SENATE—*Wednesday, March 6, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray.

You shall know the truth and the truth shall make you free.—John 8:32.

God of all truth, we pray that truth will prevail in the Senate throughout the 99th Congress. Encourage the Senators in their commitment to truth and strengthen them as they pursue and practice it. Give them courage to resist every force that would compromise conscience or tempt them to sacrifice honor and integrity for expediency. As complex issues complicate the search for truth, give them clarity of thought, wisdom to discern, and resolution to follow the way of truth. In His name who is the way, the truth and the life. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. DOLE. Mr. President, following the two leaders under the standing order of 10 minutes each, there are special orders not to exceed 15 minutes for each of the following distinguished Senators: The Senator from New Hampshire [Mr. HUMPHREY], the majority leader, and the Senator from Wisconsin [Mr. PROXMIRE], to be followed by routine morning business not to extend beyond the hour of 1 p.m., with statements therein limited to 5 minutes each.

Following morning business, the Senate can turn to any legislative or executive items cleared for action. Therefore, there is a possibility of rollcall votes later this afternoon.

I also ask unanimous consent that the special order allotted to the majority leader be under the control of the Senator from New Hampshire [Mr. HUMPHREY].

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

Mr. DOLE. I reserve the balance of my leader's time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

INTERNATIONAL CHALLENGES TO THE AMERICAN COAL INDUSTRY: U.S. COAL IMPORTS AND EXPORTS

Mr. BYRD. Mr. President, America's coal industry has been going through some difficult times. One manifestation of this is the high unemployment rate in the coal industry, which, at the end of 1984, was 16.5 percent. In my State of West Virginia, where the coal industry is an important part of the economy, coal mining unemployment was estimated to be 33 percent in December of last year. These statistics indicate that the economic recovery has yet to reach the coal fields of America.

The competitive position of the American coal industry in international markets is undermined by a number of factors. The most important of these is the strength of the dollar against other currencies, which makes U.S. coal more expensive on foreign markets relative to coals from other coal-producing nations. In fact, the chairman of the Senate Foreign Relations Committee [Mr. LUGAR] recently noted that the strength of the dollar may be reducing the competitiveness of American exports by as much as 40 percent. American coal cannot afford that kind of built-in disadvantage in a highly competitive world market.

High U.S. inland transportation costs for coal exacerbate the effects of the strong dollar. Inland transportation costs for moving coal from the coal fields to ports add to the final cost of U.S. coal in foreign markets, and encourage imports of coal into U.S. markets from foreign coal producers.

Finally, foreign coal producers, exploiting these and other advantages, are more aggressively competing against U.S. coal producers in both overseas markets and in domestic markets. Indeed, there is the distinct possibility that, in the future, there will be significant displacement of U.S. coal in domestic markets. This will have serious economic repercussions for coal-producing States such as West Virginia.

Mr. President, let me highlight the bases of my concern.

In 1981, U.S. coal exports reached a record high of 113 million tons. The coal export market appeared to be the one bright spot in the domestic coal industry's future. At the time, it appeared that Western Europe and other nations finally had recognized the attractiveness of America's high quality coal reserves for the production of electricity, steel, and concrete. Unfortunately, the 1981 export level may have been a one-time occurrence. Since then, coal exports have dropped steadily. Coal exports declined to 106 million tons in 1982, and again to 77 million tons in 1983. Coal exports in 1984 improved somewhat to 80.8 million tons. However, the National Coal Association estimates that U.S. coal exports in 1985 will be 73 million tons, about 35 percent below the 1981 level.

There is little evidence that the decline in U.S. coal exports will turn around in the near future. In fact, if recent events are any indicator, the future situation looks worse. For example, in 1984, Japan reduced imports of U.S. steam coal by 53 percent from 1983 levels.

The aggressive marketing of other coal-producing nations, such as South Africa and Australia, has confronted U.S. coal producers with a formidable challenge in European and Pacific rim coal markets. However, it is equally important to point out that U.S. producers are also facing a competitive challenge from foreign producers such as Colombia and Canada in domestic markets.

From a national perspective, in terms of total U.S. coal consumption, current levels of coal imports—about 1.3 million tons—are no cause for alarm. However, the United States is a potentially large, attractive market for foreign coal producers. By 1990, U.S. markets along the east coast, gulf coast, and the Mississippi River could be the targets of 45 to 60 million tons of coal from such coal-producing nations as Colombia, South Africa, and Canada. Thus, the potential for disruption of domestic coal markets within specific regions is significant.

Foreign producers are aggressively, and successfully, marketing their coal on the east and gulf coasts, which together account for nearly 30 percent of total U.S. utility coal consumption. Increasing levels of coal imports in these markets may represent a significant challenge to the economic health of the Appalachian coal industry. East coast and gulf coast utility coal consumption is about 176 million tons, 70 million tons of which are produced in central Appalachia. In other words,

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

nearly 40 percent of the coal consumed by east coast and gulf coast electric utilities is produced in central Appalachia.

The east coast utility market is particularly important for West Virginia. In 1983, 30 percent of the coal consumed by east coast utilities was produced in West Virginia. The 17 million tons of West Virginia coal consumed in that market, with a market value of $915 million, was about 27 percent of total West Virginia coal production in 1983. To the extent that foreign coal imports displace West Virginia coal in the east coast utility market, the economy of West Virginia will suffer.

There are a number of factors which affect the competitive position of American coal producers. Some are clearly within the realm of industry control. However, there are other factors which cannot directly be addressed by efficiency and other improvements in the domestic coal industry.

For example, the cost of shipping coal by rail to domestic markets, or to ports for shipment overseas, is more expensive relative to shipping coal using water transportation. This cost differential is one major factor making east coast and gulf coast markets attractive targets for coal imports. One case is particularly illustrative. In 1984 New England Electric purchased 40,000 tons of coal from British Columbia, and had it delivered by ocean vessel, for a distance of 8,780 miles, including a short haul by rail, to a utility in Massachusetts. This was done at lower cost than moving coal by rail from an Appalachian coal mine to the same powerplant, a distance of about 800 miles.

Another important factor which affects the competitive position of the U.S. coal industry is the difference between domestic production costs in the United States and foreign production costs. There are indications that the production costs of foreign coal producers are significantly lower than those of domestic producers. One important reason for this is that the regulatory environment governing coal production in foreign coal-producing nations is less stringent than the regulatory environment in which domestic producers must operate. Consequently, in terms of price, foreign coal-producing nations enjoy a competitive advantage over U.S. producers in domestic markets. Another reason for this advantage is the fact that a number of foreign governments are indirectly, and directly, subsidizing their coal producers, giving them a competitive advantage over the United States in the international market. I understand that the Department of Commerce currently is studying this issue, and will be making a report to the Congress this summer. I will be most interested in the results of that analysis.

The effect of these factors, at the bottom line, is that U.S. coal in the international market is more expensive than the coals of foreign coal producers. For example, in Western Europe, the price of U.S. steam coal is as much as $17 more per metric ton than the coals of some of the major foreign coal producers. The price of U.S. metallurgical coal is as much as $5 per metric ton more than the coal produced by the major foreign producers.

Moreover, foreign coal imports are often cheaper in domestic markets than U.S coal. For example, I understand that in 1983 a Florida utility, was quoted a price for Colombian coal of $2 per million Btu's, including transportation costs. In contrast, coal from a domestic producer was $2.50 per million Btu's. At such prices, Colombian coal may be able to displace a significant amount of domestic coal in certain domestic markets.

These are some of the challenges facing the coal industry in the international market. I am confident that the coal industry will rise to meet many of those challenges effectively. However, we should be aware that there are limits to what the coal industry can do by itself to improve its competitive position in international and domestic markets.

Mr. President, I cannot foretell the future. I do not know what the effects of this increased international competition will be on the economies of coal-producing States such as West Virginia. I do know that the domestic coal industry is far from healthy, and I do not think that the circumstances I have mentioned augur well for the future; unfortunately, the signs are not propitious. The dollar remains strong. U.S. negotiations with the Japanese on U.S. coal purchases have been unproductive.

U.S. producers continue to suffer from unfair competition by foreign coal producers in Western Europe. Colombian coal already is penetrating American markets. It seems to me that there are fewer and fewer alternatives for adequately addressing these challenges, especially with respect to the increasing levels of coal imports. Indeed, to some, tariffs for surcharges are becoming more and more attractive as measures of last resort.

These are important issues for West Virginia and the Nation, and I will be addressing other aspects of these issues in future floor statements.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. DOLE. Mr. President, I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 592) to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between Members appointed from the House of Representatives and Members appointed from the Senate, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered to have been read the second time, and the Senate proceeded to its immediate consideration.

Mr. DOLE. Mr. President, I have sent to the desk a bill concerning the Commission on Security and Cooperation in Europe, the so-called Helsinki Commission.

This bill will amend the 1976 act establishing the Helsinki Commission. It has three essential elements:

First, and in my view the most important, this will authorize the rotation of the chairmanship of the Commission between the Senate and the House, according to a set schedule. The Senate shall have the chair for each odd-numbered Congress, beginning with this the 99th. The House shall have the chair for each even-numbered Congress.

This provision is essential to clearly establish under the law the coequal status of the Senate within the Commission. It is essential if the Senate is to be able to utilize the Commission as an effective vehicle to make its important contribution to the consideration of issues which arise from U.S. adherence to the Helsinki Final Act.

Second, the bill will expand the membership of the Commission by four, two each from the Senate and the House. This expansion reflects the growing attention which we in Congress are paying to the important issues addressed in the Helsinki Final Act and the desire of more Members of each body to directly involve themselves in the Commission's work. The new Members will vitalize further the Commission's constructive activities.

Finally, the bill will establish in law what is already a fact—that one of the most important aspects of the Commission's work is its examination of human rights developments in Eastern Europe and the Soviet Union. For reasons that are not now clear, the 1976 act which created the Commission and listed its most important functions failed to include specifically in its

portfolio the issue of human rights. The bill I introduce corrects this important oversight.

I am pleased to inform the Senate that the current Chairman of the Commission, the distinguished Representative from Florida, DANTE B. FASCELL, has worked with me and my staff in developing this legislation. It is my understanding that he will support similar legislation in the House in the near future.

I also announce that this legislation has already been cleared with the chairman and the ranking minority member of the Foreign Relations Committee, who both support its passage. Indeed, this legislation is very similar to legislation which last session was favorably reported out of the Foreign Relations Committee, to which the ranking minority member made a substantial contribution.

It is time that we act on this bill. Its substantive provisions were thoroughly examined by the Foreign Relations Committee last year. The longer we wait to act, the longer we must wait until the chairmanship is rotated to the Senate side.

With the consent of the chairman and ranking member of the Foreign Relations Committee, therefore, I ask that this bill be immediately considered, and passed, by the Senate.

As I said, Mr. President, there are three essential elements, but I think the important thing is that there will be nine Senate Members of this commission, nine House Members, and three additional members from the outside. There will be five Members of the majority party, four Members of the minority party.

I have discussed this bill with the distinguished minority leader. It has also been discussed with the distinguished chairman of the House Foreign Affairs Committee, DANTE FASCELL, and there seems to be agreement. We have discussed for some time rotating the chairmanship and ever since 1976, because of the way that legislation was drafted, a Member of the House has been chairman. It seems to us if it is a joint commission or committee, we ought to have the same standing on the Senate side as they have on the House side. So in this Congress, if this legislation passes, a Member of the Senate will be the chairman of the committee, after that the chairmanship will rotate between the House and Senate in each Congress.

I thank all of those, staff and others, who have worked on this so-called compromise. I also thank the distinguished chairman of the Foreign Affairs Committee on the House side, Congressman DANTE FASCELL.

Mr. BYRD. Mr. President, I associate myself with the remarks of the distinguished majority leader. I strongly support this measure and I urge the Senate adopt it unanimously.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 592) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 592

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

MEMBERSHIP OF COMMISSION AND APPOINTMENT OF CHAIRMAN AND COCHAIRMAN

SECTION 1. (a) Section 3 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3003), is amended to read as follows:

"SEC. 3. (a) The Commission shall be composed of twenty-one members as follows:

"(1) Nine Members of the House of Representatives appointed by the Speaker of the House of Representatives. Five Members shall be selected from the majority party and four Members shall be selected, after consultation with the minority leader of the House, from the minority party.

"(2) Nine Members of the Senate appointed by the President of the Senate. Five Members shall be selected from the majority party of the Senate, after consultation with the majority leader, and four Members shall be selected, after consultation with the minority leader of the Senate, from the minority party.

"(3) One member of the Department of State appointed by the President of the United States.

"(4) One member of the Department of Defense appointed by the President of the United States.

