give us clear insights into the clarity of his vision.

These insights, however useful, still fail to give us the full measure of the man whom I knew best. My first encounter with him came in the summer of 1937. I was then an intern in public administration at the Federal Reformatory at Chillicothe, Ohio. The grapevine had passed the word that one of the Washington "earthshakers" was in the institution. It was not until the end of the working day that I came upon him in the Bachelor Officers' Quarters. The diminutive, dark complexioned, youthful stranger, casually dressed in sport shirt and slacks belied the "brass hat" label as did his invitation "Let's go someplace and have a beer." Some hours later I was back in my room reviewing an evening which I had spent with what was surely one of the brightest professionals I had yet met in the field. I had just finished one of the most penetrating oral examinations I had ever experienced. I had been baited and teased, challenged to debate, had laughed at myself and joked with a colleague. I had found a friend and the friendship was to last.

Some months later, when I joined the staff of the Bureau of Prisons, I was to find that Ben enjoyed the confidence and respect of all of his colleagues. For me, he became a confidante, a counselor, a mentor. One who was invariably constructive, critical and always available during periods of high impatience and frustration. His was a listening ear. He also had the capacity to bring youthful idealism face to face with reality as he would shrug his shoulders, grin and ask "Well, what do you expect?"

Ben, though twice happily married, was childless—but he had a great love for children. Two in our household were to claim him as their Jewish Uncle who often understood them better than their parents. He also had a special concern for troubled adolescents and students in distress. as a counselor and advisor to the young he was unsurpassed, as many who have "made it" with his help freely testify.

Ben was an intensely private person who was seen by some as hard to know. In part this was because he had little time for small talk and no patience for bigotry, or intolerance, or mediocrity. He spent his entire life expanding his horizons. He sought as companions persons who enjoyed the world of ideas, and who were fellow searchers who sought understanding of the human condition. In his latter years he seized the opportunity to travel widely to broaden his understanding of history, art, music and drama. For him life was a moveable feast.

His view of life was perhaps best expressed in a note whch he sent me when I reached my 65th birthday. It was a quotation from Tennyson's Ulysses.

Tho' much is taken, much abides, and tho'
We are not now that strength which in old days
Moved earth and heaven, that which we are, we are
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

Thank you Ben for keeping the faith.

H.G. MOELLER,

Deputy Director (retired), U.S. Bureau of Prisons and Professor Emeritus, East Carolina University.●

SENATE STAFF CLUB TO HONOR JOE WASHINGTON

● Mr. BENTSEN. Mr. President, on Tuesday evening, June 25, 1985, the U.S. Senate Staff Club will pay special tribute to Joe Washington. Mr. Washington, is best known as the National Football League runningback who has starred for the Baltimore Colts and the Washington Redskins, and will soon be joining the Atlanta Falcons.

Being an excellent performer in the profession he selected has never been enough for this native Texan, and the Senate Staff Club is honoring Mr. Washington as much for his communi-

ty contributions off the field as for his brilliant athletic career.

Many people know that Joe Washington, for example, has averaged more than 1,000 yards a season in a business where success is judged by 1,000-yard years. But what I find most impressive is his penchant for community work, for which Joe Washington has never sought favor nor publicity.

In his hometown of Port Arthur, TX, Mr. Washington has devoted many, many hours to the Bob Hope-Hughen School for Children, the only facility for the handicapped of its type in America. He has coordinated the Bum Philips Celebrity Golf Tournament in Port Arthur, which supports the Bob Hope-Hughen School.

Since moving to the Baltimore-Washington, DC, area in 1978, he has devoted himself to helping others less fortunate. He was chairman of an Association for Retarded Citizens and has been active in the Special Olympics. In Oklahoma, where Mr. Washington graduated from the University of Oklahoma, he is on the advisory board of Wednesday's Child, an organization dedicated to orphaned children. He has worked with No Greater Love, a Christmas celebration for children of fathers killed in service. He serves on the sports council of the National Foundation of Ileitis and Colitis, and is a spokesman for the Oklahoma Society to Prevent Blindness.

