SENATE—*Friday, June 21, 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 Honorable MARK ANDREWS, a Senator from the State of North Dakota.

Mr. ANDREWS. Our prayer this morning will be offered by the Reverend Richard Christian Halverson, Jr., pastor of the Chesterbrook Presbyterian Church in Falls Church, VA, and son of our Senate Chaplain.

PRAYER

The Reverend Richard Christian Halverson, Jr., pastor, Chesterbrook Presbyterian Church, Falls Church, VA, offered the following prayer:

Let us pray.

Father in Heaven, as those who work in the Senate arrive here this morning to serve in what some have called the most powerful legislative body in the world, we are mindful that they have left an even more influential component of society—the family.

We cannot know the private issues that each person here faces in the realm of their household. But we do know that the same blessings, problems, alliances, and divisions which exist in this public sphere are present also in our homes.

We petition You, Lord, that as each person here exercises their energy and skills to make our Government work, You will likewise grant commiserate wisdom and gifts in their higher calling as husbands and wives, parents and grandparents, sons and daughters and grandchildren.

Lord, we cannot pray for the families of the Senate and Senate staff without remembering those who grieve over the absence or loss of family members this morning. We ask for comfort and understanding, especially for the families of the marines lost in El Salvador and loved ones held hostage in Beirut.

We make this earnest request in the name of Christ, Who is both an exemplary Son to His Father and a perfect husband to His bride. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 21, 1985.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK ANDREWS, a Senator from the State of North Dakota, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, then there is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

Following that there will be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m. with statements therein limited to 5 minutes each.

Following routine morning business, we shall turn to the consideration of H.R. 47, the Statue of Liberty coin bill, and possibly lay down S. 49, the McClure-Volkmer gun bill. I doubt that we shall do that until Monday. There is a possibility of working out a time agreement—at least, it is my understanding that there is a good possibility.

If there are any other matters on the Executive Calendar or other matters we can take care of by unanimous consent, obviously, we would like to do those today.

I have indicated that there will be no rollcall votes today, so if somebody should demand a rollcall for some reason I cannot now anticipate, that vote will be put over until Tuesday.

We have also indicated that on Monday, we will probably be debating the McClure-Volkmer gun bill, imputed interest, small business authorization bill, maybe the postponement of the wheat referendum. So there are other matters we can bring up Monday that I think can be discussed. Again, if votes are necessary, they will occur on Tuesday.

There will also be, this morning, a colloquy by various Senators with the distinguished chairman of the Appropriations Committee with reference to water projects. In the colloquy Members indicate that if, in fact, there is no veto of the supplemental or, to put it in a positive way, if in fact the President and the administration are willing to go forward with certain water projects, then certain Members are willing to make reforms in water projects, including cost sharing, and a number of other items. That colloquy should take place, I assume, around 10 o'clock or after disposition of H.R. 47.

It is my hope that we may be able to complete our work early today.

I reserve the remainder of my time, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Presiding Officer.

Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

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

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Chair.

FOURTH MYTH OF THE DAY: A SERIES OF UNTRUTHS ABOUT NICARAGUA

Mr. PROXMIRE. Mr. President this is the fourth in my series of daily statements to point out myths—that is, false allegations pronounced by top Government officials and widely believed because they have never been adequately or loudly enough refuted. Today's myth is easy to believe. It is a series of false statements about a government most Americans, including this Senator, deplore. That makes it hard to disagree with the President when he makes these false statements.

It is like the old disagreement with my predecessor in this body, Senator Joe McCarthy, when he falsely charged that the State Department in the Truman administration was loaded with Communists. No question about it, Daniel Ortega is the head of Government in Nicaragua and Ortega is a Marxist—in my book a Communist. Ortega relies heavily on the Soviet

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

Union and Castro's Cuba. He is not for us; he is against us. It is enough that we tell the truth about Ortega. It is a myth that becomes a mistake that destroys this country's credibility if we assert lurid falsehoods about the Nicaraguan Government.

The President recently said in Birmingham, AL, that there is "incontroversible evidence of religious persecution of Catholics, Jews and Fundamentalists in Nicaragua." Is this true? No, it is not. Rabbi Marc Tannenbaum issued a report in 1983 saying that the 20 or so Jewish families in Nicaragua are not persecuted. How about the fundamentalists? The evidence is that, far from being persecuted most of them are sympathetic of the Sandinistas. The Sandinistas have, indeed, quarreled with the Catholic church hierarchy. The Sandinistas are wrong. The church is right. But to charge as the administration has that this is a concerted attempt to eradicate the religion of 95 percent of the Nicaraguan people is nonsense.

The President charged in Birmingham that "thanks to the Sandinistas, the PLO, Libya, and the followers of the Ayatollah Khomeini have now a foothold just 2 hours from our southern border." This is sheer, empty rhetoric. Where is the evidence of this? Certainly a charge this serious: international terrorists near our border should require specific detailed evidence. There is none.

Finally, the President has charged the Sandinistas are carrying on "a campaign of virtual genocide against the Miskito Indians." Mr. President, this is false. According to the human rights organization, Americas Watch, about 70 Miskitos—out of a total of about 70,000—lost their lives in skirmishes with Sandinista troops some 3 years ago. The killings were vicious and wrong. But is this genocide? Not even close. Genocide is the planned, premeditated attempt to exterminate an entire ethnic, racial or religious group. To bandy the term genocide about so cavalierly cheapens the devastating case that the free world has had against such as Hitler's Holocaust in Europe with the extermination of 6 million Jews and Pol Pot regime in Cambodia with the killing of 2 million Cambodians.

The sum total of these myths is so damaging that Abraham Brumberg, who formerly edited a journal entitled "The Problems of Communism," has vehemently protested them in an article that appeared in the New York Times on June 18, 1985. Brumberg has been carrying on a highly respected analysis of the failures as well as the successes of communism in a scholarly, thoughtful way—making the case on the basis of seeking out the truth in meticulous detail. His New York Times article constitutes a brilliant exposé of the damage done to the strong case against communism by the outright and frequently transparent distortions of the administration. I ask unanimous consent that the Brumberg article be printed at this point in the RECORD.

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

[From the New York Times, June 18, 1985]

REAGAN'S UNTRUTHS ABOUT MANAGUA

(By Abraham Brumberg)

MUNICH, WEST GERMANY.—President Reagan has won another round in the battle over United States policy in Central America: After yet another major debate about whether to fund the "contras," Congress changed its mind and voted last week to support aid to the anti-Sandinista guerrillas. How are we to account for this capitulation? History offers an unsettling clue.

Thirty-five years ago, an obscure politician from Wisconsin sprung into prominence by charging that the United States Government was infested by "Communist agents." Joseph R. McCarthy had little evidence except pernicious innuendoes and outright fabrications, but many Americans were either mesmerized by the sheer audacity of his onslaught or fearful that a refusal to take him seriously might expose them to the dread suspicion of being "soft on Communism." It took four years for Congress to curb his power, and by that time, the damage to our moral and political sanity—not to mention to the livelihoods and reputations of thousands of innocent men and women—had already been done.

Comparisons are proverbially odius, but it is hard not to detect similarities between Senator McCarthy's methods and those used today by President Reagan in his relentless crusade against "totalitarian" Nicaragua. Mr. Reagan has not called his domestic critics "dupes" or "Communist agents"—although he came close to it earlier this month when he claimed that those who oppose his Nicaraguan policy suffer from "illusions about Communist regimes." But what is strikingly reminiscent of Senator McCarthy's tactics is the flood of distortions, exaggerations and plain unvarnished lies about the Sandinistas that issues forth almost daily from the Administration.

Consider what the President said recently to a group in Birmingham, Alabama: There is "incontrovertible evidence," he asserted, of "religious persecution of Catholics, Jews and Fundamentalists in Nicaragua." The Sandinistas, he went on, are conducting "a campaign of virtual genocide against the Miskito Indians." Furthermore, "thanks to the Sandinista Communists, the P.L.O., Libya and the followers of the Ayatollah Khomeini have now a foothold in Central America, just two hours from our southern border."

If any of these charges were even partially true, we should indeed consider taking measures against the Sandinistas. But none is. There is no evidence of persecution of Fundamentalists, most of whom—rightly or wrongly—are in fact rather sympathetic to the Sandinistas. The claim that the Sandinistas are persecuting the 20 or so Jewish families in Nicaragua is pure humbug: that, anyway, was the conclusion of a special report issued in 1983 by Rabbi Marc H. Tanenbaum of the American Jewish Committee.

True, the Sandinistas are engaged in a struggle with a good part of the Roman Catholic hierarchy. But this is a political struggle, not a religious one, and both sides are seeking to resolve it. Several "oppositionist" priests have been shabbily treated. During his trip to Nicaragua in 1983, Pope John Paul II, who sided with the church hierarchy, was subjected to offensive jeering and hooting by Sandinista mobs. But to see this as a concerted attempt to "eradicate" the religion of 95 percent of the Nicaraguan people is to take leave of reality.

So is the claim that the Sandinistas have provided international terrorist organizations with a base from which to launch attacks against the United States. Certainly, if there is any evidence to support such a charge (let alone of an "incontrovertible" sort), the White House has yet to produce it.

But nothing is more shocking than the ease with which Mr. Reagan and his associates bandy about the term "genocide," mentioning the Miskito Indians in the same breath with the Holocaust. What in fact has happened to the Miskitos since the Nicaraguan revolution? According to the human rights organization Americas Watch, about 70 Miskitos (out of a total of about 70,000) lost their lives in skirmishes with Sandinista troops some three years ago. Managua has repeatedly come into conflict with the Indians over the question of who controls the Atlantic coast region of the country. (The Miskitos want "sovereignty" in what they see as their historical homeland.) The killings were odious and deserving of condemnation. So may be the Sandinistas' apparent inflexibility toward the Miskitos' demands. But how could anyone with any sense of history or moral distinctions compare this with the systematic slaughter of six million Jews and millions of others during the Second World War?

Whether the President knows it or not, his tactics are borrowed from the totalitarian arsenal: He is determined to portray those he wishes to destroy in the most lurid and reprehensible colors. Convinced, apparently, that the end justifies the means, he is prepared to use even the most unscrupulous tools—including untruths, quarter-truths and travesties of history—to topple the Sandinistas. And then, to top it off, he has the gall to claim that he "remains committed to a peaceful solution in Central America."

Joseph McCarthy fomented and thrived on a climate of hysteria in which dissent came perilously close to being identified with treason and rational discussion of Communism was virtually impossible. The net effect of Ronald Reagan's anti-Sandinista crusade is likely to be exactly the same. In an atmosphere of extravagant mendacity and pressure to "fall into line," it becomes increasingly difficult to arrive at an objective assessment of what is happening in Nicaragua or to discuss what the United States should do about it.

The blame for this baleful state of affairs lies not only with the President, but also with those—whether Republicans or Democrats, conservatives or liberals—who now so fear being branded "soft" or "naive" about Communism. It is they, after all, who permit his contempt for truth to go unchallenged, they who are allowing us to drift ever further from a realistic foreign policy. The four destructive and insane years of McCarthyism provide a lesson that no one truly interested in "a peaceful solution in Central America" can afford to ignore.

WHY STAR WARS IS HOIST ON ITS OWN PETARD

Mr. PROXMIRE. Mr. President, the June 18th New York Times carries an article by Philip Boffey headlined "Research Success Marks Recent Days for 'Star Wars'." The article reports an impressive series of research breakthroughs that seem to make promising advances in achieving President Reagan's goal of a defense against the Soviet Union's massive arsenal of intercontinental ballistic missiles with their nuclear warheads. The article overlooks a very rich irony. The fact is that these so-called breakthroughs for a star wars antimissile defense in case after case carry a far greater potential for adaptation to a nuclear missile offense that could overcome any star wars defense. These exciting advances have come at an astonishingly early stage of star wars research. The whole program is less than 1 year old. Funding for the program in the current year is some $1.4 billion. It would be more than doubled in 1986 in the authorization just passed by the Senate. And of course the House increases the amount also by a figure that is close to doubling. They increase it $2.5 billion, the Senate to about $3 billion.

By 1992 the Congress would have expended more than $25 billion on the program. The New York Times article reports that the star wars program already seems to be on a very fast track. George Keyworth, the White House science adviser, is quoted as saying: "We're about 5 years ahead of what we would have predicted" in developing a variety of laser weapons for antimissile defense. Dr. Keyworth goes on to say that he believes, "We now feel quite confident that within 3 to 5 years we can put doubts to rest on the feasibility of boost phase intercept."

The article lists a series of specific achievements—mostly within the past year. Here are some:

The University of Texas Center for Electromechanics has used an electromagnetic launcher to develop ray guns that would fire homing projectiles at high speed to intercept enemy missiles.

United Technologies Corp. has developed a material strong enough, light enough, and resistant enough to radiation, heat and laser attacks that it can be used for shielding material for star wars components in space.

The Los Alamos National Laboratory has devised a far more compact preaccelerator. It can accelerate a particle beam to 2 million volts. This is what is needed for star wars. This new device is the size of a desk. The old one is the size of a house.

Livermore Lab scientists have conducted a successful test focusing the x rays generated by a nuclear explosion. This helps clear the way for the development of the nuclear bomb-pumped x-ray laser, another star wars weapon.

Rocket-propelled projectiles have proved able to hit a target above the atmosphere and reach designated points within the atmosphere.

Now, Mr. President, what is the purpose of these fascinating scientific achievements on behalf of star wars? What is it? Is it to achieve a system of defense that will enable the United States to stop incoming intercontinental ballistic missiles from the Soviet Union? That is the expressed purpose. But what do every single one of these dazzling achievements do? The answer to that question, Mr. President, is a compelling refutation of the whole, immensely expensive, star wars adventure. Here is why.

Every one of these advances without exception is transparently adaptable to an offensive missile attack. The irony, Mr. President, is that this technology may indeed advance a distant potential capability to stop much, maybe even most, of the present 1985 Soviet land based nuclear missile arsenal. But in each case the scientific achievement creates the basis for a new offensive—I repeat offensive—weapon system that will give the offensive missile still greater capability.

Let's run through each of these star wars breakthroughs: Would the electromagnetic launcher to develop ray guns to fire homing projectiles at high speed to intercept enemy missiles permit ray guns to destroy a star wars deployed defense? Of course it would.

How about the material strong enough, light enough, and resistant enough to radiation, heat and laser attacks that it can be used to shield material for star wars components in space. Couldn't this material be used to provide the virtually perfect skin-hardening material for penetrating the star wars defense? Of course.

And how about the 2-million-volt particle beam accelerator that has been reduced in size by a factor of 20 or more. Could this be used as an offensive weapon? Yes, indeed.

Could the nuclear bomb-pumped x-ray laser in the hands of the offense also serve to overcome a star wars defense and give the offense another devastating weapon that would be more useful to the offense because the offense can choose its time, its place, and its intensity. Given the identical weapons, this gives the offense a decisive, consistent advantage.

Finally, there is the rocket-propelled projectiles able to hit a target above the atmosphere and reach designated points within the atmosphere. Who are we trying to kid? This kind of capability may work once in a while to defend against a present state of the art Soviet missile attack. But by the year 2000 or 2010 when it is deployed, it will have to work against a rocket propelled projectile very similar to the star wars equipment but in the hands of the Soviets. The offensive projectile has the advantage. It can come on any time, any place.

Mr. President, if this Nation proceeds with what may ultimately be $1 trillion or $2 trillion star wars defense we can be sure a cheaper and more devastating offense built on the technology of star wars will come on like gang busters. The President and Secretary Weinberger have said we will give this startling galaxy of nuclear weapons achievements to the Soviet Union. The administration has never countermanded that decision. If they do as they say and give it away, the Soviets will be able to build a far more potent offense using the technology we have so painstakingly developed at huge cost to American taxpayers. But even if they do not hand the technology over, our experience throughout the nuclear weapon age has been that the Soviets will follow us with the same technological capability. But they will be able to seize the advantage by applying the technology we design for defense to an offense that can and will overcome any star wars defense.

Mr. President, I ask unanimous consent that the article to which I referred by Philip Boffey from the New York Times edition of June 18, 1985, be printed at this point in the RECORD.

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

RESEARCH SUCCESS MARKS RECENT DAYS FOR "STAR WARS"

(By Philip M. Boffey)

WASHINGTON, June 17.—If a beam of green laser light flashes up from Hawaii to the space shuttle Discovery as scheduled on Wednesday, it will be the most prominent experiment yet conducted as part of President Reagan's Strategic Defense Initiative program to develop a defensive shield against nuclear missile attacks.

The experiment is the latest milestone in a series of tests aimed at learning how to send a laser beam through the turbulent atmosphere with great precision, a matter of critical importance if some of the most visionary "Star Wars" weapons are to succeed.

But the experiment also symbolizes dozens of rapid advances being made in a broad range of technologies that will be needed if the United States is ever to build a defensive system that could knock down incoming enemy missiles at various points along their flight paths toward this country.

Top Government scientists say that experiments completed or reported in recent months, and new ideas emerging from the nation's laboratories, have made them increasingly confident that the United States will ultimately be able to develop at least some of key weapons, sensors, materials and other technologies needed for a workable defensive system.

"There has been progress in all of these areas over the last six months or so," Dr. Gerold Yonas, chief scientist for the Strategic Defense Initiative Organization, which manages the "Star Wars" program for the Pentagon, said recently.

"The technology is rolling faster than some of us were really aware," George A. Keyworth 2d, the White House science adviser, said in an interview.

"We're about five years ahead of what we would have predicted" in developing such weapons as short wavelength lasers and neutral particle beams, and techniques for overcoming the distorting effects of the atmosphere on laser weapons, added Lieut. Col. Michael Havey, the "Star Wars" specialist for the White House science office.

How important these advances are is not yet clear. Most of the emerging technologies are very far from reaching the performance levels needed for eventual deployment, and much of the work was occurring even without the "Star Wars" program, which has only been functioning for less than a year. Moreover, military classification makes it difficult for outsiders to gauge whether the claimed advances are all that they seem.

Dr. Keyworth said he considers the ability to destroy Soviet missiles in the boost phase, shortly after they have lifted off the ground and before they can deploy their warheads and decoys, the most critical technical challenge facing the "Star Wars" program. Pointing to recent advances in lasers and particle beams, he said: "We now feel quite confident that within three to five years we can put doubts to rest on the feasibility of boost phase intercept."

But critics of the program discount the importance of the recent achievements. "They're certainly making progress," said John Pike, space analyst for the Federation of American Scientists, "but it's like the fusion energy program where they've been making very steady progress for 30 years now and they still don't have anything usable out of it. They're going to need breakthrough after breakthrough for several decades to get gadgets that are workable, and even then the system as a whole would not work reliably from a military or political point of view."

Richard Garwin, an International Business Machines Corporation physicist and a leading critic of the President's Strategic Defense Initiative program, told the annual meeting of the American Association for the Advancement of Science last month that whatever technical advances are made toward developing a "Star Wars" defense can easily be nullified by technical advances designed to overcome such a defense. "No matter how optimistic you are, how much of a technology fan, you cannot conclude that the "Star Wars" program will succeed," he said, "because technology is useful in defeating the system as well."

IMPORTANT TEST OF GROUND LASER

The experiment scheduled for the shuttle is the latest in a series designed to demonstrate that laser beams can be shot through the atmosphere with great precision despite the distorting effects of atmospheric turbulence.

The issue is of critical importance in determining whether a "Star Wars" defense could use lasers placed on the ground, where they could be as large as needed and would be easy to maintain and fuel and defend, instead of on space satellites, where they would have to be very compact and need no maintenance.

One plan under study would use lasers on mountain tops to shoot beams up to mirrors in space, which would redirect the beams, at the speed of light to the target missiles. That will only work if the beam can be aimed precisely through the atmosphere.

Scientists have already performed some tests in which they succeeded in compensating for atmospheric distortion. In experiments completed last winter, they shot a lower-power laser beam from the top of a 10,000-foot mountain on the island of Maui, Hawaii, to an aircraft flying at an altitude of about 20,000 feet, measured the distortion caused by the atmosphere and then adjusted the beam of a second laser to overcome the distortion and land precisely on target, according to Dr. Louis Marquet, head of the directed energy office of the Strategic Defense Initiative. Later this summer, similar experiments will be conducted between the ground and sounding rockets that will rise far above the turbulent atmosphere to a height of about 360 miles.

The shuttle experiment is an intermediate, low-cost step designed to demonstrate that the equipment and plan for the high-cost sounding rocket tests are apt to work. A low-power beam will be sent up through the atmosphere from Maui to an eight-inch diameter retroreflector mirror mounted on a side hatch window of the shuttle. The mirror will reflect the beam back to the point of origin, where the amount of atmospheric distortion will be measured.

Scientists will then determine whether control equipment on the ground could have corrected the beam to overcome the distortion, but they will not actually send a corrected beam back up to the shuttle. That step will await the sounding rocket experiments.

All of these scheduled experiments are working with low-power lasers, Dr. Marquet notes. The next big issue will be to determine whether it is possible to control atmospheric distortion of high-power laser beams of the kind that might ultimately be used in a weapons system. Such high-power beams are distorted more drastically by the atmosphere

Meanwhile, in Government and industrial laboratories, significant advances are being made toward developing two kinds of lasers that are emerging as strong candidates to serve as "Star Wars" weapons, probably based on the ground.

One type is known as the free electron laser, which uses the motion of electrons through magnetic fields to generate laser light. Such lasers have the enormous advantage of being "tunable," that is, they can be designed to operate at whatever wavelengths can best pass through the atmosphere and disable the target.

The Lawrence Livermore National Laboratory in California reported this year that it had achieved a peak power output of 100 megawatts in a new free electron laser, a significant gain over past performance, for the very short time period of 15 billionths Vf a second. More important, the free electron laser worked as predicted by scientific models, and those models suggest that it should eventually be possible to make a free electron laser that will meet the much more demanding power and wavelength requirements of the "Star Wars" program, according to Donald Prosnitz, assistant program leader for free electron lasers at Livemore.

Other important work on free electron lasers has been carried out at Los Alamos National Laboratory in New Mexico, and in industry. "Just a few years ago free electron lasers were only a clever idea," said Dr. Keyworth, the President's science adviser. "Now there is little doubt as to whether free electron lasers will work. The question that remains is how big and how efficient and how economical they can be. But a dream theory has most certainly been turned into a reality."

Similar advances are reported to be occurring with excimer lasers, which fire an electron beam into a gas to produce unusual molecules, called excimers, which in turn break up into separate atoms and generate a brief, intense burst of laser light while doing so. The advances on excimer and free electron lasers led Dr. Keyworth to state: "I for one feel much more confident than I did at the outset in the concept of a ground-based laser. It's a very powerful option."