"(5) One member of the Department of Commerce appointed by the President of the United States.

"(b) There shall be a Chairman and a Cochairman of the Commission.".

(b) Section 3 of such Act, as amended by subsection (a) of this section, is further amended by adding at the end thereof the following:

"(c) At the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Chairman of the Commission.

"(d) At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Cochairman of the Commission.".

"(c) On the effective date of this subsection, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members to serve as Chairman of the Commission for the duration of the Ninety-ninth Congress, and the Speaker of the House of Representatives shall designate one of the House Members to serve as Cochairman of the Commission for the duration of the Ninety-ninth Congress.

FUNCTIONS OF THE COMMISSION

SEC. 2. Section 2 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3002), is amended by inserting "human rights and" after "relating to" in the first sentence.

APPROPRIATIONS FOR THE COMMISSION

SEC. 3. Section 7(a) of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3007(a)), is amended to read as follows:

"SEC. 7. (a)(1) There are authorized to be appropriated to the Commission for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Appropriations to the Commission are authorized to remain available until expended.

"(2) Appropriations to the Commission shall be disbursed on vouchers approved—

"(A) jointly by the Chairman and the Cochairman, or

"(B) by a majority of the members of the personnel and administration committee established pursuant to section 8(a).".

FOREIGN TRAVEL FOR OFFICIAL PURPOSES

SEC. 4. Section 7 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3007), is amended by adding at the end thereof the following new subsection:

"(d) Foreign travel for official purposes by Commission members and staff may be authorized by either the Chairman or the Cochairman.".

STAFF OF THE COMMISSION

SEC. 5. Section 8 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3008), is amended to read as follows:

"SEC. 8. (a) The Commission shall have a personnel and administration committee composed of the Chairman, the Cochairman, the senior Commission member from the minority party in the House of Representatives, and the senior Commission member from the minority party in the Senate.

"(b) All decisions pertaining to the hiring, firing, and fixing of pay of Commission staff personnel shall be by a majority vote of the personnel and administration committee, except that—

"(1) the Chairman shall be entitled to appoint and fix the pay of the staff director, and the Cochairman shall be entitled to appoint and fix the pay of his senior staff person; and

"(2) the Chairman and Cochairman each shall have the authority to appoint, with the approval of the personnel and administration committee, at least four professional staff members who shall be responsible to the Chairman or the Cochairman (as the case may be) who appointed them.

The personnel and administration committee may appoint and fix the pay of such other staff personnel as it deems desirable.

"(C) All staff appointments shall be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.".

"(d)(1) For purposes of pay and other employment benefits, rights, and privileges and

for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

"(2) For purposes of section 3304(c)(1) of title 5, United States Code, staff personnel of the Commission shall be considered as if they are in positions in which they are paid by the Secretary of the Senate or the Clerk of the House of Representatives.

"(3) The provisions of paragraphs (1) and (2) of this subsection shall be effective as of June 3, 1976.".

EFFECTIVE DATE

SEC. 6. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act or April 15, 1985, whichever is later.

(b)(1) The amendment made by subsection (b) of the first section shall take effect on the first day of the One hundredth Congress.

(2) Subsection (d) of section 8 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (as added by section 5 of this Act, shall be effective as of June 3, 1976.

Mr. DOLE. I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

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

Mr. HUMPHREY. Will the Senator withhold?

Mr. DOLE. Yes, Mr. President, I yield to the Senator from New Hampshire.

Mr. HUMPHREY. I have a special order, Mr. President. If the leadership is finished, I would like to be recognized on that basis.

RECOGNITION OF SENATOR HUMPHREY

The PRESIDING OFFICER. In accordance with the previous order and in response to the unanimous-consent request, the Senator from New Hampshire is recognized for 30 minutes.

Mr. HUMPHREY. I thank the Chair.

HUMAN RIGHTS VIOLATIONS IN AFGHANISTAN

Mr. HUMPHREY. Mr. President, as Members of the Senate know, there presently is in Washington a delegation from the Soviet Union, specifically comprising a number of members from the Supreme Soviet, the so-called legislature of the Soviet Union. In fact, it operates as a rubber stamp for the Communist Party, which is the de facto ruling organization of the Soviet Union.

Even more significantly still, the delegation is headed by Vladimir Sheherbitsky, who is a voting member of the Politburo, the real seat of power in the Soviet Union.

Mr. President, amid the tinkling of cocktail glasses and camaraderie I thought it might be worth introducing a note of reality by reminding my colleagues of the violations of human rights perpetrated by the Government of the Soviet Union against its own people, against the people of Eastern Europe, whom it continues to enslave and, on this occasion, this afternoon, particularly, the crimes against humanity which characterized the Soviet invasion of Afghanistan and the continued occupation of the country.

In December, the well-known and highly regarded group, Helsinki Watch, which has as its purpose the promotion of domestic and international compliance with the human rights provisions of the 1975 Helsinki accords, to which the Soviets are a party, released a report which every Member of Congress should read. It is a report about the Soviet invasion and occupation and brutalization of Afghanistan.

Incidentally, Mr. President, for those who are listening, including staff, copies of this report are available through my office. I have not the time, obviously, to read the entire report—it is 200 pages in length—but it is an excellent report on the human rights violations of the Soviet Government.

On this occasion of the visit of this high-level Soviet delegation, I want to read just one chapter of this report, chapter 3, entitled "Mass Destruction in the Countryside; Crimes Against the Rural Population."

Before I read this chapter, Mr. President, let me say the report is largely comprised of excerpts from interviews conducted by Helsinki Watch with eyewitnesses to the Soviet brutalization of the people of Afghanistan—that is, by eyewitnesses, I mean reporters, Western reporters, and Afghan refugees who were interviewed in the refugee camps in Pakistan.

I point out also, in the same breath, Mr. President, that because of the Soviet invasion and continued occupation of that country, because of deliberate policies designed to induce famine, disease, and every form of suffering, fully one-third of the people of Afghanistan have now been driven out of that country; fully one-third are now in refugee camps in Pakistan and Iraq. Indeed, the Afghan refugees constitute the largest single group of refugees in the entire world, numbering in the vicinity of 4 million.

Reading from chapter III, "Mass Destruction in the Countryside:"

> We went along the asphalt road from Iran to Herat. The desert on the Iranian side was absolutely covered in track marks, the hooves of horses, of donkeys, of camels, footmarks, bicycle marks, you name it. By the time it was about nine o'clock in the morning, there were people in droves; a man with a camel: he'd lost all his family, and his possessions were on top of the camel. There were some young boys who'd been orphaned. Then there were numerous donkeys with women riding on them with their husbands next to them. All of these people were on their way to Iran. I stayed in a village where they claimed there had been 5,000 inhabitants. There remained one building intact in the whole village. I didn't see more than 10 inhabitants there. To destroy this place the bombers came from Russia. And there were craters everywhere, even where there were no buildings, so there was no pretense about, "we're trying to hit the mujahedin." It was a complete blitz. All the way from there on into Herat there was no one living there, absolutely no one. The town that I stayed in, Hauz Karbas, looks like Hiroshima. And there had been tremendous amounts of vineyards there, and they were just reduced to gray dust. It really sums up everything that exists in Afghanistan today.—Nicholas Danziger, interview with Jeri Laber and Barnett Rubin in Peshawar, September 26, 1984.

Nicholas Danzinger, a British lecturer in art history who created the above image of Hiroshima in Herat, was only one of many who described such scenes of total devastation in the Afghan countryside. People coming from just about every area of Afghanistan—Western scholars, journalists, doctors and nurses, as well as the Afghan refugees and resistance fighters themselves—tell of vast destruction: carefully constructed homes reduced to rubble, deserted towns, the charred remains of wheat fields, trees cut down by immense firepower or dropping their ripe fruit in silence, with no one to gather the harvest. From throughout the country come tales of death on every scale, from thousands of civilians buried in the rubble left by fleets of bombers to a young boy's throat being dispassionately slit by a Soviet soldier.[1]

This mass destruction is dictated by the political and military strategy of the Soviet Union and its Afghan allies. Unable to win the support or neutrality of most of the rural population that shelters and feeds the elusive guerrillas, Soviet and Afghan soldiers have turned their immense firepower on civilians. When the resistance attacks a military convoy, Soviet and Afghan forces attack the nearest village. If a region is a base area for the resistance they bomb the villages repeatedly. If a region becomes too much of a threat, they bomb it intensively and then sweep through with ground troops, terrorizing the people and systematically destroying all the delicate, interrelated elements of the agricultural system. The aim is to force the people to abandon the resistance, or, failing that, to drive them into exile. Four to five million Afghan refugees have sought shelter in Pakistan and Iran (about ¼ to ⅓ of Afghanistan's prewar population). The major portion, about three million, are in Pakistan's border provinces where the resistance parties have established headquarters to which guerrillas come seeking weapons and support.

[1] While we received some reports of killings of civilians by Afghan soldiers, most of the killings we documented involved Soviet soldiers, sometimes assisted by a few Afghans acting as guides or interpreters. In each interview clear distinctions were made among: Soviet troops (*shurawi*) or Russian troops (*rus*); government forces, sometimes called *askar-e daulat*, sometimes *askar-e Babrak;* and P.D.P.A. members, who were identified as *Khalqi* or *Parchami*. There is reason to believe that Soviet officers are distrustful of the Afghan soldiers, most of whom are reluctant draftees with a high rate of desertion or of defection to the resistance.

In recent months the Soviets seem to be changing their strategy and attempting to close the border between Afghanistan and Pakistan. Refugees on their way to Pakistan are arrested and tortured, their defenseless caravans bombed or strafed. But whatever the strategy, the violations of basic human rights and the laws of war continue.

A. CRIMES AGAINST THE RURAL POPULATION

Indiscriminate bombing

"Each village in Afghanistan has been bombed at least one time since four years. I went four times. I was in Nuristan, Panjsher, Badakhshan and Hazarajat. Everywhere that I have been, in all the villages, there was a story that it had been bombed, six months ago, two years ago, four years ago, even five or six years ago, at a time when we were not aware of the war, before the official invasion."—Dr. Juliette Fournot, Medecins sans Frontieres, interview with Jeri Laber and Barnett Rubin in Peshawar, September 27, 1984.

Regardless of fluctuations in the conduct of the war, the bombardment of the rural villages has been almost constant. The MIG-25 jet fighter-bomber, the MI-24 Hind armored helicopter, and the Grad BM-13 mortar have become as familiar to the Afghan villager as the bullocks that pull his plow. The TU-16 "Badger" high altitude bomber, flying directly from bases in the Soviet Union, is well known in the Panjsher Valley.

Every time we asked an Afghan villager why he or she came to Pakistan, the answer began with the same two words: *"shurawi bombard"* ("Soviet bomb"). Most of these bombings, reported by Western observers as well as Afghan refugees, show a blatant disregard for the laws of war that require military action to be directed against military targets. In Afghanistan, the most common target is the peasant village: the homes, fields, orchards, and, frequently, the mosque. In provincial towns the marketplace and residential areas often become targets. These attacks are responsible for the vast majority of the estimated hundreds of thousands of civilian deaths.

In some regions—those controlled by the resistance but not of major strategic importance—the bombing is random and desultory. Eric Valls, a French nurse working for Medecins sans Frontieres, saw this pattern during his stay in Badakhshan Province in northeast Afghanistan between April and November 1983. "All the villages were bombed," he told us in Paris on June 8, 1984: "Three or four helicopters would come, bomb very quickly—for 15 or 20 minutes—then go." In July 1983 in Dawa village, he saw craters left by three helicopters that killed two families (11 people) in their homes.

Dr. Ghazi Alam, an orthopedic surgeon trained in Afghanistan, India, and the United States, described a similar pattern in Logar Province during the winter of 1983–1984:

"First of all the Russians terrorize civilians by bombarding the villages indiscriminately. They are killing civilians, especially the children and the women who cannot run away from their houses. There was not any firing, but they have bombarded regularly, each day or three times a week or twice a week, this region of Baraki Barak District in Logar [south of Kabul]. They have sent helicopters and MIGs. I have seen one case in Baraki Barak District that nine members of one family were killed by bombing. Only one was left alive. And this operation was just for psychological effect on people, that they should not feel security in their homes. [Interview with Barnett Rubin, New York City, March 30, 1984.

Refugees we interviewed in Peshawar and Quetta in September and October 1984 had similar stories to tell.

One and a half months ago [mid-August 1984] there were 9 people in my village having breakfast, and a jet fighter bombed and killed them in their house. They were Nur Mohammad, 5 people from Musa Jan's family—his wife and children, aged from 6 months or a year to 8—a woman and two children. They are flying and doing this all the time without reason! [Testimony of Abdullah Jan, 22, a farmer from Delawar Khan village, Arghandab District, Kandahar Province.]