In the Washington area, Mr. Washington promoted public awareness of the need for vital organ donors, especially livers. The result was the donation of livers successfully transplanted into 11 children. Washington Redskin fans in 1983 voted him Man of the Year for his contributions to society. Mrs. Nancy Reagan has asked Mr. Washington to accompany her in the campaign against drug abuse, an invitation he readily accepted. The NFL selected Joe Washington to be the Redskin representative in national United Way campaign promotions. He has worked with the Washington Boys Club and the Washington Board of Trade in its youth activities.

I congratulate the Senate Staff Club for recognizing such a splendid Texan, and I applaud Joe Washington for being so deserving of this tribute.●

THE BUDGET DEFICIT: THE NATION'S NUMBER ONE PROBLEM

● Mr. SIMON. Mr. President, I do not read the Los Angeles Times regularly, though every time I read it, I am impressed by the quality of that journal.

I did pick it up the other day and read an editorial piece by John Oliver Wilson, senior vice president and chief economist for the Bank of America.

What he says on budget deficits is right on target.

The number one problem this Nation faces is not tax reform or any of the other things we talk about, it is moving on that deficit. And I hope we have the courage to do so and do so quickly.

I encourage my colleagues in the House and Senate to read his article, and I ask that his words be printed in the RECORD.

The article follows:

HUGE U.S. BUDGET DEFICITS AREN'T GOING TO DISAPPEAR

(By John Oliver Wilson)

With President Reagan's dramatic recent announcement that we must transform a tax system "that's become an endless source of confusion and resentment into one that is clear simple and fair," the national policy spotlight has focused intensely on the debate over tax reform. The big question is: Will efforts to reduce the budget deficit disappear into the background?

No issue of public policy has received as much attention and been studied and debated so thoroughly as the budget deficit. The most recent report, in a long line of studies over the past year, is that of the Commitee for Economic Development, entitled "Fighting Federal Deficits: The Time for Hard Choices."

There have been few issues of public policy in which agreement among so many divergent sectors is so prevalent. It seems that everyone understands the problem and knows what to do except those who must make the decision: the politicians. Here the differences are great. Most politicians would like to ignore the problem and hope that it disappears. Others, including President Reagan, argue that the deficit is an overstated problem. But the Committee for Economic Development report is correct. It is the time for hard choices. Tired as the problem is—after all, who wants to read another article about the deficit?—it simply will not disappear. And it will not disappear because of three basic facts:

Fact one: We cannot grow our way out of the deficit.

The Reagan Administration long held out the promise that the budget deficit would be self correcting; that is, the economy would perform so strongly in future years that the deficit would eventually disappear. Government expenditures would decline in the areas of welfare payments, unemployment compensation and other recession-sensitive programs, and tax revenues would dramatically increase as the economy grew.

This naive view was quickly challenged by private studies, as well as by the Congressional Budget Office, the primary research arm for members of Congress. For instance, when the Reagan Administration agreed to a budget revision last August, just before the fall campaign for reelection, it was announced that the deficit would decline to $139 billion by 1989. Not so, said the Congressional Budget Office. Making more realistic assumptions on economic growth rates, inflation and interest levels, the budget office said the deficit would actually increase to $230 billion.

Fact two: The deficit is the result of structural imbalances between tax revenues and government expenditures.

When President Reagan took office in 1981, the budget deficit was $74 billion, after having averaged only $30 billion during the years 1965 through 1980. The structural imbalances began when the President signed into law the historic Economic Recovery Tax Act of 1981, which reduced taxes by $750 billion over a five-year period.

The second step of the structural imbalance problem occurred when the Reagan Administration decided to increase defense spending from $134 billion during 1980 to $404 billion by 1989. Such an increase was necessary to counter what the President called the "massive military buildup" of the Soviet Union.

AGING AMERICAN POPULATION

The third step of the imbalance problem was not the result of policy changes by the Reagan Administration but is due to an aging American population. Social Security, Medicare, government and military retirement and other programs transferring income to the retired population account for 33% of all federal expenditures, compared to 18% in 1962. It is impossible to reduce the deficit without sharing the pain among all Americans, including the elderly.

These structural imbalances can only be corrected by government action, which means raising taxes, reducing planned defense outlays and scaling back or taxing Social Security payments. These are very difficult decisions for politicians to make.

Fact three: Financing the budget deficit will erode the strength of the American economy.