Scientists involved in the "Star Wars" program cite these other advances, mostly achieved over the past 6 to 12 months, as exemplifying the kind of progress being made:

The University of Texas Center for Electromechanics has used an electromagnetic launcher to fire 20-gram projectiles repetitively at the rate of 5 shots in half a second, and to fire a plasma of vaporized metal at speeds approaching 25 miles per second. Both are considered important steps in the development of "rail guns" that would be able to fire homing projectiles at high speed to intercept enemy missiles.

United Technologies Corporation has developed a composite material in which carbon silicide fibers are used to reinforce a brittle ceramic base. The resulting material is as strong as steel, light in weight and highly resistant to radiation, heat and laser attacks, making it potentially useful as a shielding material for "Star Wars" components in space.

The Pennwalt Corporation has engineered a new molecule, not found in nature, that can be fabricated into capacitors capable of storing much larger amounts of energy per unit weight than is now attainable, a critical step on the road to storing the enormous amounts of energy required by space-based weapons.

A large chemical laser at the White Sands Proving Ground has achieved a very powerful, very high quality beam that can be used for atmospheric compensation tests but is still well below the power needed in a weapon.

The Los Alamos National Laboratory has devised a very compact preaccelerator that can accelerate a particle beam to 2 million volts, which is in the ballpark of what is needed for a "Star Wars" pre-accelerator. The new device is the size of a desk; its predecessors were the size of a house.

Scientists of Lawrence Livermore National Laboratory were reportedly successful in a test three months ago of a new way to focus the X-rays generated by a nuclear explosion, thereby reducing one of the most critical technical problems standing in the way of development of the "nuclear bomb-pumped X-ray laser," another potential candidate as a "Star Wars" weapon.

New infrared sensors, designed to detect and track enemy missiles in flight, have demonstrated 10 times greater resolving power than earlier models.

In addition, rocket-propelled projectiles have proved able to hit a target above the atmosphere and reach designated points within the atmosphere.

RATIFY THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, a recently published book has shed some interesting light on the activities of Albert Speer, Hitler's minister for eco-

nomic mobilization during World War II.

Matthias Schmidt, author of "Albert Speer: The End of a Myth," has uncovered documents that contradict Speer's carefully crafted image of himself as a "respectable Nazi."

The pages of the book are filled with copies of letters exchanged between Speer and Heinrich Himmler, the overseer of the Nazi death camps.

There are also pages that show reports Speer received regarding the construction of Auschwitz and other camps.

But perhaps the most damaging evidence to Speer's claim that he was never involved in the terror being waged against the Jews are log entries from Speer's office.

According to these entries, Speer was aware that 75,000 Jews from Berlin had been forced from their homes to accommodate homeless Aryans.

In fact, this campaign was conducted by Speer's own office.

Mr. President, Albert Speer was sentenced to only 20 years of imprisonment at Nuremberg. After his release he became a wealthy man after publishing his memoirs.

Now it is time that we open our eyes.

There can be no such person as a "respectable Nazi."

Albert Speer was not only aware of the persecution of the Jews, he actually played a role in the genocide that was committed.

Despite his crimes he was able to enter society again, and shade world perceptions of himself with self-proclamations of innocence.

Mr. President, we must not excuse Albert Speer for his role in the Holocaust.

We must not excuse anyone who has been a party to genocide.

And, Mr. President, we must not excuse the Senate for failing to ratify the Genocide Treaty.

The Genocide Convention is a document that could be used as a deterrent against the actions of men like Albert Speer.

It is the Senate's duty to make that deterrence possible.

I urge my colleagues to remember that genocide is not something of the past.

Genocide is part of the present.

And if we want genocide to have no place in our future, the Senate must act promptly and ratify the Genocide Convention.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. 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.

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

The ACTING PRESIDENT pro tempore. 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 (Mr. GORTON). Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. McCLURE. Mr. President, I ask unanimous consent that the period for routine morning business be extended to the hour of 11 a.m. with statements therein limited to 5 minutes.

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

STATUE OF LIBERTY-ELLIS ISLAND COMMEMORATIVE COIN ACT

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 111, H.R. 47, the Statue of Liberty coin bill.

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

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 47) to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 418

(Purpose: To add an authorization for Liberty Coins)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for himself and Senator MURKOWSKI and Senator HECHT, proposes an amendment numbered 418.

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:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—STATUE OF LIBERTY-ELLIS ISLAND COMMEMORATIVE COINS

SHORT TITLE

SEC. 101. This Act may be cited as the "Statue of Liberty-Ellis Island Commemorative Coin Act".

COIN SPECIFICATIONS

SEC. 102. (a)(1) The Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") shall issue not more than 500,000 five dollar coins which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) The design of such five dollar coins shall be emblematic of the centennial of the Statue of Liberty. On each such five dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b)(1) The Secretary shall issue not more than ten million one dollar coins which shall weight 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) The design of such dollar coins shall be emblematic of the use of Ellis Island as a gateway for immigrants to America. On each such dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c)(1) The Secretary shall issue not more than twenty-five million half dollar coins which shall weigh 11.34 grams, have a diameter of 1.205 inches, and shall be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) The design of such half dollar coins shall be emblematic of the contributions of immigrants to America. On each such half dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

SOURCES OF BULLION

SEC. 103. (a) The Secretary shall obtain silver for the coins minted under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

(b) The Secretary shall obtain gold for the coins minted under this title pursuant to the authority of the Secretary under existing law.

DESIGN OF THE COINS

SEC. 104. The design for each coin authorized by this title shall be selected by the Secretary after consultation with the Chairman of the Statue of Liberty-Ellis Island Foundation, Inc. and the Chairman of the Commission of Fine Arts.

SALE OF THE COINS

SEC. 105. (a) Notwithstanding any other provision of law, the coins issued under this title shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

(c) The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $2 per coin for the half dollar coins.

ISSUANCE OF THE COINS

SEC. 106. (a) The gold coins authorized by this title shall be issued in uncirculated and proof qualities and shall be struck at more than one facility of the United States Mint.

(b) The one dollar and half dollar coins authorized under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) Notwithstanding any other provision of law, the Secretary may issue the coins minted under this title beginning October 1, 1985.

(d) No coins shall be minted under this title after December 31, 1986.

GENERAL WAIVER OF PROCUREMENT REGULATIONS

SEC. 107. No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title. Nothing in this section shall relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

DISTRIBUTION OF SURCHARGES

SEC. 108. All surcharges which are received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary to the Statue of Liberty-Ellis Island Foundation, Inc. (hereinafter in this title referred to as the "Foundation"). Such amounts shall be used to restore and renovate the Statue of Liberty and the facilities used for immigration at Ellis Island and to establish an endowment in an amount deemed sufficient by the Foundation, in consultation with the Secretary of the Interior, to ensure the continued upkeep and maintenance of these monuments.

AUDITS

SEC. 109. The Comptroller General shall have the right to examine such books, records, documents, and other data of the Foundation as may be related to the expenditure of amounts paid, and the management and expenditures of the endowment established, under section 108.

COINAGE PROFIT FUND

SEC. 110. Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this title shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this title from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this title.

FINANCIAL ASSURANCES

SEC. 111. (a) The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this title shall result in no net cost to the United States Government.

(b) No coin shall be issued under this title unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

TITLE II—LIBERTY COINS

SHORT TITLE

SEC. 201. This title may be cited as the "Liberty Coin Act".

MINTING OF SILVER COINS

SEC. 202. Section 5112 of title 31, United States Code, is amended by striking out subsections (e) and (f) and inserting in lieu thereof the following new subsections:

"(e) Notwithstanding any other provision of law, the Secretary shall mint and issue, in quantities sufficient to meet public demand, coins which—

"(1) are 40.6 millimeters in diameter and weigh 31.103 grams;

"(2) contain .999 fine silver;

"(3) have a design—

"(A) symbolic of Liberty on the obverse side; and

"(B) of an eagle on the reverse side;

"(4) have inscriptions of the year of minting or issuance, and the words 'Liberty', 'In God We Trust', 'United States of America', '1 Oz. Fine Silver', 'E Pluribus Unum', and 'One Dollar'; and

"(5) have reeded edges.

"(f) The Secretary shall sell the coins minted under subsection (e) to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

"(g) For purposes of section 5132(a)(1) of this title, all coins minted under subsection (e) of this section shall be considered to be numismatic items.".

(h) The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

PURCHASE OF SILVER

SEC. 203. Section 5116(b) of title 31, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out "The Secretary shall" and inserting in lieu thereof "The Secretary may";

(2) by striking out the second sentence of paragraph (1); and

(3) by inserting after the first sentence of paragraph (2) the following new sentence: "The Secretary shall obtain the silver for the coins authorized under section 5112(e) of this title by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).".

CONFORMING AMENDMENT

SEC. 204. The third sentence of section 5132(a)(1) of title 31, United States Code, is amended by inserting "minted under section 5112(a) of this title" after "proof coins".

EFFECTIVE DATE

SEC. 205. This title shall take effect on October 1, 1985, except that no coins may be issued or sold under subsection (e) of section 5112 of title 31, United States Code, before September 1, 1986, or before the date on which all coins minted under title I of this Act have been sold, whichever is earlier.

Amend the title so as to read "An Act to authorize the minting of coins in commemoration of the centennial of the Statute of Liberty and to authorize the issuance of Liberty Coins.".

Mr. McCLURE. Mr. President, the amendment before us today provides for the minting of a bullion coin. Bullion coins have been a source of revenue for other countries for some time now. Canada, South Africa, and Mexico, as well as others, sell millions of ounces of gold and silver bullion to U.S. investors each year. It is time for the United States to provide bullion coins minted by the U.S. Mint to the American public.

The amendment calls for one legal tender silver bullion coin. The silver coin is denominated in 1 ounce and has a face value of $1.

Mr. President, I have worked for passage of this measure for a number of years. I have listened closely to concerns raised by my colleagues and other interested parties. The amendment today is the combined work of many years. It has support from both sides of the aisle.

I have always been a strong supporter of silver coinage. However, my concern has been heightened in the last few years when the administration set out to dispose of silver stored in the national defense stockpile.

Currently, America's defense strategic stockpile contains 136 million troy ounces of silver. The silver is stockpiled with other critical minerals to ensure our self-reliance and security in case of a national emergency.

In early 1981, the Reagan administration gained authority to sell 105 million ounces of so-called excess silver. The administration's decision was based, in large part, on calculations made by the Federal Emergency Management Agency [FEMA]. FEMA claimed that even without the national stockpile, America already had an adequate silver supply to sustain it for 3 years—the level required by law.

In late 1981, the General Services Administration anticipated sales of 1.25 million troy ounces per week. However, only four sales were completed totaling about 2 million troy ounces out of an anticipated 5 million troy ounces. Three of the sales resulted in bids being rejected because they were too low. During this period, silver dropped in price from $12 a troy ounce to $8 a troy ounce. The silver producing countries of Peru, Mexico, and Canada filed protests with the State Department concerning the adverse impact of these sales on the already tenuous silver industry, not to mention the outrage expressed by our domestic silver miners.

The administration pressed forward in disregard of these factors. I was forced to amend the defense appropriations bill to halt the further sale of stockpile silver. I believe that the way to safeguard against any further disruption of the silver market and to better serve the taxpayers is to dispose of stockpile silver by minting coins.

I introduced legislation which required that any silver disposed from the national defense stockpile would be accomplished through the minting of coins. I was encouraged by a statement made by the Honorable Angela M. Buchanan, then Treasurer of the United States, in her testimony on my bill before the Senate Banking, Housing and Urban Affairs Committee in 1983. Ms. Buchanan recommended strongly that "* * * a study be undertaken to determine the demand, the price, and the general feasibility of the proposal."

Mr. President, a study has been conducted by a respected researcher to measure the American public's interest in American bullion coins. The survey was completed and shows a very strong market potential for such coins. For example, nearly half of all Americans would have an interest in purchasing an American bullion coin priced in the $15 range. If only one in three people who are likely to purchase such a coin did so, this translates into approximately 30 million Americans who might be likely to purchase this coin. And nearly 25 percent of those who are interested in the coin are likely to purchase four or more coins in 1 year.

This survey offers strong evidence that a coinage program would not only work but would bring more money into the Treasury than dumping the silver on the market. We have tried, unsuccessfully, the auction method of disposing of stockpile silver. Now I believe we should try the coin method.

Further evidence of the potential of such a program is the success that other nations have experienced with their coinage programs. As I mentioned earlier, the Canadians, South Africans, and Mexicans, as well as others, have ongoing bullion programs. The silver Mexican Libertad is projected to sell over 5 million ounces in the United States this year. A silver mine in Idaho has predicted they will market close to their entire production this year through the sales of rounds and bars. The astounding fact is that they advertise only on the west coast and in two coinage newspapers.

In the April 1985 printing of the Silver Institute Newsletter, two officials heavily involved in the silver industry were discussing the demand for silver in today's market. One said:

> The industry is experiencing incredible sales of silver pieces and is having difficulty in keeping up with the demand. Silver is a highly active investment vehicle for the U.S. public, who are tremendous buyers of silver at the right price.

Another official said:

> Investor demand may top 50 million to 75 million troy ounces this year if the price continues at about the first quarter levels.

Mr. President, I believe we have established beyond a reasonable doubt that there is a very large market in the United States for such coins. Our findings have convinced me that we should have started a program years ago.

In a study I asked the General Accounting Office to perform, they concluded that auctioning off silver was not the best method of disposal. In a followup study a year later, they mentioned that a bullion coinage program appeared "* * * to be an attractive alternative that should be considered." The report indicated that a coinage program would probably minimize any market disruption, assure that disposal is for domestic consumption, and would probably increase Federal revenues over selling the silver by auction. GAO went so far as to ask Congress to consider requiring the Secretary of the Treasury to conduct an appropriate study to develop a strategy to market bullion coins.

In 1984, Treasury Secretary Regan indicated in a letter to Secretary Clark that "* * * a coinage program is a viable means of disposing of a portion of the excess silver."

Mr. President, as I indicated earlier, I am convinced that it is time to develop a bullion coin program for the United States. The experience of our neighbors clearly shows that there is a tremendous demand for silver bullion coins. In addition, the Treasury will realize the highest return on disposal of silver from the stockpile.

The amendment before us today allows the Secretary of the Treasury broad authority to develop a marketing program which will put the silver coin in the hands of the buyer at the time of sale. By developing such a program, many more Americans will purchase the coin. Many investors and collectors have expressed concern that a mail order system is insufficient to meet the great demand for bullion coins. It is my intent to allow the Secretary as much discretion as possible to develop a favorable marketing system to market as many silver bullion coins as the public demands.

Mr. President, I support the Statue of Liberty Coin Program. It is a worthy cause which will be of great assistance toward renovating the Statue of Liberty and Ellis Island. The bullion coin program is also a worthwhile cause which deserves our support. Not only will it dispose of silver in the stockpile in the least disruptive manner but will fill the great demand that exists in America for ownership of legal tender silver bullion coins minted by the U.S. Mint.

Congressman FRANK ANNUNZIO, chairman of the House Banking Subcommittee on Consumer Affairs and Coinage, deserves much of the credit for the work on the Statue of Liberty proposal. Chairman ANNUNZIO has been a leader in commemorative coin legislation and should be applauded for his efforts to assist the renovation of this great American symbol.

Mr. President, I urge my colleagues to support this measure.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 418) was agreed to.

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

Mr. BYRD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I am glad that we have reached agreement on expediting H.R. 47, the legislation approved by the House and by our Banking Committee that would authorize the minting of coins commemorating the centennial of the Statue of Liberty in 1986. These coins—three in number—will be sold to the public, and the profits will be used to help pay for the restoration of the statue and of Ellis Island. As Members know, the Statue of Liberty has suffered considerably over the years from exposure to the elements, and from the normal wear and tear that can be expected in 100 years of history. Its restoration is a project close to the hearts of the American people, particularly those 100 million who are descended from immigrants who passed through Ellis Island.

As many of my colleagues know, I had hoped to join with my colleagues, Senator CRANSTON and Senator McCLURE, to expand the scope of this bill and include the gold bullion coin that we have recommended as an American alternative to the South African Krugerrand. That proposal has strong bipartisan support, because it offers a fair, free-market response to the problems many perceive in our economic relations with South Africa, and particularly with Krugerrand sales in this country. I can pledge to my cosponsors of this legislation, S. 636, that we will be offering this proposal in the Senate in the near future. I believe we should be able to find an appropriate vehicle, because this issue does need to be addressed. Our companion bill in the House, sponsored by our colleagues JERRY LEWIS and JULIAN DIXON, has over 230 cosponsors; I think our prospects for success are excellent.

STATUE COMMEMORATIVE

Mr. President, while I would have welcomed the opportunity to combine these coinage proposals in a single vehicle, I very much appreciate the concerns of those involved in the Statue of Liberty restoration project that we not do anything that would impede

their efforts to raise funds. The commemorative coin program authorized by this legislation is designed to raise some $137 million out of an estimated $230 million needed to restore the statue. When it became known that I had an amendent--a germane one, I might add—to H.R. 47, other amendments started to emerge as well. That kind of thing has been known to happen, and while I would not quarrel with the prospective authors of those additional amendments, I do regret that the prospect of loading up this bill seemed to put the Statue of Liberty program at risk. For that reason, we have mutually agreed to get the Statue of Liberty coin program underway without further delay. That way we can ensure maximum benefit to the restoration program.

Mr. President, the Statue of Liberty has deep and lasting significance for all Americans; it links us together, with all our different beliefs, religious preferences, and ethnic backgrounds. The drive to restore both the statue and Ellis Island is an outstanding effort, and I congratulate our friends in the House, FRANK ANNUNZIO and JOHN HILER, for their great effort in the Coinage Subcommittee and on the House floor to expedite this legislation.

Mr. PROXMIRE. Mr. President, I am pleased to support H.R. 47, to provide for the minting of commemorative coins in honor of the centennial of the Statue of Liberty. I was one of the original cosponsors of the bill—S. 233—introduced in the Senate by my colleague from New York, Senator D'AMATO. I want to commend both Senator D'AMATO and Representative ANNUNZIO, who introduced H.R. 47, for their leadership on this important issue. What is important about this program is that the funds for the restoration of the Statue of Liberty come from direct sales of these commemorative coins to the public; there is no cost to the American taxpayer. A portion of the surcharge fees raised will also provide the funding to maintain the statue and Ellis Island as national monuments for future generations. I also want to commend Mr. Lee Iacocca, the chairman of the Statue of Liberty-Ellis Island Foundation, for his dedicated work in raising much of the funds needed for this project. While I have not always seen eye-to-eye with him in the past, we have finally found an issue on which we can agree.

Nineteen eighty-six marks the centennial of the Statue of Liberty. In 1886, France presented the statue to the United States as a gift symbolizing the close friendship between our two countries. For 99 years, the statue has welcomed millions of immigrants to our shores. Less than 1 mile away from the statue is Ellis Island where, from 1892 to 1954, 17 million immigrants first stood on American soil. Ellis Island was the Nation's first, and largest, immigration station. If the statue has become known as "Lady Liberty," then Ellis Island is to be remembered as the gateway to America.

One of the enduring characteristics of American society is its rich ethnic diversity. Over 100 million Americans are descended from those 17 million immigrants who came through Ellis Island and who saw the statue as a beacon of liberty welcoming them to these great shores. Yet despite our diversity, we share common values: a love of liberty, a keen sense of justice, and the potential for great opportunity. We must not take for granted the ideals we cherish the most. Just as we would not want these ideals on which the strength of this Nation rests to erode, we do not want our symbols of liberty to crumble and decay from indifference. Initiating this commemorative coin program is a way of assuring that our children and our children's children will be reminded of their ancestors' quest for freedom and what our country stands for.

● Mr. KENNEDY. Mr. President, I am pleased to give my strong support to H.R. 47, the Statue of Liberty-Ellis Island Commemorative Coin Act, which authorizes the minting of gold coins to commemorate the centennial of the Statue of Liberty. The coins will be sold to the public, and the proceeds will help to fund the much-needed restoration of the Statue of Liberty and Ellis Island.

Dedicated in 1886 to commemorate the centennial of the American Revolution, the Statue of Liberty has stood in New York Harbor for a century, welcoming those who seek freedom and opportunity. Today, she still stands as a beacon of hope to oppressed peoples throughout the world, a symbol of America's commitment to liberty and justice. Less than a mile from the Statue of Liberty lies Ellis Island, where countless immigrants have passed at the end of their journey of hope to the new world.

Today, these great symbols of America are in dire need of repair. The monuments which helped create a strong and diverse nation and brought hope to millions now need our help.

The Statue of Liberty-Ellis Island Foundation has begun a $230 million restoration effort, which is being carried out under the effective and energetic leadership of Chairman Lee A. Iacocca of the Chrysler Corp., who is also chairing the Statue of Liberty-Ellis Island Commission appointed by President Reagan.

The response of the American public to the appeals of the foundation and the work of the Commission has been impressive. To date, the foundation has raised $143 million pledges, and it is estimated that the sale of these commemorative coins will provide an additional $137.5 million in funds for this historic restoration.

At the same time, it is also important to point out that this coin act will have no cost to the Government or the American taxpayer. Through the purchase of these coins by private citizens, the legislation will enable us to support the restoration of these monuments and symbolically reaffirm our belief in the hope and promise they represent for generations yet to come.

This legislation authorizes the minting of three coins—a $5 gold coin which will commemorate the centennial of the Statue of Liberty; a silver dollar which will portray Ellis Island as the historical gateway of generations of immigrants to this country; and a half dollar which will pay tribute to the contributions of immigrants to America. The United States is a nation of immigrants, and it is especially appropriate that the sale of these commemorative coins will facilitate the restoration of the monuments that have welcomed our ancestors to this land.

The success of commemorative coin fundraising was recently demonstrated by the popularity of the coins minted to honor the Olympic games of 1984. The $70 million raised by the Olympic Coin Program testifies to the effectiveness of such efforts and the broad public support they receive. But it is urgent that the pending legislation be enacted as soon as possible, so that the fundraising effort can go forward in ample time for the centennial of the Statue of Liberty, which is scheduled for July 4, 1986.

I also commend the work of many Senators who have sought to expedite the present legislation and launch this coin program as soon as possible. A large number of us in the Senate oppose the importation of the South African gold coins called Krugerrands, and the House of Representatives has already passed legislation banning the importation of these coins into the United States. We will have the opportunity to debate these issues at length in the near future when the antiapartheid legislation comes before the Senate, including the opportunity to consider proposals, which I support, to ban Krugerrands and to permit the Treasury to mint U.S. gold coin for purchase by American citizens, investors, and collectors.