Another refugee from Kandahar Province described how his two cousins, Shah Mohammad and Sardar Mohammad, sons of Mohammad Ismail of Kader Khel village, Arghistan District, were killed last August by rockets from a helicopter while airing out beds in the courtyard of their home.

I left because of the condition of my region. Not only days, but even at nights they attack from 3 or 4 directions with rockets and artillery. They are bombing since last autumn so often, continuously, 10 to 15 planes at a time. One type of airplane, the MIG-25, is coming every day with 5 to 10 bombs. They drop them on the residences, on the mosques, just to get rid of the people. Some of my relatives were killed, including some women. [Testimony of Hafezullah, 24, a farmer from Harioki Ulya in Kapisa Province, north of Kabul.][2]

The reason that I am here now is that in the region where I was there is great pressure from the Soviets. As an example, I had no place to put my family, because most of the region was destroyed. There were no more houses in Qarabagh-e Shomali. Ninety-nine percent of the houses are destroyed. [Testimony of Mohammad Amin Salim, 43, former professor of Islamic Law at Kabul University.]

A woman from Charadara district, Kunduz Province, on the Soviet border, told us, "Six months ago the Russians surrounded our village. The airplanes bombed us, and four of my children died." The three boys were Najmuddin, Farwar, and Rahim, and the girl was Anisa.

Sayed Azim, a former government official and graduate of the Faculty of Agriculture of Kabul University, told us that his home region in Wardak Province, southwest of Kabul, has been bombed for years, even in the time of Taraki. Most recently, on September 9, 12 helicopters bombed the town of Maidan Shahr. They destroyed 8 houses, killed 9, and injured 23.

Nicholas Danziger, whose description of the results of a massive offensive around Herat in June 1984 is quoted at the beginning of this chapter, went on to point out that the bombing continued in July and August.

"Every day they came to bomb. I was there at least two weeks, and I would say there were only 5 days that the planes didn't come. Sometimes they came once, sometimes they came twice; the helicopters often came three times. And not only that, there's also the shelling, which can last anything up to half an hour. It seems much longer at the time. And the people don't know how to build shelters. Every day mujahedin die, but if a mujahed has died you know that the people have died. And every day you heard the list, and it was one, two, four, three, six, this was mujahedin, but then the count of the people dying was always equivalent or greater. There were few occasions when there were fewer civilians dying than mujahedin. The people come down to work on their fields at night, women wash their clothes at night, bake the bread at night, and, as there are no shelters, they hide under the trees, just waiting, waiting."

Other Western travellers have reported that much of the region around Kabul, including Paghman has been completely levelled. The town of Jagdalak, between Kabul and Jalalabad, is completely demolished. Except during a truce in 1983, the Panjsher Valley has been regularly bombarded since 1980, culminating this spring in carpet bombing from high altitudes.

Another pattern described by many refugees is a sudden offensive combining intense airpower with a sweep by ground troops.

A shepherd from a district in Kunduz, who asked us not to give his name or district, said that he had arrived in Pakistan five days before with 24 families from his village: "The Russians bombed us. Then the soldiers came, took all the women and old men, and killed them."

Villagers who had just arrived in Peshawar from Batikot District of Nangarhar Province, east of Kabul, crowded around us as they told their story in overlapping voices: "Twenty days ago the Russians bombed our villages—Bela,[3] Mushwani, and Lachapur—and 120 people died." They showed us a 6-year-old boy with shrapnel in his leg from the bombing: "On August 27 the Russians came at 4 a.m. When they reached the village they started killing people. After they finished in Lachapur and Mushwani, they went to Bela. There were 130 killed. They killed them with Kalashnikovs and with bombs from airplanes."

I interject, Mr. President, to say that Kalishnakovs are rifles. Soviet soldiers were executing civilians with rifles.

Patrick David and Francios Frey, French doctors working with Aide Medicale Internationale, witnessed a Soviet-Afghan offensive in Baraki Barak District of Logar Province, just south of Kabul, in September 1984. "They were bombing the houses and the people doing the harvest in the fields. They shot rockets at them and killed them." They reported that two boys, the 5- and 7-year-old sons of Gul Jan who were playing in a melon field in Chalozai, were wounded by rockets from a helicopter. Russian soldiers had come into the area and killed and looted. On September 15 the doctors saw a helicopter fly low over the village of Cheltan:

Our translator said, "Watch, this helicopter is dangerous." It dropped something that left some smoke. A few minutes later four jets came and bombed where the helicopter showed. The targets were the people's houses. We saw the people running into the fields. The next day there were 10 boys from Barai Barak in the river, and a big shell exploded, a shell that had fallen in the river before. One boy died, and four were wounded." [Interview with Jeri Laber

[2] This is a strategic region which abuts the Salang highway connecting the Soviet Union to Kabul.

[3] During the interview the villagers seemed to say "Bela," which we cannot find. Perhaps they were referring to the nearby village of Bara.

and Barnette Rubin in Peshawar, September 22, 1984.]

Abdul Wahid, a Hazara student whom we met in Quetta, told us in an interview on October 3, 1984, of recent bombings and killings in Hazarajat:

I came from Jalrez about 10 days ago. When I was there, many air attacks were taking place. Every day the airplanes were flying in the area. When they failed to hit the military points, they bombed the bazaars and homes and the places where there was agricultural production. There were two bombardments in our village. They wanted to bomb the mujahedin, but couldn't, so they bombed the populated areas like houses and the bazaar, which caused some casualties. This was in Rasana and Jaghori, and also the Valley of Tangi, about 20 days ago. Also in the center of Jaghori—every day there are helicopters flying in the area. In Behsud there was a recent offensive which caused about 500 casualties, mostly women and children, about one and a half months ago. Ground forces came too, but most were killed by cannons.

Arielle Calemjane, a nurse working for Aide Medicale Internationale, returned in July 1984 from four months in the area around the Panjsher Valley. In a written account of her journey, she explained that it had been impossible to carry out a medical mission because of constant bombardments:

At four o'clock, the day breaks, and at five come the helicopters and airplanes in the sky. There seems to be some traffic today. . . . On the road, entire families are climbing the sides of the valley. The children in the women's arms have such big, black eyes; they do not cry. The women covered in the chadri hide their faces; impossible to know what they think. The men go on foot, staring into the distance, searching for cover. . . . There were two dead this morning. Near the village where we found our bags . . . the grass is tempting in the cool shadows of the trees. To sit is to fall asleep. But there is a rumbling nearby, too near, that wrenches me out of sleep, suddenly: the helicopters! . . . There are bombs exploding around us—what are they aiming at? There are a few houses nearby; the people are fleeing. I am seized by an uncontrollable trembling, prey to a feeling of total powerlessness against these black birds, these horrible black spots in the sky, these huge insects whose sound is the sound of hell and who sow destruction and death. . . . We are invited into the house where our bags are. . . . The tell us of a wounded man, . . . who is there, on the floor, his hand wrapped in a bandage from which blood is dripping. . . . The helicopter fired while he was on horseback, holding a child in front of him. The bullet went through his left hand, and the child died. . . . We have to amputate three fingers down to the knuckle.

Reprisal killings and massacres

If the mujahedin set fire to trucks on the road, they [the Soviets] carry out strikes against civilian houses. They don't bomb the mujahedin, they bomb the houses.—Red Army Pvt. Garik Muradovich Dzhamalbekov, interview with Tim Cooper in the Financial Times, May 23, 1984.

On July 23, or 24 [1983], near the village of Khojakalan, between Sheshgau and Rauza [on the Kabul-Ghazni highway] some mujahedin attacked [a Soviet convoy]. Immediately the Soviets bombed and partially destroyed the village of Khojakalan. Only one woman was killed this time, because the people saw that there was a battle, and they all fled the village. But at other times they do not have time to escape, and many are killed. And the mujahedin have a big problem, because they just cannot attack any more near the villages. If they do, the village is immediately destroyed.—Patrice Franceschi, journalist and field officer for Medecine due Monde, interview with Barnett Rubin in Washington, D.C., March 23, 1984.

Pvt. Dzhamalbekov, a Soviet Tadzhik from Dushanbe who voluntarily deserted his unit, told us on September 21, 1984, about a massacre that he witnessed on the road between Tashqorghan (formerly Kholm) and Mazar-e Sharif in April 1982 while stationed in Balkh Province with the 122nd Brigade:

Beside our brigade's garrison, there was a special commando unit. The brother of the commander of the unit was a captain in the same unit. It was the birthday of the commander. They drank too much vodka. The captain took three soldiers and went to the town of Tashqorghan to get grapes and apples. When they went to the town, they were captured by the mujahedin. They were killed and then cut up and dropped in the water. When the drunk commander found out that his brother and three soldiers were killed by mujahedin, he took the whole commando unit at night. He went to the village and butchered, slaughtered all the village. They cut off the heads and killed perhaps 2,000 people. The sun came out, and the mujahedin and others buried the people. I drove my APC [armored personnel carrier] there and saw the demolished houses. In the part destroyed by the commandos there was nobody living there. That's why I say it's a bad war, a dirty war.[4]

On June 30, 1983, in an incident widely reported in the French press and later raised with the Afghan government by Amnesty International, Soviet soldiers killed 24 people, including 23 unarmed civilians, in Rauza, a village on the outskirts of Ghazni. Patrice Franceschi, a freelance journalist who works with Medecins du Monde, was nearby at the time, and he was able to interview villagers in detail a week after the event:

The Soviet sweeping operations that had begun several days before reached Rauza on June 30. About 2 a.m., APC's encircled the village. There was no unit of the Afghan army with them. At dawn, the Russian soldiers left their vehicles, protected by helicopters, and began to search the village, street by street.

An 18-year-old resistance fighter, Gholam Hazrat, was then at home with his weapon. The suddenness of the Russians' arrival had trapped him. Frightened, he hid himself at the bottom of the well in his family's courtyard. Around 10 a.m., a six-man patrol, including one officer, broke down the door and began to search.

The officer and one of his men soon leaned over the well. When he saw that he was discovered, the resistance fighter opened fire, killing the officer and wounding the soldier. He immediately died under the fire of the other Russian soldiers.

This became the occasion for blind reprisals. The four remaining soldiers shot all the men in the house, the father, a cousin, and two uncles of Gholam Hazrat. Then they went out and assembled all the men they could find in the neighborhood, passersby, shopkeepers, etc. They were first beaten and robbed of any valuables (watches, money) before being summarily executed in the street. Twenty-three people were killed in this way.[5]

Franceschi collected the name, age, and profession of each victim, and photographed the graves.

A number of sources[6] have described a massive massacre of civilians by Soviet troops in October 1983 in three villages southwest of Kandahar on the branch road linking the city to the Soviet military base at Mandisar airport. On October 10 and 11 a local unit of the Jamiat-e Islami resistance organization had ambushed and destroyed several Soviet military columns. In retribution, on the morning of October 12, a largely Soviet force with a few Afghans acting as guides or interpreters arrived in the villages of Kolchabad, Moshkizai and Balakarez. Sardar Mohammd, 55, a farmer from Kolchabad, hid in a grain bin when he saw Russian soldiers shoot his neighbor, Issa Jan. That afternoon, when he emerged from hiding, he went to the house of a friend, Ahadar Mohammad:

Everyone was dead. Ahadar, his wife, and his baby were lying on the floor covered with blood. His 9-year-old daughter was hanging over the window, half in the house, half out. It looked like she was shot as she tried to run away. The young son of 13 years lay crumpled in another corner with his head shot away. I threw up. Then I carried the males outside into the courtyard and covered the women with pieces of cloth where they lay. I did not want anyone to see the women exposed the way they were.

Tora, daughter of Haji Qader Jan of Kolchabad, an 11-year-old girl who survived the massacre by hiding under bedcovers, described how Soviet soldiers accompanied by an Afghan officer herded women and children into a room and killed them by lobbing grenades through the window and bayonetting the survivors. Other witnesses described similar scenes in Moshkizai and Balakarez. The villagers who dug the mass graves for the victims estimated that there were 100 dead each in Moshkizai and Balakarez and 160 to 170 dead in Kolchabad.

Further suffering was in store for the survivors. In January 1984, after two tanks were destroyed in the same area, Soviet and Afghan military units reportedly returned to Kolchabad, executed some village elders, and shot many more civilians.[7] Many of the villagers who had fled to refugee settlements around Kandahar had to flee again, to Pakistan, when the Soviet air force bombed their camps in June.