To many Americans, the deficit issue seems to be exaggerated. If it is such a problem, then why has the economy been performing so strongly, particularly during 1984? The answer is quite simple: The deficit is a long-term problem, not a short-term one. In fact, a major reason for the strong recovery from the recession of 1981–82 was the budget deficit, which boosted demand by billions of dollars. And it is continuing to pump $200 billion of government spending stimulus into the economy, offsetting weaknesses in business investment and foreign trade.

COMPETING WITH PRIVATE NEEDS

But now that the economy has recovered from the recession, financing the deficit is competing with private investment needs. And herein lies the most critical problem of the deficit. The longer it erodes private investment, the greater the damage to the long-run growth potential of the economy. Ten years from now we will look back and ask: What happened to the industrial and financial strength of the American economy?

The reason for this gradual erosion—an economic cancer—becomes clear when we look at the proportion of net domestic savings that is being absorbed by the federal budget deficit. Net domestic savings are the amount of savings in the economy after replacing depreciated capital. This is the savings available to finance investments in education, research, housing and new plant and equipment—investments that are critical to out future strength.

From now through 1990, the deficit will absorb 75% of net domestic savings, compared to an average of only 20% during the years 1965–80. Or, conversely, the proportion of net domestic savings available for investment in our future strength has been reduced to 25% from 80%.

This fact alone is reason enough to keep the tired old issue of the budget deficit alive.●

AMERICA'S WOOD PRODUCTS INDUSTRY AT THE CROSSROADS

● Mr. BAUCUS. Mr. President, I have spoken before—in this body and in other fora—about the trade problems confronting this great Nation. These problems are not abstract concerns: They represent real problems and real people.

In my own State of Montana—and in other Northwestern States and States in the Southeastern region of the United States—the softwood lumber industry is a classic example of what is happening. The softwood lumber industry in the United States is very efficient, but it is being attacked by the overvalued dollar, the stumpage practices of our neighbor to the north, and import barriers erected by our trading partners in the Far East.

Mr. President, last month Congressman DON BONKER from Washington State spoke before the National Forest Products Association. His speech provided an excellent analysis of the problem confronting this industry. I ask that it be printed in the RECORD, and I urge my colleagues to read it.

The speech follows:

AMERICA'S WOOD PRODUCTS INDUSTRY AT THE CROSSROADS

(The Honorable Don Bonker)

Every month the Secretary of Commerce holds a press conference to announce the latest trade deficit figures. The amount for the previous month is posted and the comparisons with the preceding month and year carry disturbing news about the United States' trade performance. On the surface, the trade deficit tells us that our imports are running $120 to $150 billion a year more than our exports. But it says something far more ominous about economic trends in this country and the U.S. competitive posture in today's world.

The timber and wood products industry is a classic example of what is happening to America's manufacturing base. It is an industry in transition as companies, big and small, try to cope with new competitive forces and economic realities that could either signal the industry's demise or bring new opportunities.

We are at that crossroads today as the NFPA Board of Governors meets to confront these issues, and the biggest issue of all is international trade.

The timber and wood products industry, long the champion of free trade, is now being battered on all sides of the trade equation. What is happening today is not sustainable:

The inflated dollar is like a 40 percent tariff on our exports or a 40 percent subsidy on foreign wood products imports.

Subsidized stumpage has given Canadian producers over 30 percent of our domestic market.

After years of intense and good faith negotiations on tariffs, the Japanese still have not budged. There is little progress on Europe's effort to protect their resource base.

China's preoccupation with purchasing raw logs deny our domestic producers the full range of economic benefits that come with manufacturing.

In some ways, the trend in wood products trade reminds me of the plight of an underdeveloped nation. We are exporting our raw materials to Japan and China, and buying a large portion of our finished goods from foreign sources, particularly Canada.

This is not the free trade your industry has always supported. This is not free trade at all.

This challenge before you—and before your supporters in Congress—is to resolve this conflict between a philosophical commitment to open and free trade, and the harsh realities that beset your industry in the real world. The bottom line is survival, and I know this is the task before the NFPA today.

The time has come for government and industry to collaborate in order to end unfair foreign trade practices and help to achieve our export potential in wood and paper products.