I look forward to that debate, and I welcome the decision of the Senate to expedite final action at this time on the Statue of Liberty-Ellis Island legislation, so that the Treasury can move forward immediately to implement the important purpose of restoring these two great symbols of our liberty.

Mr. President, I ask that the text of a recent magazine advertisement on the fundraising campaign for the

Statue of Liberty and Ellis Island may be printed in the RECORD.

The text follows:

[From Newsweek magazine, Apr. 15, 1985]

IF YOU STILL BELIEVE IN ME, SAVE ME

KEEP THE TORCH LIT

For nearly a hundred years, the Statue of Liberty has been America's most powerful symbol of freedom and hope. Today the corrosive action of almost a century of weather and salt air has eaten away at the iron framework; etched holes in the copper exterior.

On Ellis Island, where the ancestors of nearly half of all Americans first stepped onto American soil, the Immigration Center is now a hollow ruin.

Inspiring plans have been developed to restore the Statue and to create on Ellis Island a permanent museum celebrating the ethnic diversity of this country of immigrants. But unless restoration is begun now, these two landmarks in our nation's heritage could be closed at the very time America is celebrating their hundredth anniversaries. The 230 million dollars needed to carry out the work is needed now.

All of the money must come from private donations; the federal government is not raising the funds. This is consistent with the Statue's origins. The French people paid for its creation themselves. And America's businesses spearheaded the public contributions that were needed for its construction and for the pedestal.

The torch of liberty is everyone's to cherish. Could we hold up our heads as Americans if we allowed the time to come when she can no longer hold in hers?●

Mr. D'AMATO. Mr. President, I rise today to urge passage of H.R. 47, the companion bill S. 233, which I introduced in January.

This legislation requires the U.S. Mint to strike commemorative coins of the Statue of Liberty and Ellis Island. The proceeds from the sale of these coins will be used to reimburse the mint and to assist in the rehabilitation of the Statue of Liberty and the Ellis Island Immigration Center.

I am pleased that the concerns of the majority leader and the senior Senator from Idaho, Senator MCCLURE, have been addressed satisfactorily. I am proud to support the provisions of the bill that require the minting of both gold and silver bullion coins.

Passage of H.R. 47 is quite timely. The Statue of Liberty/Ellis Island Foundation has a cash problem resulting in delays in the work. This is critical because rehabilitation must be completed by July 4, 1986, Miss Liberty's 100th birthday. Passage of H.R. 47 will alleviate the cash shortage by providing $130 million for the project.

Mr. President, passage of H.R. 47 is imperative. This legislation will not cost the Federal Government any money and an extremely worthwile project will be funded. It is in the interest of the Nation that the Statue of Liberty and Ellis Island be restored to their original condition. I urge my colleagues to vote in favor of H.R. 47.

Mr. SYMMS. Mr. President, I commend my distinguished colleague, the Senior Senator from Idaho, on the introduction of this bill. Senator MCCLURE has worked long and hard to bring this measure to reality. In fact, if my memory is correct he has been pursuing this goal for 12 years. It is a well thought out proposal that will have important results.

It will begin, first of all, to reduce our national defense stockpile of silver. Certainly it has been established that 136 million ounces of silver is enough to hold over the market's head. Even though I think we need all of it, this measure has been designed so that the introduction of these coins won't have an adverse impact on the silver market.

These bullion coins will give the United States access to the secondary bullion market—a market that has been dominated by other countries. I'm sure that there will be a ready market for these coins. Bearing the symbol of Liberty and a likeness of the American eagle with the inscriptions "Liberty," "In God We Trust," and "E Pluribus Unum," they will be a reminder of some of the things we consider most important. This will give the American people an opportunity to own some valuable bullion coins of U.S.A. vintage.

I am especially happy to support this legislation because Idaho is a major silver producing State, and we appreciate hard money. While drawing our stockpile down somewhat probably will not spur increased mining activity in Idaho I think our miners will feel a little better knowing that the metal is moving. It has been a long time since the mining industry has had much to feel good about. If this measure helps, I will be glad.

Again, I congratulate Senator MCCLURE for his efforts and thank the distinguished majority leader for bringing this bill forward tonight. I am proud to support this measure.

Mr. GARN. Mr. President, I want to commend the leadership for their efforts to bring this bill to the floor today to establish a Commemorative Coin Program to help fund the restoration of the Statue of Liberty and Ellis Island.

The Statue of Liberty and Ellis Island are two of our Nation's most widely recognized symbols of what life, liberty and the pursuit of happiness are all about. For the millions of immigrants from all nations who came to the United States, the golden door of Ellis Island, and for the last 99 years the Statue of Liberty have stood as national and international symbols representing freedom, and the promise of a new life.

Today, both these monuments stand as reminders for the millions of Americans of the plight endured to reach the United States.

Due to the wear and tear of time and tourism, the Statue of Liberty and the Ellis Island facilities are in dire need of restoration. The sale of the three different commemorative coins will raise $137.5 million at no cost to the Government, but more importantly, the coins will help preserve these two precious monuments. I'm sure everyone will agree with me when I say that this is a worthwhile project. I urge my colleagues to join me in supporting H.R. 47.

Mr. MURKOWSKI. Mr. President, I am pleased to be a cosponsor of the Statue of Liberty bill which contains a provision for the minting of silver bullion coins.

That provision is nearly identical to the silver bullion coin elements of S. 1295, a gold and silver bullion coin bill, which I have previously introduced.

The American gold and silver mining industries are in distress today, through no fault of their own. The United States of America has a trade deficit which can best be described as extraordinarily large and growing, and a domestic budget deficit which can be fairly described as staggering. The bullion coin measure will provide small but significant relief in each of these areas.

For the first time, Americans will have the opportunity to purchase American bullion coins minted by the U.S. Mint.

For years, Americans have purchased South African Krugerrands, Canadian Maple Leafs, and Mexican bullion coins. They could not buy an American-made U.S. bullion coin if they wanted to, because such coins have simply not been made. The only American coins containing precious metal available in recent years have been commemorative coins, which appeal to a different market element than do bullion coins.

One of the serious concerns of American silver producers is the approximately 138 million ounces of silver held in the national defense stockpile. Much of this silver is surplus, and its mere presence acts to further depress silver prices, in view of previous attempts to auction this surplus silver. These earlier auction attempts were halted by the General Services Administration [GSA] since the bids received were not responsive.

It is generally agreed by most knowledgeable sources that the best way to dispose of this excess silver is through coinage. This method of silver disposal does not result in undue disruptions in market silver prices. Long-term production and sales of silver, as well as gold, coins would add a large element of stability to market prices and will encourage more exploration and mining of American resources.

I briefly mentioned earlier America's large and growing trade deficit, which

was $123 billion in 1984 and is expected to each nearly $145 billion this year. The silver bullion coin provisions of the Statue of Liberty coin bill will help to reduce this deficit by first reducing the amount of foreign coins purchased by Americans, and secondly, by enabling foreigners to purchase American silver legal tender currency. Last year, South Africa sold about 4 million ounces of gold as Krugerrands. The bullion coins to be minted under this provision would compete directly with the Krugerrand and the silver and gold bullion coins produced by other countries.

I anticipate that American silver bullion coins will sell about 6 million pieces each year.

I am pleased to note that these bullion coins will not be provided at Government expense. On the contrary, the U.S. Government will have all production costs covered, as well as a net income from the sale of any stocks of precious metals already owned by the Government.

Enactment of this measure will provide a much needed boost to the silver mining industry of the United States. I would hope that we can provide the same boost to the gold miners of this country by enacting a gold bullion coin bill sometime soon and would urge the Members of this body to support enactment of such a measure.

I encourage adoption of the Statue of Liberty coin bill with the silver bullion coin provision.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 47), as amended, was passed.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I would like to inquire of the distinguished Democratic leader if he is in a position to pass the following calendar items: Calendar No. 192, Senate Joint Resolution 111; Calendar No. 193, Senate Joint Resolution 122; and Calendar No. 194, House Joint Resolution 159.

Mr. BYRD. Mr. President, on this side of the aisle, these items are cleared for action.

NATIONAL SPINA BIFIDA MONTH

Mr. McCLURE. I send a joint resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 111) to designate the month of October 1985 as "National Spina Bifida Month."

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time at length.

The joint resolution (S.J. Res. 111) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 111

Whereas spina bifida is a birth defect in the spinal column which occurs in one of every one thousand births in the United States;

Whereas spina bifida is the most common crippler of newborns, resulting when one or more bones in the back (vertebrae) fail to close completely during prenatal development;

Whereas while the cause of spina bifida is not known, it appears to be the result of multiple environmental and genetic factors;

Whereas although most of the March of Dimes and Easter Seal poster children have spina bifida, many people have not heard of the defect;

Whereas only a few cities in the United States have proper care centers and specialized professionals that can provide the most effective, aggressive treatment for children and adults with spina bifida; and

Whereas an increase in the national awareness of the problem of spina bifida may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for spina bifida: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1985 is designated "National Spina Bifida Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

NATIONAL ARBOR DAY

Mr. McCLURE. Mr. President, I send a joint resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 122) to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with an amendment on page 1, beginning on line 4, strike "each year," and insert "1986."

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

The committee amendment was agreed to.

● Mr. BRADLEY. Mr. President, I am pleased that the Senate will consider today a joint resolution to designate the last Friday in April 1986 as National Arbor Day; 29 of my colleagues have seen fit to join me in this effort.

In 1970 and 1972, Congress legislated and the President proclaimed "The Last Friday in April" in those 2 years as National Arbor Day. The legislation we are considering would repeat this observation next year.

Our Nation's trees are one of our most important natural resources. Trees not only provide the raw materials for some of our basic industries, they are important stabilizers of our environment and they also provide natural grace and beauty to our lives. The observance of a national arbor day would provide an important reminder to all our citizens to appreciate and protect this vitally important natural resource. Furthermore, this observance need not cost the Federal Government a cent. There is no need to establish an agency or a staff. The news media would gladly promote this date.

The importance of this natural resource ought to also impel us to act promptly on the problem of forest decline. Scientists have observed growth declines, serious damage and death of a number of species of trees in large areas of Europe and the Eastern United States.

The most extensively documented case of forest damage is occurring in West Germany. In 1982, the Federal Minister of Food, Agriculture, and Forestry reported damage to 8 percent of all trees; coniferous species were most seriously affected. In 1983 this figure increased to 34 percent. Today an estimated 55 percent of West Germany's forested area is damaged. And the damage does not end at the West German border. Switzerland, Austria, and Czechoslovakia report 10 percent of their forests have suffered damage or have died.

Here in the United States, damage to forests has ranged from decline in growth of several species of pines in southern New Jersey to widespread damage to the ponderosa pine in southern California. A number of other coniferous species have experienced growth decline in an 11 State region extending from Maine to Alabama.

While forest damage is well documented, the scientific debate continues as to the exact causes. Several causes have been hypothesized including such factors as aluminum toxicity, magnesium deficiency, ozone damage, excess nutrients, and general stresses such as drought or insect infestation. Even though the mechanisms are as yet unclear, the role of air pollution in general and acid deposition in particular seem directly related. Research efforts have indicated that nitrous oxides may play an equal or greater role than sulfur oxides in damaging forests.

Last year I introduced legislation to transfer Forest Service resources from road building to pollution damage research. While research efforts continue, we must explore potential intermediate steps to protect this precious national resource.

Because of our concern about damage to our forests and trees it is particularly appropriate that we take special note of the importance of trees through designation of a national arbor day.●

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to authorize the President to proclaim the last Friday of April 1986 as 'National Arbor Day.'".

S.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1986 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

COMMEMORATING THE ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 159, commemorating the 75th anniversary of the Boy Scouts of America.

The PRESIDING OFFICER. The joint resolution will be stated.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 159) commemorating the 75th anniversary of the Boy Scouts of America.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by title.

Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The joint resolution (H.J. Res. 159) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

DEFERRAL OF WHEAT REFERENDUM

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 163, S. 822, the wheat referendum bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate proceeded to consider the bill (S. 822), a bill to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

Mr. ZORINSKY. Mr. President, S. 822 is legislation that I introduced on April 1. The bill, as reported by the Agriculture Committee, would provide authority to defer the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

The legislation is needed to avoid having the Secretary of Agriculture conduct a wheat referendum by August 1, 1985, as required under the Agricultural Adjustment Act of 1938. In such a referendum, producers would vote "yes" or "no" on the question whether a marketing quota should be in effect for the 1986 crop of wheat.

S. 822 would permit deferral of the referendum until 30 days after adjournment sine die of the first session of the 99th Congress. This will allow time for Congress to develop a new wheat program as part of the 1985 farm bill.

When the final version of the 1985 farm legislation is passed, wheat marketing quotas may not be required or a referendum will be required on a program substantially different from that provided under the Agricultural Adjustment Act of 1938.

In the absence of the enactment of S. 822, the Secretary would be required under permanent law to conduct a referendum that would be nothing more than a needless and costly exercise. In 1981, the Department of Agriculture estimated that the total cost of preparing for and conducting such a referendum would be about $4.8 million.

S. 822 is legislation similar to legislation approved by Congress in 1977 and on three occasions in 1981 that postponed the wheat referendum. In that regard, Secretary Block sent letters—dated May 18, 1981, and October 7, 1981—recommending the enactment of legislation to postpone the 1981 wheat referendum. In his May 18 letter, Secretary Block stated that conducting the referendum would be, and I quote, "a needless and somewhat costly exercise," end of quote.

I believe that producers would not want the Secretary to conduct a referendum based on the wheat program provided under permanent law. Further, I believe that such a referendum is an unnecessary expenditure of funds since producers will not be presented with a choice of viable programs.

It is clear that, at the present time, holding the referendum would be an expensive administrative burden. Not holding the referendum will save the Department from committing resources to an unnecessary activity, prevent confusion among wheat producers regarding the 1986 wheat program, and save the taxpayers millions of dollars.

For those reasons, I urge my colleagues to support S. 822.

I ask unanimous consent that the text of the letters referred to in my statement be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, May 18, 1981.

Hon. GEORGE H.W. BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a bill "To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1982."

The Department recommends enactment of this legislation.

This legislation is needed to avoid USDA's having to conduct a wheat referendum on August 1, 1981. In such a referendum, producers would vote yes or no on the question of whether a marketing quota should be in effect for the 1982 crop of wheat. When the final version of the 1981 farm legislation is passed, wheat marketing quotas will probably not be required. However, should the 1981 farm legislation not pass by August 1, the Department would be required, under the Agricultural Adjustment Act of 1938, to conduct the referendum—an almost certainly needless and somewhat costly exercise. The Department estimates that the total cost of preparing for and conducting the referendum would be about $4.8 million.

The proposed legislation is similar to P.L. 95-48, passed June 17, 1977, which post-

poned the wheat referendum that was scheduled for August 1, 1977.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

A similar letter has been sent to the Speaker of the House of Representatives.

Sincerely,

JOHN R. BLOCK,
Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, October 7, 1981.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: We strongly urge that the legislative mandate to conduct a 1982-crop wheat referendum by October 15, 1981 be delayed to November 1981.

Delaying the requirement for the wheat referendum will give the Congress the needed time to complete action on the farm bill which has been passed by the Senate and is now being taken up by the House. The farm bill, once enacted and signed into law, will make the referendum unnecessary since it would suspend the marketing quota and acreage allotment provisions.

Holding the referendum would also be an expensive administrative burden. The federal cost for holding the referendum is estimated at over $4 million. If legislative action to postpone the referendum is not completed today, the Department must set in motion the actions needed to carryout this activity. If legislation to postpone the referendum is passed by October 13, it would result in a saving of approximately $3 million since $1 million would be expended in gearing up for the referendum.

Your assistance in allowing this referendum to be postponed is greatly appreciated since it will save the Department from committing resources to an unnecessary activity, save wheat producers from taking time to vote in a useless exercise and save the taxpayers several millions of dollars.

Sincerely,

JOHN BLOCK,
Secretary.

Mr. HELMS. Mr. President, the legislation before us, S. 822, would give the Secretary of Agriculture discretion to delay the pending wheat referendum until 30 days after adjournment sine die of the first session of the 99th Congress.

Current laws governing most of the farm programs—including the Wheat Program—are due to expire at the end of the 1985 crop year. Congress, therefore, is currently considering omnibus legislation establishing agricultural programs for the 1986 and subsequent crops.

There is no guarantee, however, that Congress will complete consideration of the farm bill by the end of the year. The Senate Agriculture Committee has found itself in the position of not being able to conduct business for as many hours as we would have liked. I, as one member of the committee and chairman, am committed to completing a new farm bill in 1985. However, if Congress is not successful in completing its work, permanent law requiring a wheat referendum—among other things—would go into effect.

Under permanent law—the Agriculture Adjustment Act of 1938 as amended—the Secretary of Agriculture is required to determine if the total supply of wheat in the marketing year will, in the absence of a marketing quota program, be excessive. If supplies are determined to be excessive, the Secretary must determine a national marketing quota and conduct a referendum not later than August 1.

The Secretary has already set this process in motion and has announced a referendum, to be held by mail, July 19-26.

My preference is for the Secretary to go ahead with his plans to hold the referendum. Reverting to permanent law is certainly not a good answer to the problems of agriculture today. By the same measure, an extension of current law would be even worse. If Congress is serious about trying to do something to correct agricultural policy, we will chart a new course by authorizing basic farm legislation in 1985. If not, we may be better off in agriculture by operating the laws set out in 1938.

The reason is that loan rates are the key instrument of farm policy. Farmers and those who invest in farming overseas use the U.S. loan rate as the price signal on which they can determine whether their investments in increased production will be profitable or not. Foreign competitors know that if they can market their commodities just below the price which the U.S. Government will purchase all American farmers will produce—which is what the "loan rate" is—they can take our market share from us if they made the additional investments in agricultural production. Our 50 percent of the total global trade is quite a chunk to shoot for. So as they are now operating, the U.S. farm programs benefit foreign producers more than they do our own people. In fact, in this sense, our farm programs are really quite perverse in their impact on U.S. farmers.

If the Congress refuses to make the fundamental reforms necessary to correct our failed farm policies, I am inclined to urge the President to implement permanent law rather than extend current law. But to do that, he is required to conduct referendums in advance.

The important point of this legislation is that it gives the Secretary discretion on whether or not to hold the wheat referendum prior to August 1. As long as the authority is discretionary, I have no objection to the legislation.

Mr. DOLE. Mr. President, it is my pleasure to bring up for consideration by the Senate a bill sponsored by the distinguished Senator from Nebraska, Senator ZORINSKY, that will provide authority to the Secretary of Agriculture to postpone the scheduled producer referendum on the 1986 Wheat Program until 1 month after the close of this session of the 99th Congress.

This measure, which is identical to legislation passed by the Congress during consideration of the last omnibus farm bill in 1981, will allow that important process to go forward in the House and Senate Agriculture Committees without the distraction of holding a vote to choose between two antiquated farm program alternatives. We should be looking forward to find ways to make U.S. agricultural exports more competitive in today's marketplace—not backward to the restrictive policies included in the 1938 and 1949 Agriculture Acts.

I have received assurances from Agriculture Secretary Block that he is willing to give favorable consideration to using the authority provided by this bill and to cancel the current plans to hold a wheat referendum during the week of July 19. The Secretary recognizes, as we all do, that such a procedure would be a costly and confusing digression from our efforts to craft responsible farm legislation this year. Those of us on the Senate Agriculture Committee look forward to working with Secretary Block on a bipartisan basis to design farm policies that respond to the environment agriculture will face in the 1980's and beyond—not the 1930's or 1940's.

I commend Senator ZORINSKY and the distinguished chairman of the Senate Agriculture Committee, Senator HELMS, for their leadership in responding to the need to provide this authority, and look forward to helping expedite the process and obtaining the President's approval of this legislation in the near future.

Thank you, Mr. President.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 822) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1336) is amended by striking out the last sentence and inserting in lieu thereof the following: "Notwithstanding any other provision hereof, the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986, may be conducted not later than thirty days after adjournment sine die of the first session of the Ninety-ninth Congress.".

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. 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 assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. 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.

ORDER TO ADD CONFEREES TO H.R. 2577

Mr. DOLE. I ask unanimous consent that Senators D'AMATO and RUDMAN be added as conferees to H.R. 2577.

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

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. DOLE. I ask unanimous consent that the record remain open until the hour of 3 p.m. today, for the introduction of bills, resolutions, and the submission of statements.

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

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider the following nominations: Calendar No. 259, Larry James Stubbs; Calendar No. 260, Lt. Gen. Max B. Brailiar, and all nominations laid on the Secretary's desk.

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

Mr. DOLE. Mr. President, I ask unanimous consent that the nominations just identified be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. BYRD. Mr. President, there is no objection. May I ask the distinguished majority leader if he was referring to nominations placed on the Secretary's desk in the Air Force and Navy?

Mr. DOLE. Yes, that is correct.

Mr. BYRD. Mr. President, there is no objection.

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

The nominations confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Larry James Stubbs, of Georgia, to be US marshal for the southern district of Georgia for the term of 4 years.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Max B. Brailiar, [redacted]FR, United States Air Force.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, NAVY

Air Force nominations beginning Maj. Robert L. Baldwin, and ending Maj. Troy F. Barnett, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 12, 1985.

Air Force nominations beginning Gordon P. Mangente, and ending Jonathan M. Uhl, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 13, 1985.

Navy nomination of Cmdr. John O. Creighton, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 12, 1985.

Navy nominations beginning Robert David Abel, and ending George K. Zane, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 12, 1985.

NOMINATION OF LARRY J. STUBBS FOR U.S. MARSHAL, SOUTHERN DISTRICT OF GEORGIA

Mr. MATTINGLY. Mr. President, Mr. Larry James Stubbs of Glennville, GA, is before this body today to be confirmed as U.S. marshal for the southern district of Georgia. When confirmed by the Senate, he will be the second individual to hold that position since I came to the Senate. He succeeds my good friend, Cliff Nettles, whose untimely death last year deprived me of a friend, Georgia of a first-rate law enforcement officer, and our country of a loyal patriot. He will be missed.

It gives me great pride to recommend Larry Stubbs to this body for the position of U.S. marshal. Larry has a long and distinguished career as a law enforcement officer in Florida and Georgia. Before joining the U.S. Marine Corps in 1969, he served with the Hialeah, FL, Police Department. He returned to the Hialeah Police Force after leaving the Marines in 1971, and served until moving to Georgia in 1974. Since 1978, Larry has served with the Glennville, GA, Police Department as assistant chief of police with the rank of lieutenant.