Tora's story of women and children being killed by grenades is consistent with testimony from two Soviet deserters, Pvt. Oleg Khlan and Sgt. Igor Rykov, who had served as mechanic/drivers with the First Infantry Carrying Armored Corps based in Kandahar. Khlan stated: "During punitive expeditions, we didn't kill women and children with bullets. We locked them in a room and threw grenades."[8] In another interview, Rykov described the same procedure.[9]

[4] This incident was also reported at the time by the BBC. The actual number of deaths was probably closer to 200.

[5] *Les Nouvelles d'Afghanistan* 15, Edite par AFRANE (Amitie Franco-Afghane), Paris, December 1983, p. 5.

[6] *The New York Times*, October 20, 1983; *Les Nouvelles d'Afghanistan, op. cit.*, March-April 1984; *Chicago Tribune*, July 15, 1984.

[7] Afghan Information Centre *Monthly Bulletin*, January 1984, p. 5.

[8] *Le Monde*, June 3-4, 1984.

[9] *The Times*, London, June 28, 1984.

Pvt. Vladislav Naumov, who served in a battalion specializing in punitive expeditions near Jalalabad, Ningrahar Province, described his training in the use of the bayonet to attack villagers:

"At Termez [Soviet Uzbekistan, just north of Mazar-e Sharif across the Amu Darya (Oxus River)] we built models of Afghan villages. Before every combat exercise, Major Makarov would constantly repeat: 'Look in the direction of the village: there are the dushmans. [Dushman, the Persian word for enemy, is used by the Soviet press to refer to the Afghan insurgents.] Forward! Kill them! They kill completely innocent people.' And then the truly punitive operations would start . . . Under the cover of the infantry's combat vehicles we would raze the village to the ground. Then, working under the scorching sun, we would rebuild the model, all over again . . . We had bayonets and silencers attached to our rifles, and we learned to use them pretty skillfully. The major often repeated Suvorov's words: 'The bullet is a fool, the bayonet—a stalwart. Hit with the bayonet and try to turn it around in the body.' "[10]

While in Quetta in October 1984 we learned of another recent reprisal killing near Qandahar. Habibullah Karzai,[11] a former diplomat who was Afghanistan's U.N. representative in 1972, told us he had received several independent reports of the killing of members of his Karzai tribe in Ghundaikan village, 7 kilometers west of Kandahar, on September 27. Karazi told us:

The village is near the Kandahar-Herat road. On either side of the highway there are grapes. After 2 or 3 vineyards, you reach the village. The mujahedin had mined the grape gardens with anti-personnel mines. When the Soviets started to cross the gardens, they hit the mines, and 6 or 7 of them were killed. They rushed to the village and killed about 50 people, mostly children, old ladies, old people, and so on, because the young people ran away. They tried to escape. The Russians seized the area for 3 days. One lady was locked in a room with two children. The two children were killed—we don't know why—but the lady is still alive. I have the name of only one of the victims, Said Sikander. He was a poor man."

The French doctors Frey and David told us of a reprisal killing during the offensive in Logar in early September. On September 10, the Soviet units who had occupied Baraki Barak district since September 6 were supposed to be reinforced by a convoy of the Afghan army coming from Kabul. One of the Afghan army officers, however, defected to the resistance with much of the convoy. The next day, Soviet forces arrested 40 civilians, according to Dr. David:

They tied them up and piled them like a wood. Then they poured gasoline over them and burned them alive. They were old and young, men, women, and children. Many, many people were telling this story. They all said 40 people had been killed. [Interview with Jeri Laber and Barnett Rubin in Peshawar, September 22, 1984.]

This story was confirmed on September 23 by an Afghan doctor in Peshawar, who had recently learned by letter that two of his relatives were among those burned to death in Logar. A gentle man who had patiently helped us interview patients in a hospital for war victims, he suddenly burst out: "What's the point of all this? People should know by now! There are no human rights in Afghanistan. They burn people easier than wood!"

Summary executions and random killings

So many things have happened in the past five years that we are confused. All of our innocent people have been killed in different ways. They took many people from their houses and killed them. They were bombed by jet fighters or thrown alive in wells and buried under the mud. They were thrown down from airplanes, and some were put under tanks alive, and the tanks crushed them. They were all unarmed people. Some of them were given electricity and killed that way. Some were cut into pieces alive. These are things we could not remember even from the reign of Genghis Khan.—Haji Mohammad Naim Ayubi, 60, former merchant, interview with Barnett Rubin in Quetta, October 3, 1984.

We were ordered by our officers that when we attack a village, not one person must be left alive to tell the tale. If we refuse to carry out these orders, we get it in the neck ourselves.—Pvt. Oleg Khlan, Soviet Army deserter, interviewed in The Christian Science Monitor, August 10, 1984.

According to the reports we received, when Soviet forces enter a village, they routinely conduct house-to-house searches. People are interrogated, after which they may be arrested or simply executed on the spot, especially if they resist interrogation. If evidence is found or if people are denounced by informers, they may be pulled from their houses and killed in front of their families. We received reports about the execution of groups of people at a time. We also heard frequently about ground troops that entered an area en masse after air and artillery attacks and shot wildly anything that moved. Cases have been described of Afghan civilians who were killed by soldiers almost at random, not in the context of a military operation, but in the course of a robbery or simply as an expression of anger and frustration.

Groups of civilians have been killed from the air, by Soviet helicopters and jets that have, on a number of occasions, attacked weddings and funerals. In recent months there have been systematic attacks on refugees' caravans moving toward the border.

Sgt. Igor Rykov, a defector from the Soviet army, described the searches conducted by his unit in Kandahar Province:

The officer would decide to have the village searched, and if it was found it contained a single bullet, the officer would say: "This is a bandit village; it must be destroyed." The men and young boys would be shot, and the women and small children would be put in a separate room and killed with grenades.[12]

The Permanent People's Tribunal on Afghanistan's inquiry commission composed of Michael Barry, an American Afghanistan expert; Ricardo Fraile, a specialist in international law; Dr. Antoine Crouan; and Michel Baret, photographer, thoroughly documented a massacre of 105 persons in the village of Padkhwab-e Shana in Logar Province through on-site inspection and interviews with witnesses:

Soviet armored vehicles, hunting down modjahedin surrounded the village at 8 a.m. on September 13, 1982. Some of the fighters and villagers, including children, found refuge in a "karez" (covered irrigation canal). The Soviet soldiers asked two old persons to enter the canal and summon the people to come out. Faced with the latter's refusal, the old people came back up claiming there was nobody inside.

According to an old person's eyewitness testimony, a tank truck was brought to pour a liquid, apparently oil, into the three openings of the karez. From another tank truck they poured a white-looking liquid to which they added the contents of a 100-pound bag of white powder. It was set on fire three times thanks to "Kalashnikovs," and each time there was a violent explosion.

"They protected their eyes and heads with helmets and shot their Kalashnikovs into the products, which exploded. Then they did the same thing at the other opening of the canal. When the fire and smoke had cleared, they started again with another hole. They stayed until 3 p.m. When they realized the operation had succeeded, they applauded and laughed as they left.

"The first day the population pulled out four bodies; the second day 30; the third, 68. Seven days later, the last three. When we touched the bodies, pieces would stay in our hands. The first day, when we wanted to pull out the victims, the unbearable stench made us feel sick. . . . It is only with great difficulty that we were able to extract the maimed bodies: people could not even recognize their children or relatives. Whenever they were identified, it was thanks to watches, rings, and other objects they might be wearing.[13]

Summary executions were described by Mohammad Amin Salim, a former professor of Islamic law who had returned to his village in Shomali:

"When the Russians come into villages or places where there are unarmed people, they kill them with bayonets, even women and children. There are so many examples, and they are so atrocious, that it is difficult to speak of them. For example, last year I was in a village when the Soviets came to search the houses. In this village there were 7 elders, including me. When the Russians came into the village, they locked up all these elders. I was separated from the others. I was in another house, and I saw what happened. They asked the old men, 'Where are your sons?' The old men said they had no sons. Immediately, when they heard this, they fired on two of the men, killing them with automatic rifle blasts. The third person—it was a very sad event—they put him against a tree and with a big nail [apparently a detached bayonet] a soldier stabbed him in the chest and nailed him to the tree. What I am telling you is what I saw myself. The other Russian had a big nail in his hand, and he stabbed another old man in the mouth, unhinging his lower jaw. The next they put in a well, and then they threw an explosive in the well. Then, when they went into another house, I managed to escape. After my escape, I returned to the village about 12 or 13 hours later. I also saw two little boys who had been killed. This was last year in the month of Seratan [June-July 1983] in Karez village. That is one of thousands of examples. It would take hours and hours to tell you what I have

[10] *Radio Liberty Research Bulletin*, March 19, 1984.

[11] Karzai was the first to report the massacres in Kolchabad, Moshkizai and Balakarez, the victims of which were also members of his tribe.

[12] The Times, London, June 28, 1984. The Times added that Rykov said he had seen five villages of 100 to 200 people destroyed in this way.

[13] "Afghanistan People's Tribunal, Stockholm: 1981—Paris: 1982; Selected minutes from the Tribunal's meetings," Special issue of The Letter from the B.I.A. (Bureau International Afghanistan), Paris, 1983, p. 15.

seen with my own eyes." [Testimony of Mohammad Amin Salim. Interview with Jeri Laber and Barnett Rubin in Peshawar, September 29, 1984.]

Sufi Akhtar Mohammad, a 52-year-old farmer from Zamankhel village, Pol-e Khomri district, Baghlan Province, told us of an incident he witnessed in Wardak (Maidan) Maidan on his way to Peshawar, about 25 days before we interviewed him in Peshawar on September 30, 1984. The Soviets had come to Awalkhel village to search for guns:

"I was with a group of fighters on the way to Peshawar. When we reached Awalkhel in Maidan, there was a hustle and bustle. Russian soldiers were searching the houses. We hid ourselves. As soon as the Russians left, we went to ask the people what happened, and we noticed 8 dead bodies. They told us that after the Russians searched the houses, they killed people of all ages, men, women and children. Of the 8 bodies, 2 were slaughtered [had their throats cut], and all of them were burned.[14] The Russians had asked the relatives to watch while they killed the 8 people. The first 2 were slaughtered, and then the remaining ones were brought and shot with Kalashnikovs. They poured kerosene on them and set them on fire. The people said that the Russians were not alone. A few Khalqis and Parchamis were guiding them to the houses. When they were searching the houses, they found two Russian-made guns, captured from the Afghan Army in fighting in Ab-e Chakan. This was how they took their revenge.

Other farmers and villagers interviewed in Peshawar in September 1984 had similar stories to tell.

Bibi Makhro, wife of Abdul Jalil, of Chardara District, Kunduz Province, showed Jeri Laber pieces of shrapnel in her left leg: "Nine months ago the Russian soldiers came to our village. The mujahedin escaped, but I was in the street with two other women. When the Russians saw us, they threw bombs [grenades]. The other two women were killed, but I survived."

Lala Dad of Dasht-e Guhar, Baghlan Province, told us that when ground troops arrived in his area, they would kill anyone suspected of being a resistance fighter.

A group of women nomads from Baghlan told Jeri Laber: "The government forces came and killed the people and took those they didn't kill to Kabul in tanks."

The Russians came to my village three times looking for mujahedin. They killed people and animals. They killed women, children, and men for no reason. My neighbors were killed. They were asleep when the soldiers came, and the men tried to escape. [Testimony of a woman from Kohistan, Kapisa Province.]

After they bombed and shot from tanks, they came on foot. They killed people and took their money. I lost Afs. 2500 to the Russians. In one family headed by Mohammad Omar 15 people were killed outside their home at 4 a.m. [Testimony of Rahmatullah, a farmer from Bela village, Ningrahar Province.]

I lost my mother, father, and 5 children. The Russians came to the village, and the mujahedin were there. The fighting was hard. After the fighting the Russians came into the village and killed the people. They came into my house and wanted money. They accused us of being from America. My husband and I ran to the mountains, but I could not take 5 of my children with me, only these 3. We spent 5 days in the mountains without food and water. We went back to the village and saw the tents were burned. I found my five children dead in the house. There were 140 people killed, including my parents and sisters. I don't know how the days become nights and the nights become days. I've lost my five children. Russian soldiers do these things to me. [Testimony of Kabir wife of Mohammad Kabir of Bela village, Ningrahar Province. Her five dead children were Mohammad Shams, 7; Shams-ul-Haq, 8; Najibullah, 10; Naqibullah, 14; and Al-Hamula, 15.]