The time has also come for us to recognize that free trade does not mean our nation—or your industry—has to be a punching bag on every trade issue.

We must retain our philosophical commitment to free trade, for open and expanding world trade is our best hope for global economic growth and stability. But we must not become paralyzed when it comes to taking legitimate steps to deal with unfair foreign trading practices.

In today's highly competitive and often hostile economic environment, free trade is more of a goal than a reality. It means we should strive to eliminate trade restrictions on both sides and ensure that every nation is playing by the same rules.

I do not pretend to have all the answers, but I would begin by proposing a five-point program.

First, no matter what else we do to become more competitive, it won't be fully effective until the international currency problem is addressed. Today's distorted exchange rates hurt both ways: imports are cheaper, and exports are more expensive.

The conventional wisdom is that the federal budget deficit is the villain because it pushes up interest rates and invites foreign capital investment, enhancing the value of the dollar vis-a-vis other currencies.

Deficit reduction is a political and economic imperative, and Congress would be irresponsible not to act boldly this year, but I am not convinced that deficit reduction alone will bear significantly on the currency problem. In my opinion, we need more immediate and direct action along the lines of setting target zones for international exchange rates to avoid extreme fluctuations in currency values. The European Community employs such a system with noted success.

I was disappointed that President Reagan ignored a proposal to at least discuss the international monetary problem at the Bonn Summit. Unless the Administration recognizes the problem, there is little prospect that we can do anything about it.

Second, the Canadian import issue must be settled. As a result of heavy governmental subsidies on stumpage, Canadian manufacturers are undercutting our long-established mills, capturing an ever-increasing share of the U.S. market.

The question is no longer whether the problem of Canadian imports will be addressed, it's how the problem will be addressed.

The entire U.S. industry is galvanized like never before, to take whatever action necessary. There is widespread frustration within Congress, and a recognition that action is long overdue. Even the Administration, often seen as the Canadians' "ace in the hole" appears to be coming to recognize the severity of the problem.

The real question is, how should Congress deal with this problem? Along with 40 of my colleagues in the House, I have introduced legislation which I believe deals with the Canadian import situation in a tough, but equitable manner.

My bill proposes a three-step process. One, we unbind the tariffs and set a one-year timeframe for the negotiations currently ongoing between our two governments. Two, if there is no agreement, a temporary ten percent ad valorem duty would be imposed on Canadian wood products coming into this country. Third, if there is no agreement, my bill would redefine "subsidy" in our trade law to specifically include below-market stumpage pricing, which will enable our industry to seek proper relief under existing trade laws.

Undoubtedly, some will call this bill protectionist, but this charge will not hold water. My approach relies upon negotiations and existing remedies under our trade laws. The real question posed by my bill is this: Are the Provinces subsidizing their industry to the extent that it gives them an unfair advantage in our domestic market? If so, the subsidy must end, or at least a countervailing duty should be imposed. If not, we have only ourselves to blame for not being competitive with our neighbors to the north.

A similar resource subsidy provision has also been proposed—on an even broader scale—in legislation authored by Rep. Sam Gibbons of Florida. Rep. Gibbons is Chairman of the Ways and Means Subcommittee on Trade, and is widely acknowleged as "Mr. Free Trade" in the House of Representatives.

The Gibbons bill takes a general approach to resource subsidies, while my bill is product-specific to timber. But when it comes to wood products, they have the same purpose—to end Canadian subsidies.

Third, Japan must end its tariffs and other barriers to U.S. finished products or face retaliatory action. It sounds like harsh language, but after years of negotiations with very little to show, what is the alternative?

John Ward said it best in a speech before a Japanese executive team visiting the United States to review our complaints about market access:

". . . we have prepared in Japanese and distributed many White Papers on the issue. We have traversed your land with numerous missions, visiting literally hundreds of key officials. We have spoken to end users—builders and furniture manufacturers—to your ministers * * * and, or course, to your Diet members."

Still no results. I would commend our industry for the creative and positive way in which you have approached this problem. There are tremendous market possibilities in Japan, but they won't be realized unless those protective tariffs come down.