In his law enforcement posts, Larry has not only proved himself an excellent police officer, but an able administrator as well. In short, Larry brings to the U.S. marshal post the proven experience that will make him a credit to the Marshals Service.

Mr. President, I urge my colleagues to support the confirmation of Larry Stubbs as U.S. marshal as an excellent addition to the Marshals Service and to the Federal law and order battle against crime. Thank you.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. 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 of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

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

THE APPLICABILITY OF DRUNK DRIVING LAWS TO FOREIGN DIPLOMATS

Mr. DANFORTH. Mr. President, last Saturday, a Soviet military attaché, Sergei Smirnov, was involved in an accident on Rock Creek Parkway. Mr. Smirnov's car crossed over the parkway and ran head-on into another car, containing three people. Fortunately, two of the occupants of the struck car did not receive serious injuries, but an 85-year-old woman, Cecile, Malakoff, required hospitalization and is expected to be in the hospital for at least 2 months.

Mr. Smirnov was described in the accident report as "apparently severely intoxicated." He was said to be "incoherent," with "the strong odor of an alcoholic beverage about his breath." The Soviet Embassy, however, maintains that Mr. Smirnov was not intoxicated.

Everyone involved in an auto accident deserves to have all the evidence heard. While it certainly appears that alcohol was a part of this accident, I am not going to judge Mr. Smirnov's guilt or innocence here. I am very concerned, however, about the fact that we have no recourse to take action against diplomats who are found to be drunk drivers. Under our laws, diplomats involved in traffic accidents are immune from prosecution. This is troublesome in all cases, but especially when drunk driving is involved.

Mr. President, drunk driving is a serious national problem. Congress, the Federal Government, and the States have spent considerable time and effort to strengthen drunk driving laws and enforcement activities. We have made much progress, but more needs to be done. It is clear, however, that our inability to prosecute diplomats for drunk driving offenses represents a serious loophole in our drunk driving laws.

A diplomat should not have the right to come to the United States, get a driver's license and car tags and then proceed to get drunk, get behind the wheel of a car, and be totally unaccountable for his actions, no matter how serious. Driving is a privilege, not a right, for everyone operating vehicle in this country. It is time that we make this point clear. Until our traffic laws are applied with equal force to all drivers in this country, the effectiveness of our recent efforts to strengthen drunk driving laws and to improve highway

safety generally will be greatly diminished.

Mr. President, I ask unanimous consent that an article appearing in the June 21, 1985, Washington Post which describes the Smirnov incident, be included in the RECORD in its entirety.

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

[From the Washington Post, June 21, 1985]

SOVIET EMBASSY DENIES ATTACHE IN COLLISION WAS INTOXICATED

(By Patrice Gaines-Carter)

A high-ranking Soviet military attache, described in an accident report as "apparently severely intoxicated," was driving a car that plowed head on into another car Saturday afternoon and hospitalized an 85-year-old woman.

The driver has diplomatic immunity, however, and therefore cannot be prosecuted. He was released to the custody of the Soviet Embassy. An embassy spokesman denied yesterday that the official had been intoxicated at the time of the accident.

The accident report by the U.S. Park Police states that the Russian driver, identified as Sergei N. Smirnov, an embassy air attache, was "incoherent" and "had the strong odor of an alcoholic beverage about his breath."

The accident occurred on Rock Creek Parkway, just north of P Street NW.

Smirnov's 1982 Ford LTD crossed over from the southbound lanes of the parkway and struck a 1977 Dodge Aspen station wagon, driven by Robert Malakoff, a Senate subcommittee staffer, the report said.

Malakoff was driving, his wife Grace was in the front seat and his mother Cecile was in the back seat.

"There are a lot of uncertainties," said Malakoff, whose mother is in stable condition and in traction because of a hip injury she received in the accident.

"The first thing is the man should be subject to the same penalties we are subject to," he said. "Secondly, I'm not sure what diplomatic immunity means financially. It's unclear how far they will come to compensate us" for medical expenses.

Malakoff said he expects his mother to be hospitalized for at least two months.

The accident report states that the "accident was caused by Smirnov. Contributing factors would be the consumption of alcohol since he was apparently severely intoxicated."

It also says that Smirnov "could not speak, he babbled, appeared incoherent, and had glassy eyes . . . difficulty walking." Smirnov was handcuffed after he became "violent" and struggled with an officer, according to the report.

The official was taken into custody and released to the Soviet Embassy.

But Boris Malakhov, second secretary of the press office at the Soviet Embassy, said Smirnov "was not intoxicated."

"There were no charges pressed," Malakhov noted, adding, "He was under shock. The car was badly damaged. Why wouldn't the person inside be, too?"

"It is a sheer accident," Malakhov said. "It could happen to anybody. No one is charging him yet."

While Smirnov can't be prosecuted, the State Department can ask host countries to remove diplomats who have violated U.S. laws, a State Department spokesman said.

"All diplomats who drive must also have insurance to get license plates," the spokesman said, surmising that Smirnov's insurance company would cover some of the medical expenses incurred by the Malakoffs.

Smirnov was not in his office at the embassy yesterday afternoon.

When asked about her views on diplomatic immunity in such cases, Cecile Malakoff said, "They are guests here. Don't you think they ought to honor the laws of the country that provides the hospitality for them?"

ADVOCACY PROVISIONS OF THE OLDER AMERICANS ACT

Mr. GRASSLEY. Mr. President, the Administration on Aging published interim final rules for the Older Americans Act on April 1, 1985. Publication of these rules was a welcome event for most of those who work in Older Americans Act programs because the regulations then in force were written for the 1978 amendments to the act. The notice of proposed rulemaking which was published in the Federal Register on March 2, 1983, and which laid out proposed rules for the 1981 amendments to the act never appeared in final form. Therefore, the interim final rules published on April 1 provided regulatory specification for both the 1981 and the 1984 regulations.

Although welcome because they provide regulatory direction for the Older Americans Act amendments passed since 1978, the proposed rules have caused some concern, and not a little confusion, in the aging policy community, particularly with respect to parts of the proposed regulations dealing with advocacy on the part of the State and area agencies on aging.

In my capacity as chairman of the Subcommittee on Aging of the Senate Committee on Labor and Human Resources, the Senate subcommittee with oversight responsibility for the Older Americans Act programs, I wrote to the Commissioner on Aging to register some of my concerns about the interim final regulations.

I would also like to share my thoughts on the advocacy provisions of these proposed regulations with my colleagues in the Senate, their staff, and the wider aging policy community in hopes that systematic discussion of these provisions will reduce some of the confusion which seems to abound on this matter. I have been greatly aided by a Congressional Research Service paper which directly considers this issue. I ask that this paper be printed at the end of my remarks.

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

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I think we should begin by remembering that advocacy is clearly established in the Older Americans Act. Section 305(a)(1)(D) states that the State agency serves as "an effective and visible advocate for the elderly by reviewing and commenting upon all State plans, budgets, and policies which effect the elderly. * * *" Section 306(a)(6)(D) states that the plan developed by area agencies shall provide that the area agency will "serve as the advocate and focal point for the elderly within the community by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect the elderly." There was no change in these provisions in either the 1981 or 1984 amendments.

The key provisions with respect to advocacy in the interim final regulations appear to me to be those dealing with lobbying and political advocacy with Federal funds. These provisions are contained in section 1321.33(b) for State agencies and section 1321.65(b) for area agencies.

The language of these two sections is the same:

> No requirements in this section shall be deemed to supersede statutory or other regulatory restrictions regarding lobbying or political advocacy with Federal Funds.

Before I take up this provision directly, however, I would like to briefly discuss several other changes which bear on the advocacy responsibilities of the State and area agencies on aging. Section 1321.33(a) of the proposed regulations has eliminated entirely the requirement, contained in the prior regulations, that "the State Agency must: (d) represent the interests of the older persons before the legislative, executive and regulatory bodies in the State." Since the various subsections of section 1321.33 are all prefaced by the phrase "the State Agency must," I presume that removal of subsection (d) of the former section 1321.41 does not in any way imply, by itself, that a State agency may not represent the interests of older persons before State legislatures, executive, and regulatory bodies. In fact, I also assume that nothing in section 1321.33(a) prohibits State agencies from representing the interests of older persons before, or to, Federal legislative, executive or regulatory bodies.

Although the provisions of the law with respect to advocacy cited above does not specify the audiences to which the State agencies should direct their comments, the provision would mean very little were State agencies not able to make these comments available to State legislatures, executive branch and regulatory agency officials at the State level, and were area agencies not able to make them to other local public and private officials. It is difficult to understand how these advocacy provisions of the Older Americans Act could have meaning without routine interaction between State and area agencies on aging, on the one hand, and those other public officials who administer, legislate or otherwise make decisions at State and

local levels on public policy affecting the elderly.

The effect of the removal of this particular provision, of course, is to downgrade the importance of this activity, at least as far as the regulations are concerned, for they no longer say that a State agency must represent the interests of older persons before legislative, executive or regulatory bodies of State government; the Older Americans Act, however, in the sections I have cited above, seems to me to require this kind of activity.

It is also possible that other provisions of the new regulations could effect the ability of the State agencies on aging to advocate on behalf of older people. Section 1321.21 of the new regulations no longer contains the requirement for a qualified full time director and staffing plan for the agency. Language formerly contained in section 1321.11 and 1321.13 with respect to "an agency whose single purpose is to administer programs for older persons * * *" has been deleted and replaced with a provision, section 1321.21, which is vague and could admit of different interpretations.

The key provision, however, as I noted above, is the new subsection 1321.33(b) for State agencies on aging and 1321.65(b) for area agencies. The restrictiveness, or nonrestrictiveness, of the new regulations with respect to advocacy seems to turn on the interpretation of this new subsection. There is some confusion as to what this section means with respect to the advocacy activities of the Older Americans Act network. The Office of Management and Budget [OMB] Circular A-122 is cited by some as a possible important restriction on advocacy activities of State and area agencies on aging. But A-122 does not apply to State governments, and, because it applies only to private, nonprofit groups, does not apply to all area agencies on aging. Furthermore, I question whether any regulatory or other executive directive can prohibit activities which are authorized and funded by a law adopted by Congress. Here, of course, I am speaking of the advocacy provisions of the Older Americans Act.

At the very least, it would be useful to know which statutory provisions might apply to the advocacy activities of the aging network, so that the present vague provisions, which have unclear import for the network, can be made clearer. Relevant in this regard is the review by the Congressional Research Service, of which I spoke earlier. I concluded that:

No law or statute, however, specifically restricts State, local or private grantees of the Federal Government generally, or of HHS specifically, from using Federal grant or contract funds for advocacy and "monitoring, evaluating and commenting" on public policies at the State and local level consonant with the purposes of a grant program. Area aging agencies, however, under later Labor, HHS and Education Department appropriations riders, may be restricted from using Federal grant funds for attempting to influence Federal legislatin "pending before the Congress" even though such agencies are required by the Older Americans Act to evaluate and comment on all policies, hearings, etc. affecting the elderly.

I take the main point of this review to be that the only Federal statutes which could restrict advocacy activities of State and area agencies on aging are the appropriations riders to Labor-HHS appropriations bills, and that those restrict lobbying or attempts to influence legislation which is actually pending before the Congress. Furthermore, the effect on the appropriations riders does not outlive.

THE APPROPRIATIONS BILL IN QUESTION.

The changes in the new regulations which affect the advocacy role of the area agencies on aging parallel those made for the State agencies on aging. In the case of the regulations applying to area agency advocacy, the subsection which concerns representation by area agencies of the interests of older persons to public and private officials and organizations remains, but the word "public" has been replaced with "local and executive branch," a formulation which is more ambiguous than the one it replaced. In any case, the key provision seems to me to be again the subsection dealing with lobbying and political advocacy with Federal funds, in this case section 1321.65(b). The comments I made above with respect to State agency advocacy are relevant here also.

I would like to close with the following thought. The ability of national legislators, and, I would argue from my experience in State government, of local and State officials also, to provide effective oversight of the programs we authorize, such as the older Americans Act, depends very much on the ability and willingness of officials in the administrative chain to apprise us of developments in these programs which merit our closer attention. I, for one, would not like to see reduced the ability of State and area agencies, or of other Federal grantees under the Older Americans Act, to inform public officials of relevant problems in the administration of the act.

EXHIBIT 1

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, May 23, 1985.

From: American Law Division.

Subject: HHS regulations and required advocacy by area aging agencies under the Older Americans Act.

This memorandum is submitted in response to your request as discussed with * * * of your staff concerning the regulations recently promulgated by the Department of Health and Human Services under the Older Americans Act, and their relationship to advocacy for the elderly and the monitoring, evaluation and commenting on proposals and all policies affecting the elderly required of area aging agencies under the statutory provisions of the Older Americans Act. Concern has been expressed that a so-called "gag rule" on area aging agencies by the HHS regulations and by guidelines to executive agencies published as an OMB Circular would prevent and chill the area aging agencies from performing their required statutory functions as contemplated by Congress in the Older Americans Act.

Briefly, and as general background, it should be pointed out that under our Constitution it is the Congress which legislates the law, and the Executive which faithfully executes those laws enacted by the Congress. U.S. Constitution, Article 1, Section 1; Article 2, Sections 1 and 3. See *Youngstown Sheet & Tube* v. *Sawyer*, 343 U.S. 579, 587-588 (1952). Any inherent power of the Executive can not override a specific congressional enactment within a law, and any such inherent authority of the Executive is at its "lowest ebb" when "incompatible with the expressed or implied will of Congress". *Youngstown Sheet & Tube, supra*, at 637-638 (Jackson concurring). Congress thus "sets the legislative agenda" for a particular public policy (*Center for Science in the Public Interest* v. *Dept. of Treasury*, 573 F. Supp. 1168, 1174-1175 (D.D.C. 1983), see *Center for Science in the Public Interest* v. *Regan*, 727 F.2d 1161, 1165-1166 (D.C. Cir. 1984)), and administrative actions which undermine, are inconsistent with, or "frustrate the congressional policy underlying a statute" are invalid. *NLRB* v. *Brown*, 380 U.S. 278, 291 (1965); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual*, 103 S. Ct. 2858 (1983). If area aging agencies are therefore authorized, or are required by law as in the case of the Older Americans Act, to "advocate" for the elderly and to "monitor[], evaluat[e], and comment[] upon all policies, programs, hearings, levies, and community actions which will affect the elderly", and funds are appropriated by Congress for this purpose, then no administrative edict or guideline may establish a "gag rule" on the area agencies with regard to such activities in contradiction to the statutory mandate, unless amendatory legislation or superseding laws adopted by Congress require that result. No law or statute, however, specifically restricts state, local or private grantees of the federal government generally, or of HHS specifically, from using federal grant or contract funds for advocacy and "monitoring, evaluating and commenting" on public policies at the state and local level consonant with the purposes of a grant program. Area aging agencies, however, under later Labor, HHS and Education Department appropriations riders, may be restricted from using federal grant funds for attempting to influence *federal* legislation "pending before the Congress" even though such agencies are required by the Older Americans Act to evaluate and comment on "all" policies, hearings, etc. affecting the elderly.

The Older Americans Act (P.L. 89-73, as amended by P.L. 95-478 and P.L. 97-115) specifically authorizes and requires State agencies receiving grants under the Act "to serve as an effective and visible advocate for the elderly", and to designate private or public area agencies which are to serve "as the advocate and focal point for the elderly within the community".

Congress has directed such State agencies, to be eligible for funding, to:

Serve as an effective and visible advocate for the elderly by reviewing and comment-

ing upon all State plans, budgets and policies which affect the elderly . . .[1]

The Act also requires the area agencies which receive federal funds under the Act through the States to advocate for, and to evaluate and comment on all policies affecting the elderly, as well as to establish working advisory councils with local elected officials, representatives of the elderly, and private elderly citizens. The law specifically requires these area aging agencies to:

Serve as the advocate and focal point for the elderly within the community by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will effect the elderly.

Establish an advisory council consisting of older individuals who are participants or who are eligible to participate in programs assisted under this chapter, representatives of older individuals, local elected officials, and the general public, to advise continuously the area agency on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan . . .[2]

The Act by its terms thus clearly and unequivocably contemplates advocacy, evaluation and comments and public policies, and interactions between the area aging agencies and those public officials who administer, legislate or otherwise make decisions in the area of public policy affecting the elderly. Although not defined within the statute, nor expanded upon to any great extent in the legislative history of the law adding this provision to the Act, by specifically requiring "advocacy" and linking this requirement with the requirement for "monitoring, evaluating and commenting" on all public policies affecting the elderly, Congress obviously did not intend for the area aging agencies to act as passive, disinterested or impartial observers of and commentators on public policy-making, but rather to act to convince or influence such public policy on behalf of and in the best interests of the elderly.[3] Congress did specifically intend to limit the public policy advocacy under the specific provision for legal services to the elderly within the Act (see S. Rpt. No. 95-855, 95th Cong., 2d Sess. at 12; H. Conference Rpt. No. 95-1618, 95th Cong. 2d Sess. at 64-65). However, no such express and limiting requirement upon the other activities of the area agencies generally was included nor expressly intended by Congress in the Act.

The interim final rules of HHS in question, regarding area agencies, provide as follows with respect to advocacy activities:

§ 1321.65. Advocacy responsibilities of the area agency.

(a) The area agency must—

(1) Monitor, evaluate, and, where appropriate, comment on all policies, programs, hearings, levies, and community actions which affect older persons;

(2) Solicit comments from the public on the needs of older persons;

(3) Represent the interests of older persons to local level and executive branch officials, public and private agencies or organizations;

(4) Carry out activities in support of the State administered long-term care ombudsman program; and

(5) Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for older persons.

(b) No requirements in this section shall be deemed to supersede statutory or other regulatory restrictions regarding lobbying or political advocacy with Federal funds.[4]

The regulations note that the advocacy responsibilities of the area aging agencies as set out in the regulations (and required by law) do not "supersede statutory or other regulatory restrictions regarding lobbying or political advocacy with Federal funds." These regulations, however, do not cite to any specific limiting statute on such activities, nor do the regulations provide any further guidance as to which types of advocacy activities by area aging agencies may be prohibited by other federal laws.

There appears to be, in fact, no federal statute specifically applicable to private recipients of funds distributed by federal agencies as to the "lobbying" of state or local governmental agencies or units by those private recipients when consistent with the purposes of the grant program. Furthermore, no other published regulations of HHS on such use of funds by local private recipients have been found, although there does exist a "circular" published by the Office of Management and Budget (OMB Circular A-122, as amended April 27, 1984) which provides guidelines to agencies as to the use of and reimbursement with federal monies to private grantees for "lobbying" and other activities.

The statutory provision often referred to as supporting restrictions on "lobbying" with federal monies, 18 U.S.C. § 1913, is a criminal law which by its terms applies its penalty only to, *inter alia*, an "officer or employee of the United States or of any department or agency thereof". This law on its face is clearly applicable only to federal employees and not to private or State recipients of federal grants or contracts. (See specifically, *Grassley* v. *Legal Services Corporation*, 535 F. Supp. 818, 826 n.6 (S.D. Iowa 1982). Furthermore, the law applies only to federal executive branch agencies and officials improperly lobbying "a Member of Congress", and does not extend to lobbying other executive agencies or state or local governmental units.[5] Finally, the law has been consistently interpreted by the Department of Justice as permitting direct lobbying contacts between federal executive branch officials and Members of Congress on pending legislation.[6]

Former appropriations restrictions which had been included in Treasury, Postal Service and General Governmental Appropriations Acts, usually at Section 607(a), had also restricted agencies from expending any funds for "publicity on propaganda" campaigns directed at "legislation pending before the Congress". That provision had similarly been interpreted to apply only to legislation before Congress, and then only to "grass roots" types of campaigns which urge the public to "write their congressman" and not to direct contacts between agency officials and Members of Congress, nor to public expressions or expositions of agency policy or arguments for or against legislation. 56 Comp. Gen. 889 (1976); Decision of the Comptroller General, B-129838, July 12, 1976; Decision of the Comptroller General, B-164497(5), August 10, 1977; Decision of the Comptroller General, B-173648, Sept. 21, 1973; Opinion of the Comptroller General, B-178448, April 30, 1973; Memorandum of General Accounting Office, B-1309061—O.M., Sept. 10, 1976. The most recent two Treasury, Postal Service and General Governmental Appropriations bills receiving congressional action, however, (H.R. 4139, 98th Cong., 1st Sess. and H.R. 5798, 98th Cong., 2d Sess) did not contain the general appropriations rider in Section 607(a) for all federal funds, but rather expressed a narrow rider only for funds appropriated in that Act on publicity and propaganda not authorized by Congress (Section 601). Appropriations acts for each agency or department must therefore be examined for further restrictions within the time frame of those particular appropriations.

Appropriations restrictions on HHS funding, unlike other appropriations riders which usually do not include specific restrictions on private citizens who receive federal grant or contract money, do place limitations on the use of contract or grant funds to pay the salary or expenses of recipients for "any activity designed to influence legislation or appropriation pending before the Congress". See P.L. 98-139, Section 509; H.R. 6028, 98th Cong., 2d Sess., Section 509 (emphasis added). This appropriation rider, however, clearly applies on its face only to legislation or appropriations "pending before the Congress", and does not extend to programs or policies being considered by administrative agencies of the federal government or by executive, administrative, regulatory or legislative governmental bodies at the state or local level.[7] Since an appropriation provision can be considered to amend substantive, permanent law,[8] the recipients of federal grant funds from Labor, HHS, and Education Departments may be prohibited regardless of statutory language of a specific program, from attempting to influence legislation which is actually pending before Congress. It should be noted that the HHS appropriation restriction prohibits funding of "any activity", and not just "publicity or propanganda" campaigns, and does not provide for an exclusion, like other appropriations riders, for instances when such activities are otherwise authorized by Congress.

In sum, then, although there are apparently restrictions regarding federal legislation pending before the Congress, area

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[1] 42 U.S.C. § 3025(a)(1)(D).

[2] 42 U.S.C. § 3026(a)(6) (D) and (G).

[3] Note common legal definition of the verb "advocate", Black's Law Dictionary, 5th Edition, West Publishing Co. 1979, at 51. See legislative history of provision at H.R. Rpt. No. 95-1150, 95th Cong., 2d Sess. at 5: "These area agencies . . . have begun to mobilize Federal, State, and local resources on behalf of the elderly over and above the resources available under the Older Americans Act.", and 30.

[4] 50 F.R. 12952, April 1, 1985.