We heard numerous reports of summary executions by the Soviet troops that entered Baraki Barak District, Logar Province, on September 6, 1984. Dr. Ghazi Alam told us in an interview on September 22, 1984, about an old man, Mohammad Rafiq, who was killed there in the village of Akhundkhel. The French doctors Patrick David and Francois Frey, who were in Logar Province in early September, gave us this report:

Baraki Barak district is on the way to Pakistan for all of northern Afghanistan. There were 30 men on their way to Iran [via Pakistan] to find work. They were all killed by the Russians. There were 45 innocent people killed. Some were 'slaughtered' [had their throats slit], 2 in Baraki Barak [village] and 1 in the mountains of Saijawand. Some were burned with petrol. Some had dynamite put on their backs and were blown up. The Russians cut people's lips and ears and gouged out their eyes. We saw a man the Russians had shot in the foot after stealing his watch and money. Two boys escaped and hid themselves in a well. The Russians put some kind of gas in the well that exploded when it hit the water. One died, and the other, whom we treated, had a severe lung problem. A boy about 12 years old in Chalozai was shot in the elbow when he ran away from the Russians. [Interview in Peshawar, September 22, 1984.]

Patients in an amputee hospital in Peshawar that we visited on September 27, 1984, told us of summary executions by Russian soldiers in their villages.

When the Russians came [in June 1982], they burned homes and destroyed the food. Two elders came back to the village, because they heard the food was burned. They asked the soldiers about it. The soldiers first shot them, then burned their bodies. [Testimony of Mohammad Sherdil, 23, from Khanez-e Bazarak village in the Panjaher Valley, Parwan Province.]

"After the Russians retreated from Bazarak [in autumn 1982], I found the bodies of 9 old men in the village. I found their bones on the ground. The bodies were completely burned. The only way we could recognize them was from their worry beads. I remember the names of 7 of them: Yar Mohammad, Haji Karim, Mirza Shah, Mohammad Yusuf, Zaheruddin, Mohammad Gul, Ghiasuddin. [Testimony of Mohammad Hashem, 26, of Bazarak, Panjsher Valley, Parwan Province.]

Dr. Sultan Satarzai, whom we interviewed at Al-Jehad Hospital in Quetta on October 3, 1984, told us of a report he had received from one of the graduates of his first aid course, who had recently returned from Kandahar Province:

"About one month ago [early September] during a battle in Panjwai District of Kandahar, some gardeners were working. The Russians went and strangled them. Those who buried the dead saw that they had no wounds, but they had blue necks."

A number of reported killings of Afghan civilians reflect the anger, frustration and lack of discipline of Soviet soliders who had been told during training that they were being sent to Afghanistan to help the Afghans fight American, Pakistani, and Chinese mercenaries, but found, instead, that they were surrounded by a hostile population and were often mistreated by their own officers as well. The following incident was described to us by a former broadcaster for Radio Afghanistan:

In 1981 I was hospitalized in Aliabad Hospital [in Kabul]. There I met a small boy, about 8 years old. He was injured by bullets of Russians. I talked to him sympathetically, but he was afraid of being put in jail and so on. He was not ready to talk to me. But after one or two days he found that I was a reliable person, sympathetic. Then he talked to me, and he said that he was living in Ghazni Province, and one day while Russians were passing by the village, he and some other children were playing and gazing at Russians, and suddenly a soldier turned to them and fired on them, and he was hit on his feet and injured and brought to the hospital in Kabul, and two other children were killed on the spot, and the others escaped.[15]

Another incident, reported by the Afghan Information Centre in its August 1984 *Monthly Bulletin*, is almost unbelievable. When we questioned the Centre's director, Prof. S. B. Majrooh, about it in Peshawar, he assured us that several witnesses had confirmed the truth of the report:

Outside the village [of Laima in Ningrahar, on August 2, 1984] a 10–12 year old boy was watching his cows graze. He was playing with a toy—a roughly made small, wooden gun, which with the help of a rubber device was making little "tok-tok" noises like a machine gun. When the Russians arrived, the boy pointed his "tok-toking" toy in the direction of the advancing tanks. The boy was encircled and brought to the village. He was interrogated in front of the terrified villagers. The eyewitness heard the following conversation:

A Russian asked: "What is that in your hand?"

The boy answered: "It's my gun."

"What do you want to do with the gun?"

"To kill the enemies."

"Who are the enemies?"

"The ones who are not leaving us in our homes."

It was evident that by "home" the boy did not mean Homeland, Country or such things, and by "us" he was only referring to himself and his parents. "Nothing serious," said the man from Laima and added: "But still a Russian seized the boy and another one took a sickle from a villager and with a powerful and quick movement of the hand, he cut open the boy's throat and threw the sickle away. It all happened very fast. The parents were not present. Then one of the Russians did a strange thing: he dragged the dead boy to higher ground, covered him with a rug, and put a bed upside down on the body.[16]

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[14] Numerous reports tell of Soviet soldiers burning the bodies of the slain. This is an affront to Muslim religious practice, which places great emphasis on decent burial and respect for the dead.

[15] Interview with Barnett Rubin, Alexandria, Virginia, March 25, 1984. Name withheld on request.

[16] A note in the *Bulletin* added:

At first the editor was suspicious about the sickle and thought the reporter, by using the famous symbol, was perhaps looking for effect. But the eyewitness is a simple villager and does not seem to have any idea about the symbolism. The report was

Robbery is sometimes the motive for killings: When the Russian forces come to a village, the mujahedin leave. The Russians search the houses. In each house they look everywhere. If they find carpets, radios, cassettes, watches, they take them for themselves. If the family resists, they kill them. For example, Inayatullah was killed last year in the fall of 1983. He was an old man. He had Afs. 5000 in his pocket. Some Russian soldiers wanted to take it, but he said no.

They shot him. Another case: they were searching houses and came to the house of a teacher, Azizullah. They took a radio and other things. But his small daughter did not permit them to take the radio. So they beat the daughter and threw bombs [grenades] at the whole family. Seven people were killed in the family. [Sayed Azim, former government official. Interview with Jeri Laber and Barnett Rubin in Peshawar, September 25, 1984.]

Even the mosques are not safe. Mullah Feda Mohammad of Pashmul village, Panjwai District of Kandahar Province described in a written interview [17] how he and about 15 other worshippers were captured by Soviet troops in the Pashmul mosque as they began the dawn prayer on August 25, 1984:

Before taking us out of the mosque they searched us and the mosque for fear of any possible weapons. Then they took us to Zidanian mosque, where a dozen other villagers arrested by the Soviet troops were also waiting with their Soviet guards. In that mosque, the Soviets lined us up against the long wall, and we thought that they would shoot us (you know this is very common with the Russian pigs), so we started saying our Kalima (prayer). Then they ordered us to keep our hands up, and of course we did so. After that two Soviets started searching in our pockets and took away whatever cash we had together with our wristwatches. Stupid Obaidullah refused to hand over his cash, and immediately he was shot and died instantly; the rest of us knew what to do.

Question: Who was Obaidullah?

Answer: He was the young son of Haji Nematullah, a poor farmer in our village.

Soviet forces have also killed large numbers of people at weddings and funerals. Dr. Jean Didier Bardy of Medecins sans Frontieres has described how he and his colleagues in the dispensary at Behsud, Wardak Province, were called to the village of Jalrez in August 1981 in order to treat the victims of a 2-hour attack by 4 helicopters on a wedding party. The attack left 30 dead and 75 wounded.[18] Soviet aircraft also reportedly attacked a wedding near Sorkhakan in Laghman Province on April 14, 1983 (70 dead), and in Anbarkhana, Ningrahar Province on August 14, 1984 (dozens dead by one report, 563 by another).[19]

We also heard of attacks on funerals:

Two days later, after the burial, when the people were coming to console the families, the Russians came again and killed 1 woman and 5 men. The people were escaping, and the Russians opened fire from tanks. This was in Jo-e Nau village. The men killed were Haji Zafar Khan, Amir, Zondai, Kapa, and Said Rahman, who was 14 years old. The woman was from another village, so I do not know her name. [Sufi Akhtar Mohammad, 52, a farmer from Baghlan. Interview with Jeri Laber and Barnett Rubin in Peshawar, September 25, 1984.]

We have a custom, when someone is buried, to go to the grave for prayer. But while they were praying, the Russians came by helicopter. Two helicopters were flying overhead, and two landed Russian soldiers, who fired with Kalashnikovs. Those who were running away were shot by the flying helicopters, the rest by the Russians who landed. There were 41 killed, including Abdul Rahman and Abdul Sattar, sons of Abdul Khair; Abdul Mohammad, son of Faizullah; and Lala Akhundzada, son of Bahram Akhundzada. My other brother was there, and he brought back the dead. Thirty-five of the men had arms, but 6 of them didn't. They were just by the grave, burying him, but they were killed too. [Bakht Mohammad, 47, a landlord from Kalacha village, Kandahar. Interview with Barnett Rubin in Quetta, October 3, 1984.]

There are many reports of Soviet aircraft attacks on refugees fleeing to Pakistan:

Having reached the [Pashal] valley floor by early evening the day before, the nomads had pitched a sprawling camp by the side of the river [on August 18, 1984]. Shortly after first light, the Antonov [reconnaissance plane] appeared and made several passes over their distinctive black tents, smoking fires, and grazing animals before returning to base. . . . The MIGs took the refugees completely by surprise. Appearing at 10 in the morning, the swing-wing fighters first unloaded two bombs each, believed to be 500-pounders, and then made repeated runs firing rockets and strafing with their 23mm Gatling guns. Nine women and five children were killed instantly and more than 60 injured, many of them severely.

Overall, by the time the Soviets completed their attacks in the area, at least 40 refugees had died.[20]

A nomad woman from Baghlan who had arrived in Pakistan five days before Jeri Laber interviewed her on September 25, 1984, said that on the way to Pakistan Soviet bombers had killed 6 people in her group. They killed almost all the animals—sheep and camels—and burned their tents and clothes. She pointed to burns from bombings on the limbs of her children.

Azizullah, 17, had just arrived in Pakistan from Madrasa district of Qunduz with 23 other families. In the mountains around Jalalabad, Ningrahar, their caravan was bombed. Eight people were killed, including his mother, Jamal. In an interview on September 24, 1984, he showed us the burns from this bombing, which had occurred about three weeks before.

Anti-personnel mines

"The Russians know quite well that in this type of war, an injured person is much more trouble than a dead person . . . . In many cases, he will die several days or weeks later from gangrene or from staphylococcus or gram-negative septicemia, with atrocious suffering, which further depresses those who must watch him die. The MSF has also seen the damage caused by the explosion of booby-trapped toys, in most cases plastic pens or small red trucks, which are choice terror weapons. Their main targets are children whose hands and arms are blown off. It is impossible to imagine any objective that is more removed from conventional military strategy, which forswears civilian targets.—Dr. Claude Malhuret, Medecins sans Frontieres, "Report from Afghanistan," *Foreign* Affairs 62, Winter 1983/1984, p. 430.

It was horrible to see small children with their fingers and arms and legs blown off by anti-personnel mines.—Dr. Mohammad Bahadur Alikhel, Afghan Doctor formerly at a children's hospital in Kabul, quoted in *The Muslim*, Rawalpindi, November 26, 1984.

We received reports about a variety of anti-personnel mines used in Afghanistan by Soviet forces. Often they are used, not for conventional military purposes, but against the civilian population. Some of these mines are powerful enough to kill, but most have charges that only maim.

Soviet soldiers leave minefields around their bases when they leave an area. Their helicopters drop camouflaged "butterfly" mines around populated areas, on roads and in grazing areas. During a sweep through villages, soldiers leave anti-personnel mines in foodbins and other parts of the houses of people who have fled. We even heard of mines left in mosques, of booby-trapped bodies that exploded when relatives attempted to move them, and of trip-wires placed in fruit trees that injure the harvester. There are also persistent reports of mines disguised as toys, pens and watches.

Unmarked minefields around Soviet bases have caused many civilian deaths:

Sgt. Nikolai Movchan, a Soviet solder who was stationed at a post near Ghazni before his defection in 1983, described an incident that occurred while he was on guard duty: "The area around the post was all mined. I saw an Afghan man step on a mine. He was wounded, so I asked if we should send someone to help. They told me to forget it." [Interview with Catherine Fitzpatrick, Jeri Laber and Barnett Rubin, New York City, May 3, 1984.]

After the Soviet Army has left an area, the local population tries to remove the unmarked minefields that were established around their temporary military posts. This is difficult and dangerous work; the Afghans do not have the proper equipment, and many of the mines are plastic, rather than metal, and thus much more difficult to detect. Sometimes mines are laid in pairs, so that a person removing the first mine is injured or killed by the second. Dad-e Khuda, a 38-year-old farmer from Abdara in the Panjsher Valley, told us in a September 27, 1984, interview in Peshawar that he had lost his leg this way in the winter of 1982.