To add insult to injury, the U.S. tariffs on Japanese hardboard panels are steadily declining. Currently, this trade represents about $50 million per year for Japan. While their tariffs on our plywood, veneer, and other products are stuck at 15 percent, our tariffs on Japanese hardboards have gone from 20 percent to 8 percent currently, and they are scheduled to drop even further in the near future.

I am considering a number of options to give our negotiators added clout in dealing with the Japanese on wood products. One

51-059 O-86-30 (Pt. 12)

approach might be legislation patterned after the Danforth bill on telecommunications that would unbind the tariffs on both sides and then establish a level playing field. If Japan persists with its tariffs, we would impose comparable tariffs. This is called reciprocity, and the President now has the authority to take these kinds of actions while remaining consistent to the GATT. Another suggestion that I have heard is for Congress to provide the States with the authority to restrict log exports from their lands. There are other potential approaches, and each obviously has its pluses and minuses, but the message to the Japanese negotiators should be clear: Congressional patience is wearing thin.

Fourth, while China's heavy purchase of raw logs has been welcomed in an otherwise depressed Northwest industry, I am bothered by the long-term trends and effects of this policy.

Many of those logs come from my district, where mills are shut down and unemployment is unacceptably high. When we harvest logs and put them in a boat, the area is denied all the economic benefits that come with processing—jobs, capital investment, tax base, etc.

Our government should have a resource policy to insure that a fair share of these economic benefits stay at home. Until then, the alternatives are to restrict log exports (at least from public lands) or convince the Chinese to buy a mix of finished products and logs.

When I first came to Congress and faced a similar problem with Japan, I called for a log export ban. Hopefully, I am wiser now, and with my growing seniority and well-placed committee assignments, I can deal more creatively with this issue. That is why I am taking a trade delegation to China in July. Our goal will be to persuade the PRC to start buying more finished products, even as they continue to enjoy our logs. I realize there have been countless industry trade missions to China, but in a non-market economy like the PRC, a ranking Member of Congress can help get the message across.

Fifth, trade promotion is essential if we are to achieve our potential in world markets.

I know American companies, individually and collectively, have made a major investment in this regard. However, more needs to be done and government has a definite role to play.

Let me cite the example of South America. The housing demands there are enormous, totaling 20 to 30 million units through the end of the century. Presently, the use of wood in home construction is almost non-existent.

Last year, Secretary of Commerce Malcolm Baldrige and I hosted a breakfast with South American Ambassadors and invited their countries to participate in a three-day wood housing seminar in Seattle. The response was overwhelming. Over 60 ministers and other officials from Latin America and the Caribbean participated. At the seminar they learned, many for the first time, about the economy, efficiency, and durability of using wood and U.S. housing technology.

Following the conference, we got the State Department to fund a number of demonstration projects in six key Latin American countries. The wood and accompanying materials are now there or on the way. At the end of this month, I will take a delegation of twenty industry representatives to Chile, Peru, and Ecuador, to review these demonstration projects and pursue further marketing possibilities in those countries.

This kind of bold government/private sector initiative is essential if we are to develop new markets for our nation's wood products. I learned recently of an exhibit in Peking, sponsored by the European Community, that was a big hit with the Chinese. Our government can and must do more to work with industry to see that we maintain our competitive position.

If we don't export more, our only alternative is to import less or live with staggering trade deficits. Congress has been restrained on protectionist bills, grudgingly giving the President more time and more authority to deal with the current trade distortions, but our patience is all but gone.

Every major newspaper in the Northwest has carried extensive articles on the state of the timber and wood products industry. It has become a sad commentary on what was once a vibrant enterprise in the region. But unlike the late 1960s, nobody is about to "turn off the light". There is considerable hope for the future; after all, we are talking about an abundant, renewable resource much in demand in today's world.

The resource has not changed, but the times and the markets have. We are now in a global community where the rules are different. That is why it is important for government, industry, and labor to put aside their adversarial impulses and begin working together to insure that this industry stays competitive.●

UNDISCIPLINED SOCIAL SCIENCE

● Mr. SIMON. Mr. President, Prof. Ernest R. House, of the University of Illinois at Champaign, has addressed the thesis advanced by Charles Murray in a recent book that has received a great deal of attention. Murray says that the programs to help the poor in our society have not worked and, in fact, have been counterproductive.