[5] See, for example, *Hall* v. *Siegel*, 467 F. Supp. 750, 753 (S.D. III. 1977), where the court found no authority in federal law to prevent the Executive or his staff from expending federal funds to "express his views to state legislators or 'lobby' for or against ratification of" the Equal Rights Amendment by the state legislatures.

[6] Opinion of the Assistant Attorney General of the United States, Henry J. Miller (1962), printed at 108 *Cong. Rec.* 8449-8451, May 15, 1962; Department of Justice letter opinion of July 19, 1973, from Assistant Attorney General Henry S. Peterson. Note legislative history of § 1913, at 58 *Cong. Rec.* 404, May 29, 1919.

[7] General Accounting Office Memorandum, B-13096.140- O.M., at 8, September 10, 1976, as to applicability of general appropriations riders on "publicity or propaganda activities" directed to legislation or appropriations "pending before Congress" GAO found: "In any event, like the penal statute [18 U.S.C. § 1913], Section 607(a) is limited by its terms to Federal legislation."

[8] *Skok* v. *Andrus*, 638 F. 2d 1154 (9th Cir. 1979), *cert den.* 444 U.S. 927; *Director, Office of Workman's Compensation Program, U.S. Dept. of Labor* v. *Alabama By-Products Corp.*, 560 F. 2d 710 (11th Cir. 1977).

aging agencies are specifically authorized by Congress in the Older Americans Act to "advocate" for the elderly "by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect the elderly", and there is no other federal law which would work to prohibit the area agencies from carrying out this congressional mandate within their community and state. Even the restrictive guidelines on activities by grantees issue by OMB in circular A-122, note that private contract and grant recipients may, of course, use federal funds for "any activity specifically authorized by statute to be undertaken with funds from the grant, contract or other agreement." See 49 F.R. 18276 (April 27, 1984), Circular A-122, paragraph B21, b(3).

In any event, as discussed briefly above, an agency regulation or other executive directive could not prohibit by administrative fiat activities which are authorized and funded by a law adopted by Congress. The Supreme Court has ruled that administrative decisions are invalid which are found "inconsistent with a statutory mandate or that frustrate the congressional policy underlying a statute." *NLRB* v. *BROWN*, 380, U.S. 278, 291 (1965); see *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual*, 103 S. Ct. 2856 (1983); note generally *Youngstown Sheet & Tube* v. *Sawyer*, 343 U.S. 579 (1952). Programs, policies and activities established and funded by law by Congress may therefore not be unilaterally terminated by executive branch action nor may the law be executed in a manner contrary to Congress' intent. *Local 2677, American Federation of Government Employes* v. *Phillips*, 358 F. Supp. 60, 76-78 (D.D.C.), citing *Youngstown Sheet & Tube, supra; Local 2816, Office of Economic Opportunity Employees Union, AFGE* v. *Phillips*, 360 F. Supp. 1092, 1099-1100; *Center for Science in the Public Interest* v. *Dept of Treasury*, 573 F. Supp. 1168, 1174-1175 (D.D.C. 1983), See *Center for Science in the Public Interest* v. *Regan*, 727 F.2d 1161, 1165-1166 (D.C. Cir. 1984) lower court finding of improper agency consideration of factors other than those articulated in statute was not appealed by the agency); *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402 (1971).

In a 1979 case in the Eighth Circuit, for example, the United States Court of Appeals reviewed an agency decision, ostensibly based on Office of Personnel Management (OPM) regulations and the conflict of interest principles articulated in an Executive Order (E.O. 11122), that removed an Indian/Bureau of Indian Affairs employee from his position of superintendent of an agency because of a potential conflict of interest created by the election of his brother to the position of Tribal President. The court in *Oglala Sioux Tribe of Indians* v. *Andrus*, 603 F.2d 707 (8th Cir. 1979), found that the application of a per se conflict of interest regulation of the executive branch based on familial ties to tribal officials frustrated the purpose and intent of the Indian Reorganization Act of 1934, which was to appoint and employ Indian personnel without regard to Civil Service laws on appointments. The court stated:

It is beyond dispute that agency action taken without statutory authorization, or which frustrates the congressional policy which underlies a statute, is invalid.

Such a transference of general Civil Service conflict-of-interest regulations ignores the particular conditions which affect Indian employment on the reservation, and the impact which such regulations may have on the goal of increased Indian employment and responsibility in the decision-making positions within BIA.

. . .[A]ny such regulations must be consistent with the congressional policy embodied in § 12 [of the Reorganization Act] . . . . 603 F.2d at 715, 716-717.

Regulations of an agency may therefore not frustrate the underlying congressional policy of the relevant statutory provision. Since the Congress specifically requires area aging agencies which receive grant funds from the Older Americans Act through the states to act as an "advocate" for the elderly and to monitor, evaluate and comment on all policies and programs affecting the elderly, a federal department or agency could not promulgate a "gag rule" on the area aging agencies with regard to such funded activities since this would obviously frustrate and be directly contrary to the congressional purpose underlying those relevant provisions of the Older American Act. A later congressional enactment may limit the use of such funds, however, and it may be argued that although the Congress has authorized and requires area agencies to act as public advocates for the elderly by evaluating and commenting on all proposals and policies affecting the elderly to further those interest, they may not expend federal funds to influence federal legislation which is actually pending before Congress. This would not seem to prohibit, however, area aging agencies from their statutorily required advocacy for the elderly by monitoring, commenting on and evaluating other federal policies and programs, for example before federal administrative and executive bodies with respect to rule making or other activities within their jurisdiction, a well as state or local governmental units. The regulations read in this manner would then appear to be consistent with the congressional intent and purposes underlying the Older American Act and current appropriation restrictions.

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. DODD:

S. 1339. A bill to amend the Internal Revenue Code of 1954 to allow any distribution from an individual retirement account or annuity which is used in the purchase of a home to be rolled over into the basis of such home, and to be treated as ordinary income upon the recognition of gain from the sale of such home; to the Committee on Finance.

By Mr. HARKIN:

S. 1340. A bill to stabilize the agricultural value of farm land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1341. A bill to provide tax relief for certain insolvent farmers, and for other purposes; to the Committee on Finance.

S. 1342. A bill to amend title 11 of the United States Code with respect to bankruptcy proceedings involving debtors who are family farmers, and for other purposes; to the Committee on the Judiciary.

By Mr. DANFORTH (for himself, Mrs. KASSEBAUM, Mr. HOLLINGS, and Mr. EXON) (by request):

S. 1343. A bill to improve safety and security for people who travel in international aviation; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S.J. Res. 150. Joint resolution to designate the month of March 1986 as "National Hemophilia Month"; 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. MOYNIHAN:

S. Con. Res. 53. Concurrent resolution expressing the sense of the Congress that the United Support of Artists for Africa be commended for its efforts to aid the victims of the spreading African famine; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1340. A bill to stabilize the agricultural value of farm land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1341. A bill to provide tax relief for certain insolvent farmers, and for other purposes; to the Committee on Finance.

AGRICULTURAL LAND VALUE STABILIZATION ACT AND AGRICULTURAL LAND VALUE TAX ACT

Mr. HARKIN. Mr. President, today I am introducing the "Agricultural Land Value Stabilization Act of 1985," a bill which addresses the severe farm credit crisis in my State of Iowa and several other States.

At the root of this crisis is the disastrous decline in farm income resulting from low commodity prices, high interest rates, the declining exports due to the overvalued dollar, and Federal monetary, fiscal, and trade policies which have worked to the detriment of the farmer.

One result of the decline in farm income has been a precipitous drop in agricultural land values. According to figures of the Department of Agriculture released this month, land values in Iowa declined 29 percent last year and have declined 49 percent since 1981. Declines approaching this magnitude have also been recorded in Minnesota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Indiana, and Ohio. In Iowa alone, the decline accounts for an erosion of $32.1 billion in agricultural land equity.

Mr. President, consider this example to demonstrate the impact of this decline. Suppose a typical home in a Washington, DC, suburb sold 3 years ago for $100,000 and the home was purchased with a $20,000 downpayment and the remainder financed with an $80,000 loan. If property values had declined to the same extent Iowa farmland has declined, the house would now be worth $51,000—if you could find a buyer. The decline in

property values would have wiped out the original $20,000 investment, and the principal balance on the outstanding loan would now far exceed the value of the property.

Lenders would be very hesitant to make new loans because of substantial losses being incurred when any bad loans are liquidated. Potential home buyers and real estate investors would be scared out of the market, fearing that real estate values might decline further. These actions would in turn cause values to decline even further as the inventory of unsold homes accumulated. In short, the entire market would be in chaos, driving home values far below their economic value.

This, in fact, is what has happened to farmland values in Iowa. It will continue to happen in other States until the Federal Government intervenes to establish order and stability.

As further evidence of the distress being experienced in Iowa, I point out that seven agricultural banks have failed so far this year. Of the 15 production credit associations in Iowa, 10 have recently had to freeze their stock to prevent impairment of the stock. And, at a time when commercial interest rates are declining, the Omaha Federal Land Bank has just raised its interest rate to 13.5 percent in order to cover rapidly increasing loan lossess.

The response of the administration to this problem has been abysmal. The Debt Adjustment Program announced by the President just before the election was designed to fail. The veto of the farm credit legislation earlier this year confirmed the unwillingness of the President even to consider additional credit assistance. However, I predict that the deepening farm credit crisis will soon force additional action.

The question then remains as to the form this intervention will take. Several alternatives have been introduced or are under discussion by my colleagues on both sides of the aisle. However, none of the proposals go directly to the heart of the problem—that of shoring up and stabilizing land values.

The Agricultural Land Value Stabilization Act proposes using an established method of determining the agricultural value of land based on its income producing potential. This technique, called income capitalizaton, is now used in 17 States for determining farmland values for purposes of assessing property taxes, and an additional 11 States use similar systems based on soil productivity. The income capitalization system is also widely used in the real estate industry to appraise farmland and other income producing property.

The bill requires the Secretary of Agriculture, using 10-year averages for yield, commodity prices, and all production costs, to create a formula which could be used to calculate the agricultural value for land on any farm in the United States. This value would be, by definition, the value at which the land could cash flow or service this amount of debt, as long as the farmer achieved the average yield and price.

Because 10-year averages will be used, land values calculated by this method will be conservative. However, due to current drastic land market conditions in Iowa and elsewhere, actual land values are indeterminable. The only sales being made are by those forced to sell, and the amount of land on the market is three times the normal amount. As a result, lenders and their regulators have severely reduced the collateral values of land, often below values that would be assigned through income capitalization.

The bill mandates the use of the income capitalization formula to determine farmland values. Those values will be used as minimum collateral values by the Farmers Home Administration [FmHA], federally chartered banks, and Farm Credit System institutions, which hold a sizable portion of all the farm real estate debt in the United States. This process will go a long way toward restoring confidence in the farm lending community, by correcting the overreaction to declining land values where it has occurred and preventing it from happening elsewhere.

The bill also authorizes the FmHA to forgive that part of an outstanding real estate loan which exceeds the agricultural value of the land. In return, FmHA would receive all nonagricultural use rights on the land for a 40-year period; however, during this period, the Secretary could sell the nonagricultural rights back to the owner at the market value.

There is now a surplus of agricultural land on the market in many parts of the country, and few buyers. This condition is driving land prices much below its agricultural value. The bill requires the Secretary to hold government-owned agricultural land off the market until such time as the market price reaches the agricultural price. The Secretary is also forbidden to lease these lands for the purpose of growing commodities which sold for less parity price in the preceding year.

In addition, the bill requires the Secretary of Agriculture, upon the request of the farmer, to offer to purchase a loan from an institution if that institution is placed in bankruptcy or receivership, or forecloses on the loan as the result of a default by the borrower. If the institution does not accept the offer, the Secretary may make a loan to the farmer to permit the farmer to bid on his assets when they are put up for sale.

I believe that these measures will save many farmers in this country. However, we would gain little if we save farmers only to have them presented with a tax bill that would put them out of business. Therefore, I am also introducing S. 1341, legislation to exempt farmers from some capital gains and other taxes that could result from loan reductions.

Mr. President, the proposal I have just outlined is not a bank, PCA, or farm credit system bailout. This bill is intended to help farmers who are caught in the credit crunch. By helping the farmers first, we will be helping the banks and the credit system in the long run.

Mr. President, I ask unanimous consent that the text of the bills and a section-by-section analysis of the Agriculture Land Value Stabilization Act be printed in the RECORD.

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

S. 1340

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 "Agricultural Land Value Stabilization Act of 1985".

AGRICULTURE LAND VALUE STABILIZATION

DEFINITIONS

SEC. 101. As used in this title:

(1) The term "agency" has the same meaning given the term in section 551(1) of title 5, United States Code.

(2) The term "agricultural use component of the value of the land" means the value of land for commercial agricultural purposes, as determined by the Secretary, using an income capitalization approach, taking into account the average over the preceding ten crop years in the area in which the land is situated of—

(A) the yield of the indicator crop;

(B) the market price of the indicator crop;

(C) the interest rate charged by private lending institutions to purchase land;

(D) the cost of production of the indicator crop;

(E) the cost of the use of necessary conservation measures and improvements; and

(F) such other factors as the Secretary considers appropriate.

(3) The term "county committee" means the relevant county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

(4) The term "indicator crop" means the most common agricultural commodity which can be grown in the area in which land is situated and which can be grown on the land.

(5) The term "institution" means an institution of the Farm Credit System established under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(6) The term "land" means any land located in one or more States and used primarily for commercial agricultural purposes, as determined by the Secretary.

(7) The term "non-agricultural use component of the value of the land" means the amount (if any) by which the fair market value of land exceeds the agricultural use component of the value of the land, as determined by the Secretary.

(8) The term "Secretary" means the Secretary of Agriculture.

(9) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

AGRICULTURAL LAND USE REQUIREMENT

SEC. 102. (a) Except as provided in sections 103 and 108(b)(2), to be eligible to obtain and retain a benefit described in section 105, 107, or 108, during the term of the loan referred to in such section, an owner or operator of land must agree to—

(1) use of land for—

(A) the production of agricultural commodities;

(B) wildlife food and habitat;

(C) soil or water conservation; or

(D) other agricultural purposes approved by the Secretary;

(2) enter into a covenant with the Secretary that prohibits the owner or operator from using the land for non-agricultural purposes, as determined by the Secretary; and

(3) meet the eligibility requirements for a loan prescribed under section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) and any other eligibility requirements prescribed by the Secretary.

(b) If the Secretary enters into a covenant with an owner or operator under subsection (a)(2) or section 108(b)(2)(A), the Secretary shall provide record notice of such covenant in a manner sufficient to provide constructive notice of such covenant under applicable State law.

TERMINATION OF LAND USE REQUIREMENT

SEC. 103. (a) Upon the request of the owner or operator of the land, the Secretary may terminate a covenant entered into with an owner or operator of land under section 102(a)(2) or 108(b)(2)(A), and the owner or operator may retain the benefit described in section 105, 107, or 108, if—

(1) termination of the covenant will not result in a significant adverse effect on the agricultural economy of the area in which the land is situated, as determined by the Secretary, taking into account—

(A) the productivity of the land;

(B) the efficiency of the farm located on the land; and

(C) the location of the land in relation to urban development and support services and water, sewage, and transportation agricultural support services;

(2) the owner pays the Secretary an amount equal to the average non-agricultural use component of the value of land in the area in which the land is situated; and

(3) the owner meets such other requirements as are prescribed by the Secretary.

(b) If a covenant entered into under section 102(a)(2) or 108(b)(2)(A) is terminated in accordance with subsection (a) or upon expiration of the term of the covenant, the Secretary shall provide record notice of the termination of such covenant in a manner sufficient to provide constructive notice of such termination under applicable State law.

SECURITY FOR LOANS BASED ON AGRICULTURAL VALUE OF LAND

SEC. 104. In determining the value of land used to secure a loan made, insured, or guaranteed by an agency or institution, the agency or institution—

(1) may not value the land at less than the agricultural use component of the value of the land; and

(2) shall consider the agricultural use component of the value of the land in determining the maximum value to be placed on the land used to secure the loan.

CONDITIONAL CANCELLATION OF LOAN AMOUNTS BASED ON NON-AGRICULTURAL VALUE OF LAND

SEC. 105. (a) In the case of a loan made to a borrower under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which is outstanding on the date of enactment of this Act, subject to section 102, the Secretary may cancel conditionally that portion of the outstanding amount of principal and interest due on the loan which is secured by the non-agricultural use component of the value of the land.

(b) If the Secretary cancels a loan amount under subsection (a), the borrower of the loan may repay the remaining amount of the loan at a level which is the lesser of—

(1) the original interest rate established for the loan; or

(2) the interest rate charged at the time of cancellation of the loan amount on a similar loan made under the Consolidated Farm and Rural Development Act.

(c) If the Secretary cancels a loan amount under subsection (a) and the borrower of the loan fails to comply with section 102(a), the borrower shall be liable for the total amount of principal and interest canceled under subsection (a).

USE OF SURPLUS AGRICULTURAL LAND

SEC. 106. (a) If the Secretary acquires land as the result of the foreclosure of a loan made under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), the Secretary may not—

(1) sell the land at a price which is less than the agricultural use component of the value of the land; or

(2) lease the land for the production of an agricultural commodity during a crop year, if the average price of the commodity during the preceding crop year was less than 100 percent of the parity price of the commodity.

(b) The Secretary shall use adequate conservation measures on any land held by the Secretary as the result of subsection (a).

(c)(1) This section shall be effective during the period beginning on the date of enactment of this Act and ending on October 1, 1989.

(2) This section shall apply to land acquired before, on, or after the date of enactment of this Act but shall not apply to land sold before such date.

PURCHASE OF AGRICULTURAL LAND

SEC. 107. (a) If the fair market value of land in an area is less than the agricultural use component of the value of the land as the result of the supply of and demand for land in the area, subject to section 102, the Secretary may provide a loan to a farmer or rancher under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) to purchase the land.

(b) The amount of a loan made under subsection (a) may not exceed the agricultural use component of the value of the land.

(c) If the Secretary makes a loan to a borrower under subsection (a) and the borrower fails to comply with section 102(a), the borrower shall be liable to the Secretary for an amount equal to the non-agricultural use component of the value of the land.

PURCHASE OF LOANS FROM FARM CREDIT INSTITUTIONS

SEC. 108. (a) Subject to the requirements of this section and section 102 and the availability of appropriated funds, upon the request of the borrower, the Secretary shall offer to purchase a loan from an institution if the institution made a loan secured by land to a borrower and the institution—

(1) is placed in bankruptcy or receivership; or

(2) forecloses on the loan as the result of a default by the borrower.

(b)(1) If a borrower possesses assets valued at 110 percent or more of the outstanding balance due on a loan referred to in subsection (a), the Secretary shall offer to purchase the loan from the institution which made the loan in an amount equal to the outstanding balance due by the borrower on the loan, less the value of the stock the borrower was required to purchase as a condition of receiving the loan from the institution.

(2) If the Secretary acquires under this subsection a loan made to a borrower and secured by land, the borrower—

(A) shall retain the right to use the land for agricultural or non-agricultural purposes; or

(B) may enter into a covenant with the Secretary that prohibits the borrower from using the land for non-agricultural purposes.

(c) If a borrower possesses assets valued at no less than 90 percent, and no more than 110 percent, of the outstanding balance due on a loan referred to in subsection (a), subject to section 102, the Secretary shall offer to purchase the loan from the institution which made the loan in an amount equal to the outstanding balance due by the borrower on the loan, less the value of the stock the borrower was required to purchase as a condition of receiving the loan from the institution.

(d)(1) If a borrower possesses assets valued at less than 90 percent of the outstanding balance due on a loan referred to in subsection (a), subject to section 102, the Secretary shall offer to purchase the loan from the institution which made the loan in an amount equal to the value of the assets of the borrower.

(2) If the institution does not accept the offer, subject to section 102, the Secretary may provide a loan to the borrower under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in an amount not to exceed the value of the assets of the borrower.

(e) In determining the value of land under this section, the Secretary shall base the determination on the agricultural use component of the value of the land.

(f) If the Secretary purchases a loan secured by land under this section and, except as provided in subsection (b)(2)(A), the borrower of the loan fails to comply with section 102(a), the borrower shall be liable to the Secretary for an amount equal to the non-agricultural use component of the value of the land.

PROMPT APPROVAL OF LOANS

SEC. 109. (a)(1) The Secretary shall approve or disapprove the application for a loan made under this title, and notify the applicant of such action, within forty-five days after the secretary has received a completed application for such loan.

(2) If an application for a loan under this title is incomplete, the Secretary shall inform the applicant of the reasons such application is incomplete within five days after the Secretary has received such application.

(3) If an application for a loan under this title is disapproved by the Secretary, the

Secretary shall state the reasons for the disapproval in the notice required under paragraph (1).

(b) If an application for a loan under this title is approved by the Secretary, the Secretary shall provide the loan proceeds to the applicant within five days (or such longer period as the applicant may approve) after the application for the loan is approved by the Secretary, except that, if the Secretary is unable to provide the loan proceeds to the applicant within such five-day period because sufficient funds are not available to the Secretary for such purpose, the Secretary shall provide the loan proceeds to the applicant as soon as practicable (but in no event five days unless the applicant agrees to a longer period) after sufficient funds for that purpose become available to the Secretary.

(c) If an application for a loan under this title is disapproved by the Secretary, but such action is subsequently reversed or revised as the result of an appeal within the Department of Agriculture or to the courts of the United States and the application is returned to the Secretary for further consideration, the Secretary shall act on the application and provide the applicant with notice of the action within five days after return of the application to the Secretary.

(d) If the Secretary fails to comply with subsection (a), (b), or (c) on an application for a loan that is approved by the Secretary, the Secretary shall reduce the interest payments due on the loan in an amount calculated by multiplying the outstanding principal of the loan by that part of the annual rate of interest being charged for the loan that bears the same proportion to the full annual rate of interest as the period during which the Secretary was not in compliance with such subsection bears to a full year.

(e) Upon receipt of an application for a loan under this title, the Secretary shall inform the applicant of the requirements of this section.

SECTION-BY-SECTION ANALYSIS OF THE AGRICULTURAL LAND VALUE STABILIZATION ACT OF 1985

AGRICULTURAL LAND VALUE STABILIZATION

Section 101—Definitions

The agricultural use component of the value of land shall be determined by the Secretary of Agriculture using the income capitalization method. The agricultural value of land is equal to the net income from a given acre of land divided by the capitalization rate. The average expected annual income shall be based on the prior ten-year averages of the following—

(A) yield of commodity grown (indicator crop);

(B) the selling price of the indicator crop;

(C) interest rate charged by private lending institutions to purchase land;

(D) production cost of the indicator crop;

(E) installation of needed conservation measures and improvements; and

(F) other factors as determined by the Secretary to be appropriate.