In addition to mines around their bases, Soviet forces systematically leave anti-personnel mines in areas where they are likely to kill civilians. One type of mine is oval or disk-shaped, and is placed by hand. Another type, the so-called "butterfly" mine, has two plastic wings, enabling it to flutter to the ground when dropped by a helicopter. There is a detonator in one of the wings. The butterfly mines are dropped in canisters that explode, in mid-air, scattering the

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re-checked, and it appears that the deadly sickle does actually exist.

[17] The written testimony was taken inside Afghanistan by Engineer Mohammad Yousof Ayubi, public relations officer of Jamiat-al-Ulama of Afghanistan, and given to us in Quetta on October 2, 1984.

[18] His account, entitled "Les 'vacances': Jalrez," is available from Medecins sans Frontieres in Paris.

[19] Afghan Information Centre *Monthly Bulletin*, April 1983, p. 13; Agence France Presse, Peshawar, April 18, 1983; Afghan Information Centre *Monthly Bulletin*, August 1984, p. 9; Associated Press, Islamabad, August 21, 1984.

[20] Report by Edward Girardet, *The Christian Science Monitor*, October 10, 1984.

mines over wide areas.[21] The butterfly mines apparently come in two camouflage colors, green for grazing areas and sand for roads and mountain paths.

The French doctors working in Afghanistan have frequently testified to the use of anti-personnel mines against civilians. In some areas the most common medical procedure performed by the doctors is the amputation of limbs unjured by mines. Children, who watch over the animals in the fields, are often the victims. Many have lost legs or feet by stepping on mines left in the mountains.

In her summary of the effects of the Soviet-Afghan offensive against Saijawand, Logar, which she witnessed in January 1983, Dr. Odile de Baillenx of Aide Medicale Internationale noted: "Anti-personnel mines were spread everywhere, inside houses, in the flour storage bins. . . . The people are now living 40 to a room out of fear of these mines." [22]

Mines are left in mosques:

Sayed Azim of Maidan told us in a September 25, 1984, interview in Peshawar, about a mine left under the carpet of the mosque in his home village of Omarkhel in the autumn of 1983: "We took a long piece of wood and lifted up the carpet very carefully, so that the bomb underneath would not go off."

Dead bodies are mined:

"Next to a place called Mustokhan nobody could touch or retrieve the body of the dead freedom fighter, because they were afraid of the body being booby-trapped. A 16-17-year-old sister went up to the body, and she was blown up with the body of her brother. We simply had to pick up the pieces and put them in a sack." [23]

Houses are mined:

"When the Russians entered the houses, they put small bombs inside suitcases and briefcases. When children and women picked them up, they exploded. I had retreated from the village with the mujahedin. Then the Russian forces came. They entered the village and put the bombs. When we came back, we found the dead bodies and the bombs, on door frames, under couches. I saw it myself." [Mohammad Zaher, 35, farmer from Qala-e Shadad, Jaghatu District, Ghazni Province. Interview with Barnett Rubin in Quetta, October 3, 1984.]

Almost from the start of the Afghan conflict there have been persistent reports of mines disguised as everyday objects, often objects likely to appeal to children. These reports are difficult to verify. No one has produced one of these mines for analysis, and those we questioned claimed that examples were impossible to produce because the mines exploded as soon as they were touched. Among some of the people we interviewed, including some active in the resistance, we encountered skepticism about these stories. Others who had spent time in battle areas said that they had heard stories of such mines, but had never encountered them. Still others expressed the view that the Soviets at the beginning of the war may have used Afghanistan as a testing site for such experimental weapons but had stopped when this practice appeared to be receiving some international attention. The reports we received were numerous enough to recount here, even though the evidence is not definitive.

Dr. Jacques David of Medecins sans Frontieres told Barnett Rubin on June 8, 1984, that, while he was working at the dipensary in Jaghori in 1981, he had to amputate two fingers of a five-year-old boy who had picked up what looked like a toy. The boy's parents showed Dr. David the twisted and charred remnants of a small, red, metal truck.

Edward Girardet of *The Christian Science Monitor* reported that an Aide Medicale Internationale doctor saw the metallic fragments of a booby-trapped watch that severed the foot of one of her companions on the march into Panjsher in August 1981.[24]

Dr. Gilles Albanel of Aide Medicale Internationale testified at the March 1983 Afghanistan Hearings in Oslo: "Prior to the offensive [of January 1983 in Logar] we were asked to see a person 60 years old who had picked up a fountain pen on the road and the next day wanted to see whether this fountain pen actually worked. It exploded in his hands. It was an anti-personnel mine. He had lost three fingers of his left hand."[25]

Medecins sans Frontieres nurse Eric Valls was told by a nurse working in the Afghan government hospital in Faizabad, Badakhshan, that he regularly saw patients who lost limbs due to mines disguised as pens, watches, cigarette lighters, and coins.

Former Afghan Supreme Court Justice Omar Babrakzai says that he had brought a booby-trapped clock found in Paktia Province to Paris for the Permanent People's Tribunal's Hearing on Afghanistan, but that it was stolen from his car in Paris.

We also heard firsthand reports from refugees in Pakistan, who pointed to our pens and watches to show us what the mines looked like.

Kefayatullah, a farmer from Harioki Ulya, Kapisa Province, was describing the actions of the Soviet troops that invaded his village. "They put toy bombs in the food storage bins," he volunteered. "Some of them exploded. They were like toys, watches, pens."

Hafezullah, of the same village, said: "There is a type of bomb like a radio. They leave it on a stand with a wire. If you touch it, or if your feet touch the wire, it goes off. If I had been there, I would have been killed. But I know people injured by mines left in the houses in my village. Some were killed, and others were handicapped."

Another refugee from Bela in Ningrahar described similar mines, amid a chorus of affirmation from fellow villagers who had gathered around him during the following account: "They left small bombs like pens, knives, watches. When people picked them up, they lost their hand or leg. I saw it myself. The helicopters dropped pens, or something else that was a mine. The pens were red and green. Some were the colors of wheat fields, green and yellow. There were also combs. The pen looked just like the pen you are writing with. The watch was just like my watch."

In Quetta on October 3, a group of Hazara refugees volunteered without being asked that they had seen such mines. Abdul Wahid, an English-speaking former student from Jalrez, told us:

"They put some pens and watches on the road, children take them, and they explode." Mohammad Zaher added, "I once saw them. There were pens, small radios, and watches on the road, and Gen. Mohammad Hasan [of the Hazara resistance forces] told the mujahedin not to touch them, but to throw stones and explode them." What kind of pens were they? "They were just like American Parker pens," he answered.

"They were metal pens. I saw one explode, and it had a spring inside, and a button on the head of the pen." Another added: "I work at the ICRC [International Committee of the Red Cross] hospital, and there are some patients there who lost their fingers that way. One 25-year-old man from Dara-e Suf [in northern Hazarajat] told me: 'I picked up a pen, and I lost my fingers.' The same person also lost part of his leg. The surgeon is sending him to Peshawar for treatment." [26]

Our interpreter in Quetta, Shah Mahmud Baasir, a U.S. trained economist who had left has post in the Afghan Ministry of Education only a week before, commented after an interview:

"I know it is true. It happened to one of my relations in Kabul. About 18 months ago this 8- or 9-year-old child was playing in the street near his home, near Microraion. He picked up something that looked like a toy, and it exploded."

Arrest, forced conscription and torture

"Said Haider was arrested in 1981 when the Russians came to Hazarajat from Naras. He was arrested in Panjab. He was a civilian. We don't know what happened to him. Ahmad Hussain Khandan, a teacher, was arrested in Panjab at the same time. We don't know where he was taken—maybe to Kabul. Others were arrested too, but no one who was arrested came back."—Abdul Wahid, former student, interview with Barnett Rubin in Quetta, October 3, 1984.

During offensives or sweeping operations, Soviet and Afghan troops often arrest men of fighting age. They may be imprisoned in temporary detention camps in the field or turned over to the KHAD for interrogation about the resistance. Most of them are ultimately inducted into the Afghan army. Such forced conscription is necessary because of the high desertion rate in the army. It is often done without regard to age or previous military service. Men are forcibly enrolled in the army and even killed in action without their families knowing anything, other than that soldiers took them away one day.

Some prisoners are subjected to more thorough interrogation in KHAD jails in Kabul or in regional centers where they undergo intensive torture, followed by imprisonment or execution. (See Chapter IV). Those who are released from prison may then be forcibly conscripted without notification of their families.

Torture is also used by Soviet forces during offensives, sometimes with the help of Afghan interpreters, in order to elicit information from villagers about the resistance.

Recently the Afghan militia and KHAD appear to be arresting refugees en route to Pakistan. They are imprisoned in KHAD detention centers and sometimes tortured.

[21] Medecins sans Frontieres has a photograph of an unexploded canister, which holds about 60 mines.

[22] *Les Nouvelles d'Afghanistan, op. cit.*, October-November 1983, p. 16.

[23] Nasser Ahmad Faruqi, "International Afghanistan Hearing: Final Report, Oslo, March 13-16, 1983," published February 1984. The original tape recordings have been deposited with the Norwegian Ministry of Foreign Affairs.

[24] Unpublished book manuscript.

[25] "International Afghanistan Hearing," *op. cit.*, p. 19.

[26] An ICRC policy precluding interviews of patients prevented us from investigating this story further.

Those that are released (sometimes after paying large bribes) are sent back to their villages or forcibly resettled. We received reports that some internal refugees, including refugees from the Panjsher Valley, have been imprisoned for resisting forced resettlement.

We received information that there were "duchmans" or "Islamic Committees" in a village. Usually we used a whole batallion. We drove in APCs [armored personnel carriers] to the village and the infantry would sweep the village in a house-to-house search, looking for weapons. If we found people with weapons, we took them. The second time we arrested four men in their 40s. The soldiers were pushing them and beating them, just because they were angry. We brought them to a post of the Afghan militia [run by KHAD]. We were told that the militia "would know what to do with them." [Pvt. Sergei Zhigalin, Soviet Army defector. Interview with Catherine Fitzpatrick, Jeri Laber and Barnett Rubin, New York City, May 3, 1984.]

On 2 Saur 1362 [April 22, 1983] I was captured in a blockade by some Russian and Parchami soldiers. I was with the mujahedin, close to the road, but I didn't have a weapon. Some spies told where we were. After I was captured, I was beaten with Kalashnikovs, and they kept asking if I was a mujahed. The Russians pointed a gun at me and took Afs. 1000. Then they took me to KHAD in Pol-e Khomri. This KHAD was the center for the Russians in Pol-e Khomri. They were living there. They asked me more questions. They dug a hole in the ground and made me stand in cold water. There were 2 Russians and a "Khalqi" translator. They asked me, "Where did you put your weapons? How many people did you kill? What party do you belong to?" After a few days they brought me to Kabul, to the office where they put you to the army. They sent me to the army base in Moqor, Ghazni. One evening they called me in to dinner, and I said I had to relieve myself and found a way to escape. [Aziz Khan, 35, farmer from Dasht-e Guhar, Baghlan. Interview with Jeri Laber and Barnett Rubin in Peshawar, September 25, 1984.]

Qadratullah, 39, a farmer and mujahed from Qala-e Muradbek, a village just north of Kabul, was arrested by a mixed Soviet-Afghan army unit in his village in the summer of 1983 and taken in a Soviet armored vehicle to the Sedarat Palace in Kabul, the main KHAD interrogation center for the entire country. In an interview in Peshawar on September 29, 1984, Qadratullah told us how he was extensively tortured by a team of 2 Russians and a Parchami. He was sentenced to a year in prison. Upon his release from prison he was inducted into the army and sent to Qandahar, where, after 3 months, he escaped with a group of 26 soldiers.

I knew a young man from my village, I know his mother, I know his wife and child. I treated his child several times. This boy was taken with other people during the searching of the houses by the Russians [in Logar province in September 1982]. He was taken to the area of Shikar Qala. They made a camp there for a few days. When they took the people—hundreds, maybe—they started to torture them there. This boy I knew was crying because of the beating. And there was someone else in another tent, and he heard his voice, he was crying, shouting in a very loud voice, "Anyone who hears this should get a message to my family. I have an old mother and a wife and small child. I'm sure they are killing me. My small amount of money is with such-and-such a shopkeeper. Anyone who hears my voice should inform my family so my wife can get the money." And so he was killed there. After they left the area, the people went and got his body. The man I knew was taken to Kabul and sent to the military, and he slipped back from the military. Then he brought this message. [Dr. Ghazi Alam. Interview with Barnett Rubin in New York City, March 30, 1984.]