Much of what Murray had to say has been very effectively shot down by Robert Greenstein in an article in the New Republic.

Professor House, writing only on the education part of the Murray book, wrote some comments for a publication called Evaluation News. Since that publication does not have much circulation among Members of the House and Senate, I am taking the liberty of inserting in the CONGRESSIONAL RECORD Professor House's comments, titled appropriately, "Undisciplined Social Science."

It is scholarly and devastating.

It shows that progress is being made and that we ought to continue to push for progress.

I ask that the article be printed in the RECORD.

The article follows:

UNDISCIPLINED SOCIAL SCIENCE

(By Ernest R. House)

One of our fellow evaluators has hit it big. Charles Murray, formerly Chief Scientist at the American Institutes for Research where he directed the Cities-in-Schools evaluation and designed the PUSH/Excel evaluation, has published a book which is the talk of Washington. Patrick Buchanan, conservative columnist and White House Director of Communications, has called it "brilliant." On the book's cover Edward Banfield of Harvard says, "Fair-minded thought, extensive scholarship . . . "; Nathan Glazer, also of Harvard, calls it "A remarkable book. . . ."

In Losing Ground: American Social Policy 1950–1980 (1984) Murray contends that the plight of poor blacks was improving from the 1950's until 1965, when the Great Society programs were enacted. After the Great Society programs began, the welfare of the poor blacks actually worsened from 1965 to 1980. The Great Society programs themselves were responsible for this worsening of the poor's conditions, Murray contends. And the only way to improve their plight now is to scrap all these social programs. To support this bold thesis Murray cites trend data from the 1950's to the 1980's in the areas of poverty, employment, wages, education, crime, and the family.

I must admit to a certain trepidation when I ordered the book because Murray had conducted the quantitative analysis in the PUSH/Excel evaluation, which included a number of questionable procedures. What has Murray done in this book to receive such acclaim?

Let's focus closely on his analysis for education. Murray contends that education for poor blacks was improving in the 1950's until 1965. Then their education got much worse in short order. To support his thesis he first cites the mean test scores for 9th graders in the Project Talent data in 1960, Mean test scores for blacks were "a third lower" than white scores. There was a 1.28 s.d. difference between black and white mean scores.

Then for his 1965 data he cites test scores from the Coleman report, which were collected from 12th grade students, using entirely different tests. Whereas in 1960 the black score was only 68% of the white score, in the 1965 Coleman Report data it was now 79% and only a 1.09 s.d. difference. Clearly, Murray argues, public elementary and secondary education for blacks was getting better from 1960 to 1965, which is quite an inductive leap from the data derived from two different sets of tests given to different age groups.

Now for the clincher. In Murray's own words, "The rest of the story is grim, so grim that it is reasonable to question whether the data I am about to present can be taken at face value. . . . Put briefly, as of 1980 the gap in educational achievement between black and white students leaving high school was so great that it threatened to defeat any other attempts to narrow the economic differences separating blacks from whites" (p. 104–105).

Murray now cites 1980 test score means from the Armed Forces Qualification Test given to 18–23 year olds and says, "Overall, the whitemean score was 2.3 times the black mean score" (p. 105). This comparison is given in terms of mean scores; no standard deviations are given or mentioned here. Rarely, if ever, would a researcher give this meaningless number. The average reader would likely compare the 2.3 number to the 1.28 and 1.09 standard deviations given earlier and conclude that this gap has indeed grown enormously. Murray immediately reinforces such a spurious comparison by saying, "It is difficult to specify exactly what such a difference means, except that it is obviously extremely large" (p. 105).

Actually, if one calculates the standard deviation between means for the Armed Forces data it comes to only 1.13 in 1980,

compared to 1.28 in 1960 and 1.09 in 1965, hardly the widening chasm between blacks and whites that Murray protrays. But how many readers could dig the standard deviations from the notes in the back of his book and do the calculations? And why did Murray omit the most meaningful comparative statistic, the difference in means expressed in standard deviations?