The non-agricultural use component of the value of the land is the amount (if any) by which the fair market value of the land exceeds the agricultural use component of the value of the land.

Section 102—Agricultural Land Use Requirement

For loans provided under sections 105, 107, and 108, the farmer must agree to—

(1) use the land for—

(a) the production of agricultural commodities;

(b) wildlife food and habitat;

(c) soil or water conservation; or

(d) other agricultural purposes approved by the Secretary;

and—

(2) enter into a covenant, not to exceed forty years, with the Secretary that prohibits the owner from using the land for non-agricultural purposes.

Section 103—Termination of Land Use Requirement

Upon the request of the landowner, the Secretary may terminate the covenant prohibiting non-agricultural use of the land if—

(1) termination of the covenant will not result in a signficant adverse affect on the agricultural economy of the area with consideration given to—

(a) the productivity of the land;

(b) the efficiency of the farm located on the land; and

(c) the location of the land in relation to urban development and urban support services (water, sewage, and transportation) and agricultural support services;

and—

(2) The owner pays the Secretary an amount equal to the value of the non-agricultural value of the land.

Section 104—Security for Loans Based on Agricultural Value of Land

Prohibits FmHA, federally-chartered banks and Farm Credit Systems institutions from using a value less than the agricultural use value component in adjusting the price of land used to secure existing loans. Directs these agencies and institutions to consider the agricultural use component of land in determining the maximum value placed on land to secure a loan.

Section 105—Conditional Cancellation of Loan Amounts Based on Non-Agricultural Value of Land

The Secretary may cancel that portion of an outstanding FmHA loan that exceeds of the agricultural use component value.

The owner would repay the remaining amount of the loan at the original interest rate or the interest rate at the time of cancellation, whichever is the lesser.

Section 106—Use of Surplus Agricultural Land

If the Secretary has acquired or acquires land as a result of a foreclosure, he may not (before October 1, 1989)—

(1) sell the land at a price less than the agricultural use component value; or

(2) lease the land to grow a commodity which sold for less then the parity price in the preceding year. The Secretary shall apply adequate conservation measures on any land held by the Secretary.

Section 107—Purchase of Agricultural Land

In depressed markets where the fair market value of the land is less than the agricultural use component value of the land, the Secretary may provide a loan to a farmer or rancher to purchase the land. The maximum amount of the loan cannot exceed the agricultural use component value of the land.

Section 108—Purchase of Loans from Farm Credit Institutions

On request from the borrower, the Secretary shall offer to purchase a loan from an institution that is placed in bankruptcy or receivership, or is in the process of foreclosing on the borrower's loan as the result of a default.

If the borrower possesses assets valued at ninety percent or more of the outstanding balance due, the Secretary shall offer to purchase the loan and pay the institution 100% of the outstanding balance due, less the value of the stock the borrower was required to purchase, as a condition of receiving the loan.

Where the assets are less than 100% of the outstanding loan, the owner must enter a covenant with the Secretary that prohibits the borrower from using the land for non-agricultural purposes.

Where the owner's assets are valued at less than 90% of the outstanding balances due on the loan, the Secretary shall offer to purchase the loan at the amount equal to the agricultural use value of the land. The borrower would be required to enter into a covenant with the Secretary that prohibits the borrower from using the land for non-agricultural purposes.

If the institution does not accept the offer, the Secretary may provide a loan to the borrower in an amount not to exceed the value of the assets, to enable the borrower to bid on the assets when put up for sale.

Section 109—Prompt Approval of Loan

The Secretary shall approve or disapprove the application for a loan under this title and notify the applicant with forty-five days after the Secretary receives a completed application.

If the Secretary fails to comply with this section the Secretary will be required to reduce the interest rate on the loan.

S. 1341

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 "Agricultural Land Value Tax Act of 1985".

TAX RELIEF FOR CERTAIN INSOLVENT FARMERS

SEC. 101. TAX TREATMENT OF INCOME FROM CONDITIONAL CANCELLATION OF CERTAIN FARM LOANS.

(a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1954 (relating to income from discharge of indebtedness) is amended—

(A) by striking out "or" at the end of subparagraph (B),

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", or", and

(C) by adding at the end thereof the following new subparagraph:

"(D) the discharge is a conditional cancellation of a loan under section 105 of the Agricultural Land Value Stabilization Act of 1985.".

(2) COORDINATION OF EXCLUSIONS.—Paragraph (2) of section 108(a) of such Code (relating to coordination of exclusions) is amended—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and

(B) by inserting before subparagraph (B), as redesignated in subparagraph (A), the following new subparagraph:

"(A) FARM LOAN EXCLUSION TAKES OVERALL PRECEDENCE.—Subparagraphs (A), (B), and (C) of paragraph (1) shall not apply to a discharge described in subparagraph (D) of paragraph (1).".

(b) EFFECTIVE DATE.—The amendments made by this section apply to loan cancellations occurring after the date of the enact-

ment of this Act, in taxable years ending after such date.

SEC. 102. EXEMPTION FROM MINIMUM TAX FOR CAPITAL GAINS ON SALES OF FARM PROPERTY BY INSOLVENT FARMERS.

(a) GENERAL RULE.—Paragraph (9) of section 57(a) of the Internal Revenue Code of 1954 (relating to capital gains) is amended by adding at the end thereof the following new subparagraph:

"(E) SALES OF FARM PROPERTY BY INSOLVENT FARMERS.—For purposes of this paragraph, gain from a qualified farm sale (as defined in subsection (f)) shall not be taken into account.".

(b) QUALIFIED FARM SALE DEFINED.—Section 57 of such Code is amended by adding at the end thereof the following new subsection:

"(f) QUALIFIED FARM SALE.—

(1) IN GENERAL RULE.—For purposes of subsection (a)(9)(E), the term 'qualified farm sale' means any sale or exchange to an unrelated person of farm property during any taxable year if—

"(A) 50 percent or more of the gross income of the taxpayer for the taxable year is attributable to the trade or business of farming.

"(B) such taxpayer is insolvent (within the meaning of section 108(d)(3)) as of the time of the sale or exchange.

"(C) substantially all of the proceeds from the sale or exchange are applied in satisfaction of indebtedness of the taxpayer, and

"(D) 90 percent or more of the fair market value of the farm property held by the taxpayer as of the beginning of such taxable year is sold or exchanged during such taxable year in qualified farm sales (determined without regard to this subparagraph).

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) FARM PROPERTY.—The term 'farm property' means any property used or held for use in the trade or business of farming.

"(B) UNRELATED PERSON.—The term 'unrelated person' means any person other than a related person (as defined in section 453(f)(1)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. QUALIFIED FARM SALE DOES NOT TRIGGER ADDITIONAL TAX UNDER SECTION 2032A OR ACCELERATION OF PAYMENT UNDER SECTION 6166.

(a) SECTION 2032A.—Paragraph (7) of section 2032A(c) of the Internal Revenue Code of 1954 (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end thereof the following new subparagraph:

"(E) NO TAX IN CASE OF QUALIFIED FARM SALE.—

"(i) IN GENERAL.—No tax shall be imposed under paragraph (1) with respect to any interest in qualified real property of a qualified heir in the case of any qualified farm sale of such interest (as defined in section 57(f)).

"(ii) EXCEPTION IN CASE OF RECAPTURE AVOIDANCE TRANSACTION.—Clause (i) shall not apply with respect to any such interest transferred between qualified heirs within 2 years of a qualified farm sale of such interest if the transfer was made with the intent to avoid the tax imposed under paragraph (1) on such interest.".

(b) SECTION 6166.—Paragraph (1) of section 6166(g) of such Code (relating to acceleration of payment) is amended by adding at the end thereof the following new subparagraph:

"(G) NO ACCELERATION IN CASE OF QUALIFIED FARM SALE.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to any interest in a closely held business which qualifies under subsection (a)(1) in the case of any qualified farm sale of such interest (as defined in section 57(f)).

"(ii) EXCEPTION IN CASE OF ACCELERATION AVOIDANCE TRANSACTION.—Clause (i) shall not apply with respect to any such interest transferred between qualified heirs within 2 years of a qualified farm sale of such interest if the transfer was made with the intent to avoid the acceleration of payment of tax imposed by subparagraph (A) with respect to such interest.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act.

By Mr. HARKIN:

S. 1342. A bill to amend title 11 of the United States Code with respect to bankruptcy proceedings involving debtors who are family farmers, and for other purposes; to the Committee on the Judiciary.

FAMILY FARMER BANKRUPTCY

● Mr. HARKIN. Mr. President, today I am introducing legislation which, at very little cost to the Federal Government, will go a long way toward helping the worst off of our Nation's family farmers.

The agricultural producers of Iowa and our entire country have been devastated in recent years by the drastic worsening of conditions in the agricultural economy. A great many have been forced to file bankruptcy. Our farmers have looked to the protection of bankruptcy laws only as a last resort but, unfortunately, as an increasingly important one if they are to be able to continue to make a living through farming. In just the northern district of the State of Iowa, for example, chapter 11 farm bankruptcies increased from only 2 in all of 1980 to 147 in the first 5 months of 1985.

Today, most farm debtors who are forced to file bankruptcy must do so under the complex, expensive provisions of chapter 11. Under chapter 11, a farmer's debt repayment plan must be negotiated, not only by the farmer and the courts, but by all of the relevant creditors as well. This causes a great deal of expense in legal fees for the farmer and, more importantly, causes a substantial risk that a farmer's land will be liquidated. Without the land on which he makes his living, the farmer stands virtually no chance of repaying his debt or even regaining his financial footing.

On April 24, 1985, Representative RODINO introduced H.R. 2211 into the other body. The measure I am introducing today is the companion legislation to that bill, as amended by the House Committee on the Judiciary. I hope that my bill will speed passage in the Senate of this legislation, in order to provide some immediate relief for those many farmers who are currently being forced to file bankruptcy under chapter 11. The Rodino bill combines the best provisions of his earlier farm bankruptcy legislation, similar legislation by Representative SEIBERLING and Representative SYNAR, and ideas emerging from testimony before the House Committee on the Judiciary.

This legislation will allow a great many more farmers to file bankruptcy under the much simpler and less expensive provisions of chapter 13. The ceiling for chapter 13 eligibility on both secured and unsecured debt would be raised to $1 million. The current chapter 13 ceilings of $100,000 for unsecured debts and $350,000 for secured debts are too low to include most farmers.

The bill also gives bankruptcy courts the power to allow the farmer 10 years, rather than the current 5, to make payments under the repayment plan.

The bill also creates a new class of "family farmer" for purposes of chapter 13. A family farmer is defined as a person who has more than 80 percent of their debt arising out of farming operations. Tying the definition of a family farmer to the amount of debt rather than the amount of income would allow farmers who have been forced, by poor economic conditions, to take nonfarm jobs, to utilize chapter 13 provisions if the bulk of their debt is farm related. A family farmer could be an individual, a partnership, or a private corporation so long as more than 50 percent of the corporation is owned by one family.

Mr. President, I urge the Judiciary Committee to act quickly and favorably on this important legislation and hope that all of my colleagues will lend their support to this measure in order to speed crucial help to the most severely troubled of our Nation's farmers.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1342

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

SECTION 1. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) in paragraph (17) by inserting "(except when such term appears in the term 'family farmer')" after "means",

(2) by redesignating paragraphs (17) through (49) as paragraphs (18) through (50), respectively, and

(3) by inserting after paragraph (16) the following new paragraph:

"(17) 'family farmer' means a person not less than 80 percent of the aggregate amount of whose debts, at the time the case commences, arises out of a farming oper-

ation owned or operated by such person and, if such person is a corporation—

"(A) more than half of the aggregate value of the outstanding equity securities of such corporation are held by one family or by one family and the relatives of the members of such family; and

"(B) if such corporation issues stock, such stock is not publicly traded;

except that such aggregate amount does not include a debt for the principal residence of such person unless such debt arises out of a farming operation;".

SEC. 2. WHO MAY BE A DEBTOR.

Section 109(e) of title 11, United States Code, is amended—

(1) by striking out "or an individual" and inserting in lieu thereof "; an individual", and

(2) by inserting before the period at the end thereof "; or a family farmer with regular annual income that owes on the date of the filing of the petition noncontingent, liquidated, secured and unsecured debts of less than $1,000,000".

SEC. 3. INVOLUNTARY CASES.

Section 303(a) of title 11, United States Code, is amended by inserting ", family farmer," after "farmer".

SEC. 4. FILING OF PLAN.

(a) PERIOD FOR FILING BY DEBTOR.—Section 1121(b) of title 11, United States Code, is amended by inserting before the period at the end thereof "or, in the case of a debtor who is a farmer, until after 240 days after the date of the order for relief under this chapter".

(b) FILING BY ANY PARTY IN INTEREST.—Section 1121(c) of title 11, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "(other than a farmer)" after "debtor", and

(B) by inserting before the semicolon at the end thereof the following: "or, in the case of a debtor who is a farmer, before 240 days after the date of the order for relief under this chapter", and

(2) by amending paragraph (3) to read as follows:

"(3) the debtor has not filed a plan that has been accepted—

"(A) in the case of a debtor who is not a farmer, before 180 days; or

"(B) in the case of a debtor who is a farmer, before 300 days;

after the date of the order for relief under this chapter, by each class of claims or interests that is impaired under the plan.".

(c) AUTHORITY TO EXTEND PERIODS.—Section 1121(d) of title 11, United States Code, is amended by striking out "the 120-day period or the 180-day period referred to in" and inserting in lieu thereof "any period referred to in subsection (b) or (c) of".

SEC. 5. COMPENSATION OF TRUSTEE.

(a) AMENDMENT TO TITLE 11 OF THE UNITED STATES CODE.—Section 1302(e)(1)(B) is amended to read as follows:

"(B) a percentage fee not to exceed—

"(i) in the case of a debtor who is not a family farmer, ten percent; or

"(ii) in the case of a debtor who is a family farmer, the sum of—

"(A) not to exceed ten percent of the payments made under the plan of such debtor, with respect to payments in an aggregate amount not to exceed $450,000; and

"(B) three percent of payments made under the plan of such debtor, with respect to payments made after the aggregate amount of payments made under the plan exceeds $450,000;

based on such maximum annual compensation and the actual, necessary expenses incurred by such individual as standing trustee."

(b) AMENDMENT TO TITLE 28 OF THE UNITED STATES CODE.—Section 586(e)(1)(B) of title 28, United States Code, is amended to read as follows:

"(B) a percentage fee not to exceed—

"(i) in the case of a debtor who is not a family farmer, ten percent; or

"(ii) in the case of a debtor who is a family farmer, the sum of—

"(A) not to exceed ten percent of the payments made under the plan of such debtor, with respect to payments in an aggregate amount not to exceed $450,000; and

"(B) three percent of payments made under the plan of such debtor, with respect to payments made after the aggregate amount of payments made under the plan exceeds $450,000;

based on such maximum annual compensation and the actual, necessary expenses incurred by such individual as standing trustee."

SEC. 6. CONVERSION.

(a) AMENDMENT TO CHAPTER 11.—Section 1112(c) of title 11, United States Code, is amended by inserting ", family farmer," after "farmer".

(b) AMENDMENT TO CHAPTER 13.—Section 1307(e) of title 11, United States Code, is amended by inserting "or family farmer" after "farmer".

SEC. 7. CONTENTS OF PLAN.

(a) CONTENTS OF PLAN.—Section 1322(b)(2) of title 11, United States Code, is amended by striking out "debtor's principal residence" and inserting in lieu thereof "principal residence of a debtor who is not a family farmer whose principal residence is located on real property used by such family farmer in connection with a farming operation or is located within a reasonable proximity to the farming operation of such family farmer".

(b) PERIOD FOR PAYMENTS UNDER PLAN. — Section 1322(c) of title 11, United States Code, is amended by inserting before the period at the end thereof the following: "in the case of a debtor who is not a family farmer, or longer than ten years in the case of a debtor who is a family farmer".

SEC. 8. PAYMENTS.

Section 1326(a)(1) of title 11, United States Code, is amended by adding at the end thereof the following: "If the debtor is a family farmer who requests, not later than 15 days after the order for relief, that the court hold a hearing to determine whether to order a different time for the commencement of payments proposed by the plan, then the court shall, not later than 30 days after the date of such request, hold a hearing and determine from the facts and circumstances of the debtor and the case a reasonable time after the plan is filed within which the debtor shall commence making the payments proposed by the plan.".

SEC. 9. TECHNICAL AMENDMENTS.

(a) The table of chapters for title 11 of the United States Code is amended in the item relating to chapter 13 by inserting "OR A FAMILY FARMER" after "INDIVIDUAL".

(b) The heading for chapter 13 of title 11 of the United States Code is amended by inserting "OR A FAMILY FARMER" after "INDIVIDUAL".

SEC. 10. APPLICABILITY OF AMENDMENTS.

The amendments made by this Act shall not apply with respect to cases commenced under title 11 of the United States Code before the date of the enactment of this Act.●

By Mr. DANFORTH (for himself, Mrs. KASSEBAUM, Mr. HOLLINGS, and Mr. EXON) (by request):

S. 1343. A bill to improve safety and security for people who travel in international aviation; to the Committee on Commerce, Science, and Transportation.

ANTI-HIJACKING ACT

Mr. DANFORTH. Mr. President, I am today introducing a bill entitled the "Anti-Hijacking Act of 1985." I do so, together with Senators KASSEBAUM, HOLLINGS, and EXON, at the request of the administration. The purpose of the bill is to improve the safety and security of U.S. citizens who travel abroad by air.

Over the past several days a number of bills and resolutions have been introduced in the Senate which are intended to prevent the recurrence of tragic hijacking like that of TWA flight 847. Their common denominator is concern for the safety of our citizens in international air transportation, a concern which I could not share more deeply.

Because a large number of bills on this subject are now pending, bills which are properly within the jurisdiction of the Commerce Committee, Senator KASSEBAUM, chairman of the Aviation Subcommittee, has announced a hearing on all such proposals for the morning of Thursday, June 27. I applaud her for her expeditious scheduling of this hearing. I am confident that such a forum will prove to be the best method of weighing the merits of these proposals. I look forward to a thorough airing of the issues.

Mr. President, I ask, unanimous consent that a copy of the bill, along with a 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. 1343

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 "Anti-Hijacking Act of 1985".

SEC. 2. (a) The Secretary of Transportation, in coordination with the Secretary of State, shall study the need for an expanded airmarshal program on international flights of United States air carriers and report the results of the study to the Congress. If the Secretary of Transportation and the Secretary of State find that such an expanded airmarshal program is necessary, then there is authorized to be appropriated such sums as may be necessary to carry out the program. Such sums shall be derived from the Airport and Airway Trust Fund.

(b) The Secretary of Transportation, with the approval of the Attorney General and the Secretary of State, may authorize persons, in connection with the performance of

their air transportation security duties, to carry firearms and to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

SEC. 3. Section 1115 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1515), is amended as follows:

(1) In subsection (b) by striking "hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act" and inserting in lieu thereof "hold authority under Title IV of this Act",

(2) In subsection (b) by striking "minimum standards" wherever the phrase appears and inserting in lieu thereof "standards and recommendations", and

(3) By adding at the end the following new subsections:

"(c) Notwithstanding the provisions of subsection (b) of this section and sections 1102 and 1114 of this Act, whenever the Secretary of Transportation determines that a condition exists that threatens the safety or security of passengers, aircraft or crew traveling to or from a foreign airport, and that the public interest requires an immediate suspension of services between the United States and the identified airport, the Secretary of Transportation shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from that foreign airport and the right of any persons to operate aircraft in foreign air commerce to or from the foreign airport.

"(d) The provisions of this section shall be deemed to be a condition to any authority under Title IV or Title VI of this Act to any air carrier or any foreign air carrier, issued under authority vested in the Secretary of Transportation."

SECTION-BY-SECTION ANALYSIS

The purpose of this bill is to take decisive action to improve safety and security for people who travel through foreign airports.

SEC. 1. This section contains the short title of the bill.

SEC. 2. This section would do two things. First, it would require the Secretaries of Transportation and State to study whether an expanded airmarshal program for international flights of United States carriers would improve aviation security. The current program provides airmarshals for only a limited number of flights. If the Secretaries found that the program should be expanded, then the bill authorizes the appropriation of such sums as may be necessary to carry out the program. These funds would come solely from the user-fee financed Airport and Airway Trust Fund.

Second, the section would give airmarshals the authority to carry weapons and to make arrests. Currently airmarshals do not have this authority except when they are deputized as United States marshals.

SEC. 3. This section would amend current law to grant the Secretary of Transportation the clear authority to act immediately, without notice or hearing, to suspend all services between the United States and an inadequately secured airport where a condition exists that threatens the safety of those traveling through the airport.

These amendments would send a clear signal to countries that have inadequate security procedures in their airports that the United States is prepared to act quickly and decisively.

By Mr. BRADLEY:

S.J. Res. 150. Joint resolution to designate the month of March 1986, as "National Hemophilia Month;" to the Committee on the Judiciary.

NATIONAL HEMOPHILIA MONTH

● Mr. BRADLEY. Mr. President, today I am introducing a joint resolution to designate March 1986 as "National Hemophilia Month." I am introducing this resolution in order to educate the public about hemophilia, to highlight the medical advances in the field and to try to dispel the myths and misconceptions that surround the disease.

Mr. President, hemophilia is a hereditary disorder afflicting approximately 1,000 in 4,000 males. The disease, which is equally common among all races and socioeconomic groups, involves deficiency in a clotting factor in the victim's blood. As a result, bleeding due to cuts and bruises does not, as is normal, automatically stop.

The primary danger to those with the disease is not, as many suppose, external bleeding; rather, severe internal hemorrhaging presents the greatest threat to these individuals. Hemophiliacs depend for their very lives on infusion treatments derived from human plasma. Hemorrhaging episodes usually entail frantic trips to the hospital to receive these expensive infusions.

While plasma treatments are the hemophiliac's lifeline, these treatments can also carry diseases such as hepatitis and, recently, acquired immune deficiency syndrome [AIDS], thus fostering the myth that day-to-day contact with hemophiliacs can lead to AIDS. This is not true, and I hope that placing greater attention on hemophilia will help to correct this misconception. Even the victims themselves, Mr. President, are not free from these misconceptions. There have been numerous cases reported of hemophiliacs foregoing treatment out of fear of AIDS. This is extremely dangerous; the risk involved in withholding treatment is several times greater than the risk of contacting AIDS.