The torture methods used in the countryside are sometimes quite sophisticated, not unlike those used in the cities (see Chapter IV). Mullah Feda Mohammad described his experience when he was taken to a temporary command center near Kandahar:

After some beating the [Soviet] soldiers took me to a small container. There they put several straps around my ankles and wrists, they put a small box on my head and tied it there. After that they put one string [wire] in one black box, and immediately I felt a strong shock. The shock was so huge that I shouted loudly, without any shame from my fellow villagers who were still outside in the Qila [small fort]. They repeated the shocks several times, then the translator came to the small room in the car and told me, if you do not cooperate with us, we will kill you in such a terrible way.

Next the Soviet soldiers tied a noose around his neck, threw the rope over a mulberry tree and pretended they were about to hang him. This went on for 20 minutes.[27]

Women, children, and old people are tortured by troops in the field in order to get information.

Dr. Robert Simon, an American specialist in emergency medicine who ran a clinic in Kunar Province in May 1984, described an old man who had lost his toes: "He actually came for another complaint, but I asked him how he had lost his toes. He told me that Russian soldiers made him stand barefoot in the snow while they asked him where the mujahedin were." [Telephone interview with Barnett Rubin on July 23, 1984.]

The parents of another patient, a 12-year-old boy whose right arm was so badly burned he could hardly move it, explained to Dr. Simon how the burn had occurred: "They told me that Russian soldiers came to their village and held their son's arm over a fire while they asked about the mujahedin."

Mike Hoover, a CBS television producer whom we met in Peshawar, told us he had filmed an interview with an Afghan who had formerly worked as a translator for the Soviet Army: "He was extremely disturbed. He told how he translated questions the Russians were asking about the mujahedin while they held a child over a fire."

The French doctor, Gilles Albanel, treated a victim of interrogation during the Logar offensive of January 1983: "The next night, January 23rd, in the village below our refuge in the mountains which I mentioned, we saw a man, fifty years old, who had three gunshot wounds which were over a week old, one in the wrist, the leg, and in the arm. We had to amputate in this case. The conditions of his accident of wounding: this man and three others had been interrogated by a Soviet officer—he had been interrogated through an interpreter—and he was asked where the French doctors were. After the questioning, these four old men did not reveal the information which was required, they were put up against the wall and executed." [28]

A woman from Dasht-e Kunduz whom Jeri Laber interviewed in Peshawar on September 25, 1984, said that she had been in jail for a month in Kabul: "They put us there because we had come to Kabul. The government soldiers and KHAD took money from us in jail and hurt us."

Bibi Makhro from Chardara, also interviewed in Peshawar on September 25, 1984, said that the six families in her group had been arrested by the government militia (part of KHAD) while they were on a bus near Jalalabad:

The militia asked us why we had come there. The men said that they were poor and wanted to work. The KHAD said, "No, you are going to Peshawar." They arrested the men and kept them in jail in Jalalabad for one month. They hurt the men in jail, but they would not tell us [the women] what happened to them.

The militia ultimately put the refugees in a truck and sent them back to their villages, but the Afghan driver helped them escape. The refugee woman brought forth a young girl about 12 years old who was lying within a makeshift "tent," a blanket thrown over a rope. She had been "sick," they said, since Jalalabad, terrified that she would be put in jail.

[27] Engineer Ayubi, who interviewed Feda Mohammad, reported: "He showed the signs of blue scars and some bloodstained areas, and his ankles and wrists, which had scars like stripes due to electrification effects. He showed wounds on the head."

[28] International Afghanistan Hearing, *Op. cit*, p. 17.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

WHY WEINBERGER REPORT ON NUCLEAR WINTER IS WRONG

Mr. PROXMIRE. Mr. President, on Friday night, March 1, the Secretary of Defense issued the Defense Department's response to the conclusion of prominent scientists in this country and throughout the world that a nuclear war could result in a period of global darkness and months of temperatures so low that plants and animals would die and many humans would starve. It has been said by environmentalists this would be the worst environmental disaster that has hit the Earth in 45 million years. Conceivably, mankind could perish. Last December, the National Research Council of the Academy of Science, which is the most prestigious and authoritative scientific body in the country, issued a report that supported the nuclear winter theory, saying that a nuclear winter is "a clear possibility," but contending that the climatic effect was subject to great uncertainties. Who commissioned and paid for that report? The Defense Department.

In light of these previous reports, Secretary Weinberger's report on Friday night is a predictable disappointment. I say "predictable," because we have to consider the Reagan-Weinberger military and arms control policies. In that light, this report is precisely what any realist would expect. The Secretary concedes that nuclear war could bring the terrible consequences to the world's climate that the scientific community predicts, but than Secretary Weinberger argues, in effect, "so what?" The policies followed by the Reagan administration, according to Weinberger, are not only the best policies to prevent a nuclear war, but they are the kind of policies that would reduce the environmental consequences of a nuclear war if it should come.

Is the Secretary of Defense right? No. Secretary Weinberger is wrong on both counts and provably wrong. In the report, he zeros in against a freeze on nuclear weapons testing, production, or deployment. Weinberger argues that this attempt to end the arms race would stop U.S. ability to develop weapons that "are more discriminating and thus more restrictive in their effects."

Is this discriminating restraint the purpose or the effect of the new nuclear weapons we develop? Of course, it is not. The Secretary overlooks the fact that the prime purpose of developing these weapons is to assure our capacity to reach and destroy Russian targets. And, of course, the Secretary also fails to state the fact that as the arms race continues, the Soviets similarly work as feverishly as we do to develop their own weapons that can more surely find and destroy American targets. Certainly, this onrushing instability of intense competition in developing more and more devastating nuclear arms does not lessen the prospect of nuclear war. And certainly, the cessation of testing, production, and deployment of nuclear weapons as the prime prerequisite to the reduction of nuclear weapons offers a far more certain basis for preventing nuclear war.

Consider the irony of the Weinberger argument that we are reducing the number and megatonnage of our nuclear warheads and that this will lessen the potential size of the nuclear explosions that could trigger a nuclear winter. Come on now, Cap Weinberger. Aren't you the very fellow who is pleading on bended knee that the Congress start right now funding a program that will eventually give us at least 100 MX missiles, as a beginning arsenal of new land-based missiles and there would be more to come? And wouldn't those MX missiles each carry not 1 or 2 or 3 nuclear warheads, but 10? The MX would seem to be the single most significant bargaining chip the President wants for the strategic talks beginning in Geneva next week. Those talks will last for years. If we move ahead with the MX bargaining chip, we can expect to have at least 100 of those missiles and at least 1,000 new strategic warheads all set to go before the arms control talks end. Some reduction of nuclear missiles and warheads!

Secretary Weinberger argues that the Reagan administration policies are just what a nuclear winter prospect requires to avoid nuking cities. The nuclear winter thesis is based on the prospect that in a nuclear war, hundreds of cities would be incinerated and the smoke, soot, and dust from the enormous amount of combustible materials in the cities would throw millions of tons of particulates into the atmosphere. These particulates would cut off the rays of the Sun and perhaps destroy much of the ozone.

"Don't worry," says Cap Weinberger. "Our policy in the event of nuclear war is to avoid the cities. No problem." Now how about that? No. 1, where are most of the military targets we would hit in the event of war located? That's right—they are located in or near the cities. After all, defense plants and virtually all other military installations require personnel as an essential ingredient of production. So where do the workers who do the jobs live? Yes, indeed, they live in the cities. So we hit the military installations and what happens to the city? We take out the city, too.

What is more, in our most recent experience with a superpower war in World War II, this Nation was determined to spare the cities and save the innocent civilian population. Did we? No. The enemy attacked French and British cities, and when President Roosevelt and General Eisenhower had to make the terrible decision on ending the war against Germany, they found that the decisive blow could only come with an attack on German cities such as Hamburg and Dresden—two of the most terrible conventional air attacks in human history, with tens of thousands of casualties in both cities and final nuclear attacks on Hiroshima and Nagasaki.

Who can forget that it was precisely those massive and terrible attacks that ended both the war in Europe and the war with Japan? So why should we kid ourselves? If world war III comes, it will be swift and sure. Both sides will lose but neither side will spare the cities of the other. Regardless of any propaganda policy, the cities will be the decisive military targets.

The Weinberger report is more than the administration's rebuttal on nuclear winter. It throws down the gauntlet to those of us who believe that the one sure answer to all the horrors of nuclear war is to end the arms race. That means arms control that provides a comprehensive end to testing, production and deployment of nuclear arms. Of course, that cessation must be mutual and it must require the most meticulous kind of verification. Unless we do this, button up your overcoat, nuclear winter is on its way.

Mr. President, I ask unanimous consent that a copy of the "Report on the Potential Effects of Nuclear War on the Climate" by Defense Secretary Weinberger be printed at this point in the RECORD.

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

THE POTENTIAL EFFECTS OF NUCLEAR WAR ON THE CLIMATE

PREFACE

This report to the Congress on the potential climatic effects of nuclear war has been prepared to satisfy provisions contained in Section 1107 of the Department of Defense Authorization Act, 1985, Committee of Conference, as follows:

"SEC. 1107 (a) The Secretary of Defense shall participate in any comprehensive study of the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

(b) Not later than March 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Represenatatives an unclassified report suitable for release to the public, together with classified addenda (if required), concerning the subject described in subsection (a). The Secretary shall include in such report the following:

(1) A detailed review and asseement of the current scientific studies and findings on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(2) A thorough evaluation of the implications that such studies and findings have on (A) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment, (B) the nuclear arms control policy of the United States, and (C) the civil defense policy of the United States.

(3) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(4) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union."

This focus of this report deals with the atmospheric and climatic effects of nuclear war, and does not deal with other effects which could have environmental or biological consequences. Other effects, both the horrible immediate devastation, and long-term effects such as widespread fallout or ionospheric chemistry perturbations, have been dealt with previously. Moreover, the newly postulated climatic effects, at the possible upper extremes indicated by some analyses, would probably surpass these better understood effects.

On past occasions when other more immediate kinds of global effects have been under active assessment—and there have been several such episodes over the years—it

took some time for their magnitude and implications to be assessed. This will also be true for the current issue of climatic effects. And in each previous case, the conclusion was drawn that, even were the effect to have been very widespread and very severe, the most basic elements of our policy remain sound: nuclear war must and can be prevented, and to accomplish this imperative, the United States must maintain a strong deterrent capability. This requirement remains true today. Moreover, there are two further considerations which bear on the issue of global effects of nuclear war and our deterrent policy. First, we believe the prospects are promising for significant reductions in offensive weapons. Second, strategic defense offers a path to reduce, and perhaps someday eliminate, the threat of nuclear devastation.

The report commences with a review of the current understanding of the technical issues, and then describes the implications of that understanding, concluding with a description of Soviet activities concerning the analysis of the phenomena.

A REPORT TO THE U.S. CONGRESS

1. Technical issues

The Climatic Response Phenomena: The basic phenomena that could lead to climatic response may be described very simply. In a nuclear attack, fires would be started in and around many of the target areas either as a direct result of the termal radiation from the fireball or indirectly from blast and shock damage. Examples of the latter would be fires started by sparks from electrical short circuits, broken gas lines and ruptured fuel storage tanks. Such fires could be numerous and could spread throughout the area of destruction and in some cases beyond, depending on the amount and type of fuel available and local meteorological conditions. These fires might generate large quantities of smoke which would be carried into the atmosphere to varying heights, depending on the meterological conditions and the intensity of the fire.

In addition to smoke, nuclear explosions on or very near the earth's surface can produce dust that would be carried up with the rising fireball. As in the case of volcanic eruptions such as Mt. Saint Helens, a part of the dust would probably be in the form of very small particles that do not readily settle out under gravity and thus can remain suspended in the atmosphere for long periods of time. If the yield of the nuclear explosion were large enough to carry some of the dust into the stratosphere where moisture and precipitation are not present to wash it out, it could remain for months.

Thus, smoke and dust could reach the upper atmosphere as a result of a nuclear attack. Initially, they could be injected into the atmosphere from many separate points and to varying heights. At this point, several processes would begin to occur simultaneously. Over time, circulation within the atmosphere would begin to spread the smoke and dust over wider and wider areas. The circulation of the atmosphere would itself be perturbed by absorption of solar energy by the dust and smoke clouds, so it could be rather different from normal atmospheric circulation. There may also be processes that could transport the smoke and dust from the troposphere into the stratosphere. At the same time, the normal processes that cleanse pollution from the lower- and middle-levels of the atmosphere would be at work. The most obvious of these is precipitation or washout, but there are several other mechanisms also at work. While this would be going on, the physical and chemical characteristics of the smoke and dust could change so that, even though they are still suspended in the atmosphere, their ability to absorb or scatter sunlight would be altered.