So Murray's main argument is based on different tests given to three quite different age groups at different points in time, with the difference between black and white mean scores amounting to 1.28, 1.09, and 1.13 standard deviations over 20 years, and on this basis Murray concludes that (1) education for blacks was improving to 1965, (2) that it declined precipitously after 1965 as a result of the Great Society programs, and (3) that this educational decline overwhelmed any attempts to narrow the economic gap between blacks and whites. I leave the reader to count how many canons of social science research have been violated in Murray's reasoning, and we aren't talking the niceties of proper inference either.

Murray also ignores a great deal of evidence contrary to his assertions. For example, the National Assessment of Educational Progress tests, which cover much of the period in question, are hardly obscure, hard-to-find data. Here is a summary from a recent review of the National Assessment data: "The results summarized here show that during the 1970's the discrepancy in average achievement level between the nation's white and black youth has become smaller in five important learning areas at ages 9 and 13. Typically when achievement for white students has declined, that for black students has declined less; when whites have improved, blacks have improved more. The difference between the races has decreased at both ages in mathematics, science, reading, writing and social students." (Burton and Jones, 1982, p. 14). Unlike Murray's analysis this one has the virtues of comparable test items, comparable age groups, and a consistent handling of the statistics. One could cite much evidence contrary to Murray's thesis but none of it is mentioned in his book.

I have not examined the data and statistics in other parts of the book. Perhaps they are better handled. It is distressing to see a follow evaluator do what appears to be shoddy intellectual work. It is not surprising that the conservative establishment has glorified these spurious findings. After all, liberal politicians have made use of questionable studies for many years. What is most disturbing is that some leading social scientists endorse such low quality work. Are there no limits to how poor our arguments can be in social science?

Murray concludes in his book that the Great Society programs have eroded the discipline and self-discipline among poor blacks. One might make the argument that this lack of discipline extends to the social scientists themselves. At least Murray's book and its endorsements would be some evidence for that thesis.

Charles Murray. *Losing Ground: American Social Policy 1950-1980.* Basic Books, 1984.

Nancy Burton and Lyle V. Jones. "Recent Trends in Achievement Levels of Black and White Youth." *Educational Researcher,* Vol. 11, No. 4, April 1982, pp. 10-14.●

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROGRAM SUPPORT REAUTHORIZATION ACT

● Mr. WEICKER. Mr. President, I am pleased to report that yesterday the Senate passed S. 990, the National Oceanic and Atmospheric Administration Act. This legislation authorizes appropriations for general program support and certain ocean and coastal activities of the National Oceanic and Atmospheric Administration [NOAA] for fiscal years 1986 and 1987. These activities include ocean pollution planning; ocean and ocean dumping research; marine, ocean, and aircraft services; and mapping, charting, and geodesy programs. The bill imposes a freeze on spending for these programs, capping the fiscal year 1986 authorization level at the 1985 appropriations mark, and allowing a 4.5-percent increase for fiscal year 1987. This action reflects the budget package passed earlier this year by the Senate. Reauthorizations for three acts relevant to NOAA's mission are also included.

As land resources become scarce, we are looking to the sea to help us meet the growing needs of our economy. Recent scientific and technological advances have rapidly expanded our use of the oceans to encompass such diverse activities as oil and gas deep-sea exploration and development, exploration and research with deep-sea submersible vessels, and fisheries and aquaculture research and development. Developing sound policies to deal with these diverse uses has been one of my highest priorities as a member of the Senate. As the Federal agency with the primary responsibility for the Nation's research, service, and regulatory programs affecting ocean and coastal activities, NOAA has played a key role in the development of these policies.

In the past few years, the Federal budget has come under increased pressure. This pressure has been felt most acutely by the Nation's oceans and coastal programs. As a member of the Senate Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, I have been particularly aware of the impact of such budget stringencies on environmental research. These circumstances have resulted in difficult choices for Congress, yet I feel very strongly that NOAA's activities should be a top priority in order to efficiently develop and conserve our ocean and coastal resources.

With the passage of S. 990, we can continue to maintain sound ocean and coastal research programs within NOAA.●

THE PRESIDENT'S DECISION ON TRADE RETALIATION

● Mr. DANFORTH. Mr. President, I would like to bring to the attention of my colleagues the administration's decision to retaliate against the European community's unfair trade practices in citrus. While several administrations—and, obviously, the Europeans—must share the blame for the 9 years it has taken to resolve this case, I am pleased that the President has now chosen to use his authority under section 301 of the Trade Act 1974.