This is clearly a serious disease, Mr. President, but there is hope. We should be cognizant of the tremendous progress researchers have made in the last two decades. Donald Goldman, who heads the National Hemophilia Foundation, and who is a hemophiliac from West Orange, NJ, said recently:

I feel I've been travelling across an ocean during my lifetime, and I'm now able to see land in the distance.

This is no exaggeration. Twenty years ago patients needed whole blood transfusions just to stay alive; even then they had to avoid all potential dangers. In the 1970's, plasma treatments were developed, allowing more widespread treatment for hemophiliacs. Today, scientists are working to perfect a process developed last year that enables cloning of the clotting factor. This advance promises to eliminate the risk of contracting diseases through transfusions. Another advancement is a pilot program just recently developed in which hemophiliacs administer injections themselves, without hospitalization. The effectiveness of this program indicates that annual medical costs for treating hemophilia could be significantly reduced nationwide.

Mr. President, both to further public awareness and knowledge of hemophilia, and to recognize the outstanding work being done by our scientists on behalf of its victims, I urge support for this joint resolution.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances.

S. 777

At the request of Mr. HEINZ, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 777, a bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to extend hospice benefits under the Medicare Program for an additional 3 years.

S. 837

At the request of Mr. HEINZ, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 837, a bill to amend the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that act.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Utah [Mr. HATCH] and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1326

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1326, a bill to provide air passenger security for certain air carrier flights.

S. 1330

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island [Mr. CHAFEE] 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 Tennessee [Mr. GORE] 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 RESOLUTION 174

At the request of Mr. GORE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate with respect to the proposed closing and downgrading of certain offices of the Social Security Administration.

SENATE CONCURRENT RESOLUTION 53—COMMENDING THE EFFORTS OF UNITED SUPPORT OF ARTISTS FOR AFRICA

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 53

Expressing the sense of the Congress that the United Support of Artists for Africa be commended for its efforts to aid the victims of the spreading African famine.

Whereas the spreading famine in Africa is a disaster which defies ordinary relief efforts, despite the generosity of governments world-wide;

Whereas on January 28, 1985, a variety of leading recording artists joined to donate their talents to record a compassionate song entitled "We Are the World";

Whereas the profits from the sale of the record will be turned over to the United Support of Artists for Africa, a nonprofit foundation that will distribute these funds to established famine relief agencies;

Whereas the sales of the record containing the song "We Are the World" have exceeded the most optimistic hopes of its many producers, and it is conservatively estimated that the efforts of the United Support of Artists for Africa will raise $50,000,000 for famine relief; and

Whereas it is incumbent upon each of us, as Americans and as human beings, to help provide relief for the victims of the African famine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That United Support of Artists for Africa should be commended not only for the initiative and generosity of its organizers and participants in aiding the victims of the African famine, but also for its demonstration that people can individually and collectively make a difference in relieving the plight of those victims and that all of us should try.

● Mr. MOYNIHAN. Mr. President, I rise today to submit a Senate Concurrent Resolution commending the "United Support of Artists for Africa" for its efforts to aid the victims of the spreading African famine.

On January 28, 1985, 45 recording artists from across the Nation, representing nearly every type of music, assembled to record the song, "We Are the World." "We Are the World" was written to raise funds for famine relief efforts in Africa, as well as for food and shelter for the growing numbers of homeless Americans.

Record sales have netted approximately $45 million to date, and on Monday, June 10, a 747 jet left New York's John F. Kennedy Airport with the first shipment of relief supplies purchased by the "United Support of Artists for Africa." A partial list of the supplies sent to Ethiopia, Sudan, Tanzania, and Kenya includes: 35,000 pounds of intravenous fluid replacement for cholera treatment; 1.1 million doses of chloroquine for prevention and treatment of malaria; 8.6 million doses of antibiotics; 1.1 million drug doses for tuberculosis treatment; 7.5 million doses of vitamins A, C, and Iron; 12,000 feeding tubes; 1,000 gallons of disinfectant; eight refrigerators for vaccines 640,000 square feet of plastic sheeting for temporary shelter in refugee camps; 1,000 10-person tents for feeding centers; 5,000 "metalized" blankets to eliminate the health hazards associated with fiber blankets; 15,000 T-shirts; 100,000 identification bracelets for new refugees in Sudan; and 182,000 packages of high-energy biscuits.

A 14-member "United Support of Artists for Africa" delegation accompanied the supplies to oversee its distribution.

All the members of this fine group are to be commended. May I mention in particular Ken Kraven, the president of the organization, and Marty Rogal, the executive director. Quincy Jones directed the celebrity chorus, which included several native New Yorkers: Diana Ross, Darryl Hall, John Oates, Cyndi Lauper, Paul Simon, and Billy Joel.

On March 26, 1985, Representative JOHN BRYANT submitted this concurrent resolution in the House of Representatives. I am pleased to submit the companion measure in the Senate. The activities of the "United Support of Artists for Africa" have increased the public-awareness and interest in the devastating famine that grips Africa, and spawned many other charitable activities by Americans, especially our youth.

"We are the world. We are the children. We are the ones who make a brighter day. So let's start giving."

I urge my colleagues to support this resolution.●

AMENDMENTS SUBMITTED

STATUE OF LIBERTY COMMEMORATIVE COIN ACT

McCLURE (AND OTHERS) AMENDMENT NO. 418

Mr. McCLURE (for himself, Mr. MURKOWSKI, and Mr. HECHT) proposed an amendment to the bill (H.R. 47) to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—STATUE OF LIBERTY-ELLIS ISLAND COMMEMORATIVE COINS

SHORT TITLE

SEC. 101. This Act may be cited as the "Statue of Liberty-Ellis Island Commemorative Coin Act".

COIN SPECIFICATIONS

SEC. 102. (a)(1) The Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall issue not more than 500,000 five dollar coins which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) The design of such five dollar coins shall be emblematic of the centennial of the Statue of Liberty. On each five dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America," and "E Pluribus Unum",

(b)(1) The Secretary shall issue not more than ten million one dollar coins which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) The design of such dollar coins shall be emblematic of the use of Ellis Island as a gateway for immigrants to America. On each such dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c)(1) The Secretary shall issue not more than twenty-five million half dollar coins which shall weigh 11.34 grams, have a diameter of 1.205 inches, and shall be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) The design of such half dollar coins shall be emblematic of the contributions of immigrants to America. On each such half dollar coin there shall be a designation of

the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

SOURCES OF BULLION

SEC. 103. (a) The Secretary shall obtain silver for the coins minted under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.)

(b) The Secretary shall obtain gold for the coins minted under this title pursuant to the authority of the Secretary under existing law.

DESIGN OF THE COINS

SEC. 104. The design for each coin authorized by this title shall be selected by the Secretary after consultation with the Chairman of the Statue of Liberty-Ellis Island Foundation, Inc. and the Chairman of the Commission of Fine Arts.

SALE OF THE COINS

SEC. 105. (a) Notwithstanding any other provision of law, the coins issued under this title shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

(c) The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $2 per coin for the half dollar coins.

ISSUANCE OF THE COINS

SEC. 106. (a) The gold coins authorized by this title shall be issued in uncirculated and proof qualities and shall be struck at no more than one facility of the United States Mint.

(b) The one dollar and half dollar coins authorized under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) Notwithstanding any other provision of law, the Secretary may issue the coins minted under this title beginning October 1, 1985.

(d) No coins shall be minted under this title after December 31, 1986.

GENERAL WAIVER OF PROCUREMENT REGULATIONS

SEC. 107. No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title. Nothing in this section shall relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

DISTRIBUTION OF SURCHARGES

SEC. 108. All surcharges which are received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary to the Statue of Liberty-Ellis Island Foundation, Inc. (hereinafter in this title referred to as the "Foundation"). Such amounts shall be used to restore and renovate the Statue of Liberty and the facilities used for immigration at Ellis Island and to establish an endowment in an amount deemed sufficient by the Foundation, in consultation with the Secretary of the Interior, to ensure the continued upkeep and maintenance of these monuments.

AUDITS

SEC. 109. The Comptroller General shall have the right to examine such books, records, documents, and other data of the Foundation as may be related to the expenditure of amounts paid, and the management and expenditures of the endowment established, under section 108.

COINAGE PROFIT FUND

SEC. 110. Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this title shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this title from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this title.

FINANCIAL ASSURANCES

SEC. 111. (a) The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this title shall result in no net cost to the United States Government.

(b) No coin shall be issued under this title unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payments; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

TITLE II—LIBERTY COINS

SHORT TITLE

SEC. 201. This title may be cited as the "Liberty Coin Act".

MINTING OF SILVER COINS

SEC. 202. Section 5112 of title 31, United States Code, is amended by striking out subsection (e) and (f) and inserting in lieu thereof the following new subsection:

"(e) Notwithstanding any other provisions of law, the Secretary shall mint and issue, in quantities sufficient to meet public demand, coins which—

"(1) are 40.6 millimeters in diameter and weigh 31.103 grams;

"(2) contain .999 fine silver;

"(3) have a design—

"(A) symbolic of Liberty on the obverse side; and

"(B) of an eagle on the reverse side;

"(4) have inscriptions of the year of minting or issuance, and the words 'Liberty', 'In God We Trust', 'United States of America', '1 Oz. Fine Silver', 'E Pluribus Unum', and 'One Dollar'; and

"(5) have reeded edges.

"(f) The Secretary shall sell the coins minted under subsection (e) to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

"(g) For purposes of section 5132(a)(1) of this title, all coins minted under subsection (e) of this section shall be considered to be numismatic items.".

(h) The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

PURCHASE OF SILVER

SEC. 203. Section 5116(b) of title 31, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out "The Secretary shall" and inserting in lieu thereof "The Secretary may";

(2) by striking out the second sentence of paragraph (1); and

(3) by inserting after the first sentence of paragraph (2) the following new sentence: "The Secretary shall obtain the silver for the coins authorized under section 5112(e) of this title by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).".

CONFORMING AMENDMENT

SEC. 204. The third sentence of section 5132(a)(1) of title 31, United States Code, is amended by inserting "minted under section 5112(a) of this title" after "proof coins".

EFFECTIVE DATE

SEC. 205. This title shall take effect on October 1, 1985, except that no coins may be issued or sold under subsection (e) of section 5112 of title 31, United States Code, before September 1, 1986, or before the date on which all coins minted under title I of this Act have been sold, whichever is earlier.

Amend the title so as to read "An Act to authorize the minting of coins in commemoration of the centennial of the Statue of Liberty and to authorize the issuance of Liberty Coins.".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee has rescheduled a hearing for July 3, 1985, in Boston, MA, on the impact of tax reform proposals on small business. This hearing had been previously scheduled for June 3, 1985. The hearing will be held at the John F. Kennedy Federal Office Building and will begin at 9:30 a.m. For further information, please call Stewart Hudson of the committee staff, at 224-5175 or Jim Brenner of Senator KERRY's staff at 224-2742.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, June 21, 1985, in order to receive testimony concerning S. 397, Foreign Trade Antitrust Improvement Act.

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

SUBCOMMITTEE ON ENERGY AND AGRICULTURE TAXATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agriculture Taxation, of the Committee on Finance be authorized to meet during the session of the Senate on Friday, June 21, in order to conduct a hearing on the oversite, regarding the impact changes the Tax Code will have on energy policy.

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

ADDITIONAL STATEMENTS

FLY THE FLAG FOR THE HOSTAGES

● Mr. CHILES. Mr. President, we in Congress and the people of this Nation are deeply distressed and frustrated over the plight of the hostages in Lebanon, for their safety specifically and for this further evidence that the United States is a target of terrorists throughout the world.

What we can do to gain the release of these men without contributing to the overall problem for the future eludes us. What we can do to provide greater protection and try to avoid such tragedies is difficult, but we are trying.

In the meantime, as a nation we must maintain our spirit. We must be determined; we must be as one in our efforts; we must be persistent in pursuing freedom and safety for Americans wherever they may be.

I have just learned of an effort to emphasize this focus. The Pensacola (FL) News Journal has announced its intention to fly the American flag over its offices and on its front page every day until the hostages come home.

The News Journal said in a front page editorial:

> And we encourage you to do likewise in a show of unity, concern and support for the innocent American travelers caught in a web of horror not of their choosing.
>
> The patriotic gesture shows that we—living in a free nation—are unified, standing strong, ready to act rationally and humanely in behalf of fellow citizens victimized by a new breed of madmen.

I commend the initiative of the News Journal and readily join in urging people in Pensacola, in Florida, and throughout the country to use this means to bind us together in spirit, intention, and effort.●

THE EQUAL RIGHTS AMENDMENT

● Mr. CHAFEE. Mr. President, today—the 21st of June—marks an important date in the history of this Nation's Constitution. It was on this day in 1788 that the Constitution officially took effect, when New Hampshire became the ninth State to ratify.

On this occasion, I rise to reiterate my strong support for the proposed equal rights amendment, introduced in the Senate as Senate Joint Resolution 10. I have been a consistent supporter of ERA throughout my term in the Senate.

The first proposed equal rights amendment was introduced in Congress in 1923. Now, more than 60 years later, we are still working to embody the essential principle of equal rights between the sexes in our Nation's fundamental legal document: the Constitution.

Mr. President, I think we all agree that the Constitution is a remarkable work, and is not to be altered except in clear and compelling cases. The equal rights amendment is just such a case.

Recent experience has made it abundantly clear that State action is not enough: Discrimination based on gender continues in education, in employment, and in the issuance of credit and insurance. And until they are made part of the Constitution, the legislative gains of recent years can be rescinded, eroded, or simply not enforced.

Current laws to prevent sex discrimination are not doing the job: They are not comprehensive, can be weakened or repealed, and are filled with loopholes. A recent study by the U.S. Commission on Civil Rights found that both Federal and State laws contain examples of discrimination based on sex, citing more than 800 instances in the United States Code alone. The study concluded that despite the enactment of equal opportunity laws, women continue at a disadvantage due to gender-based laws and practices. In fact, study after study has asserted that existing constitutional guarantees do not provide for full rights for American women, and that the need for the equal rights amendment is greater today than it was in 1972 when Congress first passed the amendment.

Women who work outside the home need the ERA for better pay and more opportunities. U.S. Department of Labor statistics show that even when occupation, age, education, and time worked are taken into account, women still make less than 60 cents for each dollar earned by men. Women with college degrees are paid less than men who did not even complete high school, and minority women are paid less than half of what men make. Full-time homemakers need the ERA for full economic security through elimination of sex discrimination in Social Security, pension plans, property rights, and credit.

The suggestion that an issue as basic as equality of rights under the law is a State or local matter reflects a misunderstanding of the principles on which this country is founded. Like the abolition of slavery or the institution of women's suffrage, the persistence of gender-based discrimination is a matter which we cannot, ultimately, leave to the States.

Mr. President, it is time for us to reaffirm our commitment to the essential principle of equality under the law. The prohibition of gender-based discrimination deserves a place in the Constitution, the one document which, more than any other, defines civil rights.

In 1987, we will celebrate the Constitution's 200th year. I can think of no better way to mark that approaching anniversary than to approve and ratify the equal rights amendment, thus setting a national standard in human and civil rights.●

CONTRIBUTIONS OF ASIAN-AMERICANS

● Mr. SIMON. Mr. President, Marguerite Michaels wrote a story of inspiration that appeared in a recent Parade magazine.

It is a story of the Asian-Americans and the contribution they are making to our country.

It shows what dedicated, hard work can do.

It also shows the opportunities that we have in this good land of ours.

I regret to say that a part of the story that was not mentioned prominently is also there—the prejudice that some of our fellow citizens of Asian background face.

Rather than deride these people—they are Americans—we should welcome and applaud.

I am inserting this inspirational story into the RECORD at this time for my colleagues who may not have seen it.

The article follows:

CONTRIBUTIONS OF ASIAN-AMERICANS

Which was the fastest-growing minority in American in the last decade?

Which ethnic group has the largest percentage of high school graduates?

Which group of immigrants has taken only one generation to top the national median family income?

The answers to all of the above is the same: Asian-Americans. Making up this group are 4.1 million people, the majority of whom are Chinese, Japanese, Koreans, Filipinos and Asian Indians. Most have come here since the mid-'60s. And while they constitute only 1.8 percent of our population, they promise to have an influence on this country far out of proportion to their numbers.

It is not the kind of influence of a Seiji Ozawa, the conductor of the Boston Symphony Orchestra, or architect I.M. Pei, or computer wizard Dr. An Wang—singular achievers the like of which all nationalities can claim. But, rather, it is a growing grassroots impact of an unusual group of immigrants on this country's very definition of itself.

For this generation of Asians, the traditional American dream of political freedom and economic opportunity that brought them to this country has come true. But for their children the dream includes a qual-

ity—and equality—of living that they perceive in their American friends' lives but not in their parents'. For the children, the American dream has not yet come true.

It is a question of different values: family responsibility vs. individual freedom; personal sacrifice vs. the pursuit of happiness' spirituality vs. materialism; what Asian-Americans perceive as Asian vs. American.

The cultural tug-of-war between the Asian-born parents and their American-born children offers a rare and fascinating glimpse into the traditional melting pot that remains a constant source of revitalization for this country.

Some measures of the immigrant parents' success:

According to the 1980 census, the median income for white families was $20,835; for Asian-Americans, $22,713.

Among Asian-American families, 8.5 percent earned $50,000 or more, vs. 6.2 percent among white families.

Asian-Americans (both sexes) had lower unemployment rates than whites.

Asian-Americans also are better educated. Among those 25 or older, 32.5 percent completed at least four years of college; the comparable figure for white Americans is 17.2 percent. And 75 percent of Asian-Americans are high school graduates, compared with 69 percent of whites.

To appreciate the astounding success of Asian immigrants in this country is to remember that as recently as World War II, thousands of Japanese-Americans were interned in prison camps in California. Chinese-Americans lived huddled among themselves as protection against intense discrimination.

In 1965, in the midst of America's new political and social spirit of civil rights, an immigration law was passed banning the racial quotas that had kept Asians out of the U.S. since the late 19th century. Today, nearly 20,000 Asians arrive here every month. In the next two decades, the number will rise 90.7 percent—almost double the rate of Hispanic immigrants.

The new Asian immigrants still often live together in enclaves on the east and west coasts. Language problems have limited some of them to long hours in underpaid restaurant and garment industry sweatshops. But, increasingly, they have begun to move out of their self-imposed segregation and into the mainstream of American life.

Parade found one such community of Korean-Americans, in Kansas City. Originally attracted by the universities in the area or transferred to nearby military bases with their GI husbands, the Korean students and military wives have imported hundreds of family members—either from Korea or one of the Asian enclaves on the U.S. coasts. Now numbering about 3500, the Koreans consider Kansas City a "nice" and "conservative" community in which to work and raise their children.

David Kim, 60, drove around the U.S. for two months looking for the right place to bring his family. "I love this country since I was young," says Kim. He studied English by flashlight under a blanket during the Japanese occupation of Korea. When his children started "running up the street to protest" what they considered a repressive Korean government in the mid-'60s, he brought his family here. He and his wife, Agnes, run a popular hot dog stand in downtown Kansas City and provide occasional evenings of Korean dance and music to small gatherings around town—"because it is important to understand each other."

For most Korean immigrants, the dream is not political, but economic. In some cases, the job matters. Dr. Tae Lee came to the U.S. to specialize in the treatment of kidney disease. Dr. Young Pai came to chair the social philosophy division of the Education Department on the campus of the University of Missouri at Kansas City. Yong Kim graduated from high school in Seoul and came to study business administration in 1962. After a year in someone else's international trading company, he began his own.

But for the most part, the job doesn't matter. The Koreans have come to make money, and they adapt to whatever they find. "I didn't know what a hot dog was," laughs David Kim. "Now mine are famous. I just do best." Peter Chun—whose 6-year-old daughter, Jennifer, is pictured on the cover—came to study theology and ended up with his own tofu and bean sprout business. Pan Jo Jeong had a good poultry job, but it involved too much time away from his family. He figured there were an awful lot of cars in America, so he got a job in a body shop for four years and then did what Asians do with astonishing consistency—he opened his own place.

If the job is unimportant, the family is paramount.

Woon Ho and his wife, Jinsoo Park, came to the U.S. in 1974 to educate their three boys, Jinsoo, a trained soprano who taught high school in Korea, and Woon, who majored in law, left "a pretty good life" to make a better one for their children. Woon worked a shift and a half in a plastic factory, and Jinsoo worked long hours in a restaurant to earn college money. Ten years later, their eldest son is an industrial engineer for the U.S. Postal Service, their middle son is in medical school and their youngest is in high school "thinking about medicine," Woon works only one shift now, but they own the restaurant where Jinsoo still works 14-hour days.

Kansas City is full of Koreans like the Parks. Trained pharmacists running newsstands to put the kids through school. Journalists working on the General Motors assembly line. College professors in steel companies. Concert musicians teaching piano. The first wave of Asians to enter the United States after the 1965 immigration law were mostly college-trained professionals. Many have been unable to transfer their talents to the American marketplace.

"It can be frustrating," says Chiang Kim, a GM lineman. "But you have to survive. Family is first. It is my hobby, my major, my everything. I will do anything for family, even if I am unhappy."

Korean-American parents are quite blunt, however, about what they expect in return. "We give and give for our children, "says one father, "and we have high expectations for our sacrifice. The children sense this and respond to it."

Example of their response have not been hard to find.

Seven of the 40 finalists for the 1985 Westinghouse Science Talent Search were Asian. At Juilliard. New York's noted school of the arts. 10 percent of the enrollment is Asian. At major graduate schools of business, such as Harvard and Stanford, there has been a disproportionate representation of Asians for almost a decade. At Stuyvesant High School in New York—one of the most selective in the country, where nearly 10,000 applicants competed last year for 750 seats in the freshman class—about 31 percent of the students are Asian, although Asians represent less than 2 percent of the population.

But many Asian children have run into problems created by the values of the land of their birth. As a result, many of the parents are finding it difficult to watch their kids grow up American.

For the parents, "growing up American" too often means "lack of respect for others," "selfishness" and "no spiritual, inner quality." For the children, it means "personal freedom," "fun" and an end to the "confining, restricting social customs" of Asia.

Jane Kim, 14, is the only Asian student in her suburban Kansas City high school. "I wish I could do everything my friends do. I won't start dating until I'm 16. Some of my friends are already driving. My sister and I have to ask our parents before we do anything. My friends just tell their parents and go. We can't go to dance places. We can't wear short skirts. Our brother started college this fall. He's glad to be out of the house."

The children, however, actually have come some way toward convincing their parents that all American social customs—or lack of them—are not bad. Not too long ago, a group of parents in Kansas City met to discuss their "discipline problems" with their American-born children. Essentially what was happening was breaddown in the Confucian code of filial piety. The kids were giving their parents a hard time about things like practicing the piano, cleaning the kitchen—chores that would have been done immediately and unquestioningly in a home in Korea. "At the end of the meeting," says businessman Peter Chun, "we realized we were the problem. We are forcing our children according to the way we grew up."

In trying to mix both cultures—to please their Korean parents and fit in with their American friends—the children end up in a sort of isolation.

"It's like we live two different lives," says 14-year-old Jane Kim.

Martha Souza, a Spanish teacher in Shawnee Mission, Kan.—one of the most prestigious school districts in the U.S.—finds herself urging her Asian students to participate in more school social events. "The kids really appreciate education. But they are overly serious and often loners."

About half of the Korean-American population is under 19. For this generation, the questions of success and adjustment remain unanswered.

"Asians are now a 'model minority,'" says Eleanor Wong Telemaque, New York field representative for the Civil Rights Commission and a first-generation Chinese-American. "'Wow!' we say, 'The parents work night and day, and the kids are going to Stuyvesant High. The crème de la crème.' These Asian kids are first in American schools, but we don't know how well they'll do in the American marketplace, where Asians are still unconnected to things like the old-boy network."

But even Eleanor Telemaque will admit that things are better for Asians in America today than when she grew up in Minnesota in the '40s. Discrimination in the professions is down, marriage with non-Asians is up. Asian workers are organizing unions in Asian-run businesses and organizing within the two political parties. There are more and more Asian role models.

The Koreans in Kansas City mirror the larger Asian immigrant story. Their experience is not unlike that of millions of immigrants from other nations who came to this country before them. "The Golden Moun-

tain" is what the Asians call the United States. Despite the difficulty of the climb, most Asians are sure they will get to the top.●

JAPAN'S IMPORT BARRIERS

● Mr. BAUCUS. Mr. President, I read in this morning's Washington Post that the Japanese are not agreed on the need to open their markets. Apparently some Japanese officials believe that the United States will be satisfied by token concessions.

Let my words carry across the sea: Nothing could be further from the truth.

The Japanese have benefited greatly from the international trading system. It is time they ceased acting the part of a poor, weak island nation. Japan is a major economic power in the world. It must assume the responsibilities as well as the costs of such a position.

Japan can no longer practice export-only trade. Barring imports—whether through tariffs or bureaucratic barriers—while promoting exports is not an acceptable practice.

I, my constituents, and my colleagues agree that there is blame here as well. The overvalued dollar—a function of the basic mismatch of fiscal and monetary policy under this administration—hurts U.S. exports. But agreeing that part of the blame is ours does not absolve the Japanese from the responsibility to open their market.

The Japanese should not mistake the reasonableness and measured pace of U.S. congressional actions to be a sign that "it will all blow over." It will not.

If expressions of concern do not work, targeted, but firm, retaliation will come. If these steps fail, I fear for the future of the trading system and the alliance. If anger and frustration boil over, our relationship with a critical ally would be harmed.

No relationship is more important than that we have with Japan. But no relationship—however important—is healthy or lasting if one party sees itself consistently being taken advantage of.

The Japanese would be mistaken to assume no steps are necessary. They must act to open their market. Failure to do so would be costly for them and for us.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. GRASSLEY. Mr. President, I rise today to participate in the 1985 Congressional Call to to Conscience. I thank my colleague RUDY BOSCHWITZ for sponsoring this program. Our work with Soviet Jews is more crucial now than ever in the wake of falling emigration figures. Less than 500 Jews were allowed to emigrate in the first 5 months of this year. This represents a significant and frightening decrease compared to earlier emigration figures—51,000 in 1979.

It is disheartening to those who live in freedom to hear the story I am about to tell. Even more upsetting is the fact that this is only one case in thousands. Countless refusniks are mistreated and held against their will in the U.S.S.R. because of their desire to practice Judaism.

Ina Kvartina is a computer programmer living in Moscow. She has a husband, David, and four young children. They have been denied permission to leave the U.S.S.R. three times, the latest refusal coming in September 1981. No reason was given for the refusals.

After their application was first filed in 1979, Ina was forced to leave her job. She and David now teach Hebrew to Soviet Jews wishing to emigrate to Israel. Employment in a classified occupation is an excuse commonly cited by Soviet officials in the detainment of Jews. Neither Ina nor David have ever held classified jobs, which makes their visa refusal particularly frustrating. They are being held for no apparent reason. They only wish to join their family and friends already living in the Jewish homeland—Israel.

Concerned citizens throughout the world keep a vigil for families like the Kvartina's who are hostages of the Soviet Union. I am proud that we Americans have the freedom to go where we want, and practice the religion of our choice in a free land. Let us not, however, forget the plight of the Soviet Jews.

I call today on the leaders of the Soviet Union to abide by the Helsinki accords which they signed in 1971. I call for the immediate release of those Jews wishing to emigrate.●

ROB JOHNSTON, 1985 MAINE JAYCEES OUTSTANDING YOUNG FARMER

● Mr. MITCHELL. Mr. President, although most Americans may not picture Maine as an agricultural State, it most certainly is one. Agriculture makes a major contribution to my State's economy and way of life.

Currently, its food production and processing industries generate more than $1 billion in annual economic activity and create roughly 50,000 jobs on Maine farms and in food processing plants.

One of the most important tools for me to keep as informed as I can about Maine agriculture, its achievements, its people, and its problems, is a weekly publication of the Maine Department of Agriculture, Food and Rural Resources, Maine-ly Agriculture.

In his "Commissioner's Comments" column of May 24, Maine Agriculture Commissioner Stewart Smith profiles Rob Johnston of Albion, the "1985 Maine Jaycees Outstanding Young Farmer." I join with the commissioner in congratulating Rob Johnston and I also wish him well in the National OYF competition.

Mr. President, I ask that this column be printed in the RECORD at this point.

The column follows:

MAINE'S "OUTSTANDING YOUNG FARMER"

(By Stewart N. Smith)

Each year, Jaycees throughout the country select farmers to represent their states in the annual "Outstanding Young Farmer" (OYF) award program sponsored by the national Jaycees' organization. The basic purpose of the OYF program is to honor young farmers who have made significant achievements, thus providing at the same time a good opportunity to increase public awareness of farm businesses.

State Jaycee leaders choose their representative from nominees submitted by local chapters. The winners from each state are sent to the national OYF Awards Congress in February, where four are selected as America's Outstanding Young Farmers of the Year.

I recently learned that the farmer who will be representing Maine at the next national OYF competition is Rob Johnston, owner of "Johnny's Selected Seeds" in Albion. While there are many young farmers who deserve recognition, I certainly agree that Rob is an excellent choice.

This energetic 34-year-old entrepreneur established his seed company in 1973. Since then it has grown steadily both in size and reputation. Johnny's Selected Seeds sells a wide range of commercial and home garden vegetable seeds, most of which are grown there on Rob's Albion farm. Though Maine has several other seed production companies, Johnny's is probably the best known. I suspect it is also the largest, with more than 20 year round employees and a nationwide mail order business.

The success of Johnny's Selected Seeds is an especially interesting example of the potential for innovative agricultural ventures in Maine. As is true of most agricultural success stories, it is also an impressive example of individual initiative and effort.

Rob faced a number of hurdles in getting his company started. For example, in contrast to the more common types of farm operations, there is no easily available wealth of information about how to operate a commercial seed production business. I imagine this meant Rob had to depend more on his own research and trial and error than many farmers.

Another problem Rob faced was financing. Most conventional lending institutions viewed his operation as a farm and said they weren't interested in financing farmers. On the other hand, most of the traditional agricultural lending agencies considered his operation to be a business instead of a farm. As a result, the company was painfully under-capitalized during its early years.

Rob overcame that hurdle, too, partly by investing more than the usual amount of "sweat equity" in his operation. He also put a great deal of thought and effort into the crucial marketing aspects of his operation, including how to position his company in the very competitive mail-order seed market.

From the beginning, a major emphasis was put on quality. Samples of all seeds are regularly tested in the company's own lab to

assure above standard germination rates. Crop variety field tests are conducted each season to assure that the varieties chosen for sale will grow well even under tough, northern growing conditions. Care is taken that orders are filled promptly and all of Johnny's products carry a 100 percent guarantee.

These are selling points that obviously appeal to any customer. In addition, Johnny's Selected Seeds has a special appeal to the growing number of farmers and gardeners who prefer organic methods.

Unlike many seed companies, Johnny's does not treat its seeds with fungicides or any other chemicals (with the exception of hybrid sweet corn). Indeed, the company's literature clearly states an orientation toward natural or organic methods, though it also emphasizes that "top quality, high germination, vigor, and trueness-to-type" are the firm's primary goals. At any rate, this support for organic methods is an added attraction to many customers. It has also made Johnny's Selected Seeds the largest seed company in the country with such a commitment—and such a unique selling angle.

Rob's interest in organic agriculture is also reflected by the fact that he is a member and past president of the Maine Organic Farmers and Gardeners Association (MOFGA). But he is among those enlightened farmers who doesn't let cultural philosophies prevent him from working with other, more traditional types of farmers to address common needs and goals. For example, besides his involvement in MOFGA, he is also an active member of the Farm Bureau, the Maine Vegetable and Small Fruit Growers Association, and the American Seed Trade Association.

I'd like to commend the Maine Jaycees for their choice of Rob as Maine's Outstanding Young Farmer of the year and for their continuing interest in supporting and promoting Maine agriculture. To Rob, I extend my hearty congratulations. I hope he has as much success in the National OYF competition as he has had in his seed business.●

AMUSEMENT PARK RIDES

● Mr. SIMON. Mr. President, yesterday, I inserted into the RECORD an editorial written by the Bloomington, IL, Pantagraph regarding the safety of amusement park rides. The statistics are frightening. In the last decade, there have been over 30 senseless deaths as a result of faulty equipment in amusement rides. Americans go on rides like the Corkscrew and the Superloop for the thrill and excitement that these rides provide. Terror should play no role in an amusement park.

I introduced a bill in March to encourage the 24 States that have no inspection program to promptly enact laws to ensure the safety of amusement park patrons. In the interim, the Consumer Product Safety Commission would be empowered to send in safety engineers to sites where serious accidents occurred to prevent future mistakes. Additionally, my plan would set up a clearinghouse for operators to report malfunctions and defects in equipment so that operators of the same ride in another State can be alerted to the problem.

There is another proposal to commission an 18-month study. This would be a tragic and unnecessary delay in the process of providing our citizens with safe and fun amusement park rides. The St. Louis Post Dispatch published the following editorial on May 3, 1985. I ask that it be inserted into the RECORD.

The editorial follows:

[From the St. Louis Post-Dispatch, May 3, 1985]

MAKING THE MIDWAY SAFE

As the vacation season nears, Congress is once again considering legislation giving the federal government power to inspect amusement park rides. Last summer, accidents at such parks resulted in the deaths of 12 people, including one woman who was killed when she was thrown from a roller coaster at Six Flags over Mid-America in Eureka.

Following that death, then-Rep. Simon, D-Ill., introduced a measure restoring to the federal Consumer Product Safety Commission the authority to investigate accidents and inspect rides, among other things. Though the House approved it, he was unable to get the Senate to pass corresponding legislation. This year, as a Senator now. Mr. Simon is again pressing forward in his campaign for amusement park safety.

The main competition to his bill comes from a measure sponsored by Sen. John C. Danforth. That bill, which is supported by the International Association of Amusement Parks and Attractions, would do no more than call for an 18-month study of whether, and if so, how, the federal government should involve itself in regulating amusement parks, a matter that Mr. Danforth would prefer to leave to the states.

But amusement parks across the country depend to a large extent on tourists traveling from out-of-state areas—tourists who would like to think that the roller coaster ride they get in New York will be no more dangerous than the one they might enjoy in Texas. Mr. Simon's bill supports them and, insofar as it bolsters consumer confidence in the amusement park industry, deserves the support of the industry as well as consumers. Mr. Danforth's bill does not.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. ARMSTRONG. Mr. President, many of my colleagues and I have had the opportunity to participate in the Call to Conscience on behalf of Soviet Jews. My interest in bringing this to the attention of my colleague once again stems from my conviction that only from direct pressure and constant vigilance will Soviet Jews and other religious and ethnic groups ever attain the freedom they have sought for so long.

The desire for freedom manifests itself in many ways—from those wishing to emigrate to seek a better life as most of our ancestors did to those who simply wish to practice and teach about their faith.

To those who are unaware of the current situation for Jews in the Soviet Union, the name of Gregory Rozenshtein might appear to be just another one of thousands trapped within the Soviet system. However, each individual seeking freedom, including Dr. Rozenshtein, has a name, an identity, and a story of commitment that should be told.

Dr. Rozenshtein is a gifted scientist recognized both in the Soviet Union and abroad who in 1973 applied to emigrate to Israel with his family. However, he was refused permission because Soviet officials claim he "saw" a classified document which Dr. Rozenshtein does not remember at all.

Soviet officials frequently use such questionable charges when denying permission to emigration to Soviet Jewish activists like Dr. Rozenshtein and his wife, Natalia. And consequences are frequently severe.

The Rozenshteins and their two sons live with daily torment and danger. Throughout the years, they have been harrassed by the KGB and by their neighbors, have had their telephone disconnected, and mail intercepted. Dr. Rozenshtein has been interrogated, detained, and threatened with lengthy imprisonment. Slogans such as "Jews into coffins" and "The place for Jews is the cemetery" have appeared in front of their house.

In the United States, the Rozenshteins would simply be considered an orthodox family, trying to raise their children in a traditional, religious manner. Dr. Rozenshtein teaches the children history and customs, while Natalia gives them instructions in Hebrew. They often hold seminars on Jewish religion and culture in their home and celebrate Jewish holidays.

The wishes of the Rozenshtein family are like those of millions of Americans—simply to practice their faith in peace. This is best illustrated by concerns expressed in a letter from Natalia Rozenshtein:

> It is important to us, for our children, to be brought up in our homeland, studying the language, history, life and culture of our people . . . I appeal to all my colleagues, all those bringing up children, and those who understand suffering and pain.

Unfortunately, the Rozenshteins know that their dreams may never materialize. And their story is no different from thousands of other Jews and Christians who face a difficult and uncertain future in the Soviet Union.

We are undeniably lucky to have religious and political rights here in the United States. I urge my colleagues and all Americans to continue to work for these same rights for those suffering under Soviet tyranny.●

HOCKER DAM PROJECT

● Mr. BINGAMAN. Mr. President, while it is not my practice to call attention to the death of prominent New Mexicans, events of yesterday cause me to make an exception to that practice.

Mr. President, yesterday the Senate voted to require the Bureau of Reclamation to complete its study of the Hooker Dam project and make an initial site selection by the middle of August of this year. Yesterday, too, Mr. President, the man described in this morning's El Paso Times as the "backbone of Hooker Dam"—Hilton A. Dickson, Jr.—died in Silver City, NM.

Mr. Dickson enjoyed a distinguished career which included service as attorney general of New Mexico and the chairmanship of the Interstate Stream Commission. He practiced law in Grant County and also served as city attorney. He was a leader in the effort to make Hooker Dam a reality and worked ceaselessly to get the job done.

His leadership, diligence, ability, and good humor will be remembered by those who have benefited from association with him. I am proud that he considered me his friend.

Thank you, Mr. President, for the opportunity to acknowledge the contribution of Hilton Dickson to New Mexico and to this country.●

THE AIR PASSENGER SECURITY ACT OF 1985

● Mr. CHAFEE. Mr. President, the recent hijacking of TWA flight 847 from the Athens airport and the frustration all Americans feel at our seeming inability to deal effectively with random terrorists acts, demonstrates conclusively that it is time we took steps to improve security for airline passengers traveling throughout the world.

It is for this reason that I am joining as a cosponsor of the Air Passenger Security Act of 1985, introduced by my colleagues from New York, Senators MOYNIHAN and D'AMATO.

This bill not only provides for speedy implementation of a new program to place armed, unidentified sky marshals on U.S. carriers departing from international airports abroad, it sets the stage for heightened international cooperation aimed at preventing hijackings. More importantly, it provides for sanctions against countries which refuse to cooperate with the United States.

The hijacking of the TWA flight alone is sufficient cause for Congress to act to prevent—to the extent we can—such acts of terrorism in the future. But the case of TWA flight 847 is only the most dramatic of a growing series of hijacked airliners throughout the world in recent months.

In 1983, there were 34 hijacking incidents, 19 of them involving American carriers. In 1984, 28 hijackings took place, 7 of which were directed at U.S. carriers. Aircraft piracy is a growing concern which the United States and other nations must address now.

One of the major problems involves inadequate security in major airports in other parts of the world. The hijacking of TWA flight 847 happened largely because of grossly inadequate security at the Athens airport, where two Shiite gunmen were able to board the flight without detection. Sadly, the lack of security at the Athens airport has been known for some time; it has taken this tragedy—including the murder of one American—to focus international attention on the problem.

Earlier this week, President Reagan, at his press conference, announced a series of steps to reduce the risks of international air travel. One of those steps included consideration of an expanded Armed Sky Marshal Program.

The bill I am cosponsoring today would implement that suggestion.

The legislation provides for one armed, unidentified U.S. air marshal on scheduled or chartered American flights departing from international airports with inadequate security.

The new law would require the Administrator of the Federal Aviation Administration to compete a review within 90 days of security programs at foreign airports where American carriers enjoy landing and departure rights. Within 30 days of completion of the review, the FAA is required to publish a list of those foreign airports with effective security programs—and to update the list twice each year.

At those airports with ineffective programs, the FAA Administrator is given the authority under this legislation to deploy at least one U.S. air marshal to accompany U.S. carrier flights departing therefrom.

The key provision of this legislation is to give the President the authority to deny landing rights in the United States to carriers of any nation that refuses to permit American sky marshals on flights from listed unsafe airports within that country. Nations that refuse to cooperate would be considered in violation of the international Convention for the Suppression of Unlawful Seizure of Aircraft.

Recognizing that it may take time to hire and train additional personnel, this legislation gives the Administrator of the FAA the authority to use personnel from other agencies—including the FBI—as sky marshals on an interim basis. This would assure speedy implementation of the law.

Mr. President, we cannot now undo the hijacking of TWA flight 847. That particular act of wanton terrorism must run its course. But our frustration should not deter us from acting quickly to take those steps which are in our power to deter and prevent future terrorist acts of this kind.

It may be that there are other steps that can be taken to deal with terrorism, and they should be considered on an expedited basis as they are presented.

But for now, I think we can all agree that an effective program of armed sky marshals on American carriers abroad offers at least a first step toward the prevention of new hijackings.

I urge the Senate to approve this legislation. Those nations which refuse, for whatever reason, to take effective steps to assure proper security in their own airports should know that the United States intends to take steps to assure the safety of its citizens abroad.●

ILLITERACY

● Mr. SIMON. Mr. President, the illiteracy rate in the United States is a national disgrace. A recent editorial in the Quad City Times, a newspaper that covers the quad cities in Illinois and Iowa, makes this point well. I ask to have it printed in the RECORD.

The editorial follows:

AMERICANS ADRIFT

No matter how many times Sen. Paul Simon, dusts off the statistics on illiteracy in America and presents them, they lose none of their shock. A country in which one out of every five persons cannot read or write is asking for trouble.

"We rank 49th among the 158 nations that belong to the United Nations in literacy levels," said Simon. "We have 5 percent of the world's population, one-third of the world's economic power—and we are 49th in our literacy levels. We have 23 million Americans who can read a stop sign, but cannot address an envelope or fill out an employment form—cannot help their children with school work."

American democracy, which depends so heavily on informed citizens, is inundated with functional illiterates. And one generation too easily can pass this handicap onto the next because, as Simon puts it, the nation lacks a national commitment to solve the problem. The annual cost of illiteracy in regard to welfare programs and unemployment compensation has been put at $6 billion. Too, the nation reportedly spends $6.6 billion each year to keep 750,000 illiterates in jail.

A nation that provide such an expensive and extenisve system of education is losing tremendous amounts of wealth to illiteracy. Not just the costs of helping them through life. But the costs of their non-productive lives.

The country clearly is too complacent with a problem that stays too out of sight and out of mind. Those with the problem hide it. Others do little or nothing to correct it. Sen. Simon should have a lot more company trying to check this great national liability. The nation may be more at risk through education shortcomings than its alarming studies suggest.●

ORDERS FOR MONDAY, JUNE 24

ORDER FOR RECESS UNTIL MONDAY, JUNE 24

Mr. DOLE. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday, June 24.

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

51-059 O-86-32 (Pt. 12)

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. DOLE. I also ask unanimous consent that following the recognition of 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 PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Following the Proxmire special order, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements limited therein to 5 minutes each.

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

PROGRAM

Mr. DOLE. Mr. President, on Monday, following morning business, it will be the majority leader's intention to turn to any of the following bills: S. 49, the McClure/Volkmer gun bill. I understand there is still a good chance of some agreement on that. If such is the case, that will then be carried over under the agreement until Tuesday, July 9.

Another possibility for consideration on Monday would be H.R. 2475, imputed interest, which is of some importance. There is one or two problems with that. The chairman of the Finance Committee, Senator PACKWOOD, has indicated he would not want to bring it up if there were a number of amendments because he feels we might interfere with work on tax reform legislation.

We hope we can clear Senate Joint Resolution 77, Compact of Free Association, for action next week. There may also be other matters on the calendar which we can consider. It would be my hope that if we can complete action on these, work out some arrangement, we might conclude business of the Senate next Thursday evening, June 27.

RECESS UNTIL MONDAY, JUNE 24

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that we stand in recess until 12 noon Monday, June 24.

The motion was agreed to, and at 11:44 a.m. the Senate recessed until Monday, June 24, 1985, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21, 1985:

DEPARTMENT OF JUSTICE

Larry James Stubbs, of Georgia, to be U.S. Marshal for the southern district of Georgia for the term of 4 years.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Max B. Brailiar, [redacted] FR, U.S. Air Force.

IN THE AIR FORCE

Air Force nominations beginning Maj. Robert L. Baldwin, and ending Maj. Troy F. Barnett, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 13, 1985.

Air Force nominations beginning Gordon P. Mangente, and ending Jonathan M. Uhl, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 13, 1985.

IN THE NAVY

The following-named officer for promotion to the grade indicated under the provisions of Article II, Section 2, Clause 2 of the Constituton of the United States of America:

To be captain

Cmdr. John O. Creighton, U.S. Navy, [redacted] /1310.

Navy nominations beginning Robert David Abel, and ending George K. Zane, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 12, 1985.