For the petitioners in this case, a negotiated solution to improve their access to the European market—had one been possible—might have been a better outcome. For the sake of U.S. trade law—and law's credibility—this outcome was both necessary and significant.

Mr. President, I ask that a statement by Ambassador Michael Smith, Acting U.S. Trade Representative, on the citrus 301 case be placed in the RECORD.

The statement follows:

AMBASSADOR MICHAEL B. SMITH ANNOUNCES DECISION ON THE CITRUS 301 PETITION

The Acting United States Trade Representative, Ambassador Michael B. Smith, announced today the United States will increase import duties on certain pasta products from the European Community. This action is a result of an extended trade dispute with the EC on fresh and processed citrus.

"It is with great reluctance that the President had to take this action. We would have preferred to negotiate a solution; however, the EC was unable to offer a meaningful and adequate solution to solve this dispute," Smith stated.

In November 1976 the Florida Citrus Commission, California-Arizona Citrus League, Texas Citrus Mutual, and the Texas Citrus Exchange filed a petition under Section 301 of the Trade Act of 1974 with the United States Trade Representative. The petition alleged that the EC preferential import duties on fresh and processed citrus granted to certain Mediterranean countries had an adverse effect on U.S. citrus producers.

The U.S. and the EC have held consultations under the General Agreement on Tariffs and Trade (GATT) since 1980. A GATT panel report found in January 1985 that in fact, U.S. citrus producers were adversely effected by the EC's discriminatory tariff practices. The EC was unwilling to accept the GATT panel's findings or its recommendation to the EC to reduce the most-favored-nation duty on imports of oranges and lemons.

"I regret that the EC could not resolve this through the dispute settlement process in the GATT. The U.S. has lost about $48 million of annual trade, due to the EC's discriminatory duty treatment," said Smith. "The U.S. is taking action to compensate for the trade loss and to defend U.S. trade interests."

The President will impose 40% *ad valorem* duties on pasta products not containing egg and 25% *ad valorem* duties on pasta containing egg. The U.S. can rescind or modify the assessed duties, if the U.S. and the EC

agree to a fair and adequate solution to the dispute.●

ORDERS FOR FRIDAY

Mr. DOLE. Mr. President, I am advised by the distinguished minority leader that there will be no further business. But I can ask for the normal unanimous-consent requests. And, he indicated that was fine.

While we are checking that one nomination, let me make the normal requests.

ORDER FOR RECESS UNTIL 9:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Friday, June 21.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. DOLE. Mr. President, I further ask unanimous consent that following the two leaders under the standing order there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

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

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special order just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 10 o'clock with statements therein limited to 5 minutes each.

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

PROGRAM

Mr. DOLE. Following routine morning business, the Senate will turn to H.R. 47, the Statue of Liberty coin bill. I say I think we have had sort of a gentleman's agreement on the Senate floor that we can dispose of that bill without a rollcall. If something should happen, we will postpone any record vote on any amendment or any final passage of the coin bill until next Tuesday.

I also indicated previously that there would be no record votes on Monday. It is my hope that we can reach a time agreement on the McClure-Volkmer gun bill. If that can be done, we will take it up on Tuesday, following the July 4 recess. If not, it is possible we will lay that bill down on Monday. But I can advise Members that there will be no record votes on Monday. If votes are ordered, they will occur on Tuesday.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to; and the Senate, at 10:07 p.m., recessed until Friday, June 21, 1985, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20, 1985:

DEPARTMENT OF STATE

Bernard Kalb, of Maryland, to be an Assistant Secretary of State, vice Robert John Hughes, resigned.

THE JUDICIARY

Stanley Marcus, of Florida, to be U.S. district judge for the southern district of Florida vice a new position created by Public Law 98-353, approved July 10, 1984.

Thomas E. Scott, of Florida, to be U.S. district judge for the southern district of Florida vice a new position created by Public Law 98-353, approved July 10, 1984.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 20, 1985:

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Edwin H. Daniels
Clyde T. Lusk, Jr.
James C. Irwin
Bobby F. Hollingsworth

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. John T. Chain, Jr., [redacted] FR, U.S. Air Force.