Depending upon how the atmospheric smoke and dust generated by nuclear war are ultimately characterized, the suspended particulate matter could act much like a cloud, absorbing and scattering sunlight at high altitude and reducing the amount of solar energy reaching the surface of the earth. How much and how fast the surface of the earth might cool as a result would depend on many of the yet undetermined details of the process, but if there is sufficient absorption of sunlight over a large enough area, the temperature change could be significant. If the smoke and dust clouds remained concentrated over a relatively small part of the earth's surface, they might produce sharp drops in the local temperature under them; but the effect on the hemispheric (or global) temperature would be slight since most areas would be substantially unaffected.

However, the natural tendency of the atmosphere, disturbed or not, would be to disperse the smoke and dust over wider and wider areas with time. One to several weeks would probably be required for widespread dispersal over a region thousands of kilometers wide. Naturally, a thinning process would occur as the particulate matter spread. At the end of this disperal period, some amount of smoke and dust would remain, whose ability to attenuate and/or absorb sunlight would depend on its physical and chemical state at the time. By this time, hemispheric wide effects might occur. Temperatures generally would drop and the normal atmospheric circulation patterns (and normal weather patterns) could change. How long temperatures would continue to drop, how low they would fall, and how rapidly they would recover, all depend on many variables and the competition between a host of exacerbating and mitigating processes.

Uncertainties also pervade the question of the possible spread of such effects to the southern hemisphere. Normally the atmospheres of the northern and southern hemispheres do not exchange very much air across the equator. Thus, the two hemispheres are normally thought of as being relatively isolated from one another. However, for high enough loading of the atmosphere of the northern hemisphere with smoke and dust, the normal atmospheric circulation patterns might be altered and mechanisms have been suggested that would cause smoke and dust from the northern hemisphere to be transported into the southern hemisphere.

There is fairly general agreement, at the present time, that for major nuclear attacks the phenomena could proceed about as we have described, although there is also realization that important processes might occur that we have not yet recognized, and these cold work to make climatic alteration either more or less serious. However, the most important thing that must be realized is that even though we may have a roughly correct qualitative picture, what we do not have, as will be discussed later, is the ability to predict the corresponding climatic effect quantitatively; significant uncertainties exist about the magnitude, and persistence of these effects. At this time, for a postulated nuclear attack and for a specific point on the earth, we cannot predict quantitatively the materials which may be injected into the atmosphere, or how they will react there. Consequently, for any major nuclear war, some decrease in temperature may occur over at least the northern mid-latitudes. But what this change will be, how long it will last, what its spatial distribution will be, and, of much more importance, whether it will lead to effects of equal or more significance than the horrific destruction associated with the short-term effects of a nuclear war, and the other long-term effects such as radioactivity, currently is beyond our ability to predict, even in gross terms.

Historical Perspective: New interest in the long-term effects on the atmosphere of nuclear explosions was raised in 1980 when scientists proposed that a massive cloud of dust caused by a meteor impact could have led to the extinction of more than half of all the species on earth. The concept of meteor-impact dust affecting the global climate led to discussions at the National Academy of Sciences (NAS) in 1981. In April 1982, an ad hoc panel met at the Academy to assess the technical aspects of nuclear dust effects. At the meeting, the newly-discovered problem of smoke was brought up. The potential importance of both smoke and dust in the post-nuclear environment was recognized by the panel, who wrote a summary letter recommending that the academy proceed with an in-depth investigation. In 1983, the Defense Nuclear Agency agreed to sponsor this investigation, on behalf of the Department of Defense. The results were published in the National Research Council report "The Effects on the Atmosphere of a Major Nuclear Exchange," released in December 1984.

Appreciation of smoke as a major factor resulted from the work of Crutzen and Birks. In 1981, Ambio, the Journal of Swedish Academy of Sciences, arranged a special issue on the physical and biological consequences of nuclear war. Crutzen was commissioned to write an article on possible stratospheric ozone depletions. He and Birks extended their analysis to include nitrogen oxides (NO_x) and hydrocarbon air pollutants generated by fires. Arguing from historical forest fire data, they speculated that one million square kilometers of forests might burn in a nuclear war. They estimated very large quantities of smoke would be produced as a result. Subsequent evaluations based upon hypothetical exchanges have yielded much smaller burned areas and smoke production. Nevertheless, their work provided insight and impetus for subsequent studies.

The first rough quantitative estimates of the potential magnitude of the effects of nuclear war on the atmosphere were contained in a paper published in Science in December 1983 [1] generally referred to as TTAPS, an acronym derived from the first letter of the names of the five authors. This study estimated conditions of near-darkness and sub-freezing land temperatures, especially in continental interiors, for up to several months after a nuclear attack—almost independent of the level or type of nuclear exchange scenario used. TTAPS suggested that the combination of all of the long-term physical, chemical, and radiobiological effects of nuclear explosions could, on a

[1] Turco, R. P. et al.; *Nuclear Winter: Global Consequences of Multiple Nuclear Explosions;* Science, 23 December 1983, VOL 222, Number 4630.

global scale, prove to be as serious or more serious than the immediate consequences of the nuclear blasts, although no specific damage or casualty assessments were carried out for either the immediate effects or the effects of the postulated climatic changes.

While the Crutzen and Birks studies stirred some interest in scientific circles, the TTAPS study, and its widespread dissemination in various popular media, brought the problem to wide attention. Because of its widespread dissemination, it is important to review this work in detail, and, because the salient feature of our current understanding is the large uncertainties, we will begin by discussing the nature of the uncertainties, using the TTAPS study as a vehicle for the discussion.

Uncertainties: The model used in the TTAPS study was actually a series of calculations that started with assumed nuclear exchange scenarios and ended with quantitative estimate of an average hemispheric temperature decrease. Since these phenomena are exceedingly complex and outside the bounds of our normal experience, one is forced to employ many estimates, approximations, and educated guesses to arrive at quantitative results. To appreciate the significance of the predictions derived from the TTAPS model, it is necessary to understand some of its features and limitations.

Looked at most broadly, there are three phases to the modeling problem: the initial production of smoke and dust; its injection, transport, and removal within the atmosphere; and the consequent climatic effects.

In the TTAPS model, the amount of smoke initially produced for any given scenario was probably the most uncertain parameter. This is because a large number of poorly-known variables were combined to determine the amount of smoke that could be produced from any single nuclear explosion. In actuality, the same yield weapon could produce vastly different amounts of smoke over different target areas and under different meteorological conditions. Some of the factors that must be considered—although not taken into account in the TTAPS study—include: the thermal energy required for ignition of the various fuels associated with a particular target area, the sustainability of such a fire, the atmospheric transmission and the terrain features which will determine the area receiving sufficient thermal energy from the fireball to cause ignition, the type and quantity of combustible material potentially available for burning, the fraction that actually burns, and finally, the amount of smoke produced per unit mass of fuel burned. Every target is unique with respect to this set of characteristics, and a given target may change greatly depending on local weather, season, or even time of day.

The TTAPS study did not attempt to analyze the individual targets or areas used for their various scenarios; rather, it made estimates of average or plausible values for all the parameters needed to satisfy the model. This procedure is not unreasonable and is consistent with the level of detail in the analysis, but the potential for error in estimating these averages is clearly quite large. In one case, a more detailed assessment of smoke production has recently been completed as a result of the ongoing DoD research in this area. Small and Bush [2] have made an analysis of smoke produced as a result of hypothetical non-urban wildfires which one can directly compare with the corresponding modeling assumption used in this TTAPS scenario. Bush and Small studied 3,500 uniquely located, but hypothetical targets, characterizing each according to monthly average weather, ignition area, fuel loading, fire spread, and smoke production. The results showed a significantly smaller smoke production—by a factor of over 30 in July to almost 300 in January—than comparable TTAPS results. An effort is underway to resolve this great difference. It is cited here to illustrate the very large current uncertainties in only one of several critically important parameters.

In the TTAPS analysis, smoke was more important than dust in many cases, and as a result popular interest has tended to focus on fires rather than dust. This may or may not be the correct view. If smoke is systematically overestimated, especially in scenarios that should emphasize dust production over smoke (such as attacks on silos using surface bursts), analytic results will be skewed. Additionally, uncertainties associated with the lofting of dust are large because of limited data from atmospheric nuclear tests carried out prior to 1963. This is because most tests were not relevant to the question of surface or near-surface bursts over continental geology, or the relevant measurements were not made. The range of uncertainty for total injected mass of submicron size dust, that which is of greatest importance, is roughly a factor of ten, based on our current knowledge.

After generation of smoke and dust is estimated, a model must then portray its injection into the atmosphere, the removal processes, and the transport both horizontally and vertically. The TTAPS model did not directly address these processes since it is a one-dimensional model of the atmosphere. By one-dimensional, one means that the variation of atmospheric properties and processes are treated in only the vertical direction. There is no latitudinal or longitudinal variation as in the real world. A one-dimensional model can only deal with horizontally averaged properties of the entire hemisphere. Of great significance, the land, the oceans, and the coastal interface regions cannot be treated. This is a critical deficiency because the ocean, which covers almost three-fourths of the earth's surface, has an enormous heat capacity compared to the land and will act to moderate temperature changes, especially near coastlines and large lakes. The TTAPS authors did acknowledge this limitation and pointed out that these effects would lessen their predicted temperature drops.

Because there is no horizontal (latitude and longitude) dependence in a one-dimensional model, the extent to which smoke and dust would be injected into the atmosphere over time were not estimated in a realistic way. Instead, the total smoke and dust estimated for a given scenario was placed uniformly over the hemisphere at the start of their calculation. The most certain effect of all this is that the hemisphere average temperature drops very rapidly—much faster than it would in a more realistic three-dimensional model using the same input variables.

The one-dimensional model has other shortfalls. Recovery from the minimm temperatures would largely be accomplished through the gradual removal of smoke and dust, and it was assumed that this removal rate would be the same in the perturbed atmosphere as it is in the normal atmosphere. Even in the normal atmosphere, removal of pollutants is a poorly understood process. Most pollution removal depends on atmospheric circulation and precipitation, but in an atmosphere with a very heavy burden of smoke and dust, the circulation and weather processes may be greatly altered. Some potential alterations could lead to much slower removal than normal, others to more rapid removal. Currently we have little insight into this uncertainty.

This discussion of the deficiencies of the one-dimensional TTAPS model is not meant as a criticism. A one-dimensional model is a valuable research tool and can provide some preliminary insights into the physical processes at work. The three-dimensional models needed to treat the problem more realistically are exceedingly complex and will require very large computational resources. The DoD and Department of Energy, in conjunction with the National Center for Atmospheric Research (NCAR) and other agencies, are pursuing the development of three-dimensional models to treat the atmospheric effects problem. Our work is progressing, and the first results of this effort are now beginning to appear. Though very preliminary and not a complete modeling of any specific scenario, they suggest that:

Substantial scavenging of smoke injected into the lower atmosphere from the continents of the Northern Hemisphere may occur as the smoke is being more widely dispersed over the hemisphere.

Lofting of smoke through solar heating could act to increase the lifetime of the remaining smoke and may reduce the sensitivity to height of injection.

For very large smoke injections, global-scale spreading and cooling are more likely in summer than in winter.

Despite good initial progress, many basic problems remain to be solved in the areas of smoke and dust injection, transport, and removal. In order to make the results produced by these models more accurate, we must improve our understanding of the basic phenomena occurring at the micro, meso, and global scale.

One final problem should be mentioned. Dust and smoke have differing potentials to effect the climate only because of their ability to absorb and scatter sunlight. The absorption and scattering coefficients of the various forms of smoke, dust, and other potential nuclear-produced pollutants must be known before any realistic predictions can be expected. Here again there is a large uncertainty, and what we do know about pollutants in the normal atmosphere may not be correct for the conditions in a significantly altered atmosphere.

National Academy of Sciences Report, 1984: Following their preliminary review of the possible effects of nuclear-induced smoke and dust in April 1982, the NAS came to an agreement with DNA, acting on behalf of the DoD, to support a full-fledged study. The first committee meeting occurred at the NAS in March 1983. The NAS committee adopted the one-dimensional TTAPS analysis as a starting point for their investigation. During the course of the study, virtually all of the work going on pertinent to this phenomenon was reviewed.

The result of this effort was the NAS report, "The Effects on the Atmosphere of a Major Nuclear Exchange," released on December 11, 1984.

The conclusion of the report states that:

". . . a major nuclear exchange would insert significant amounts of smoke, fine

[2] Small, R.D., Bush, B. W.; *Smoke Production from Multiple Nuclear Explosions in Wildlands;* Pacific Sierra Research Corporation, in publication.

dust, and undesirable species into the atmosphere. These depositions could result in dramatic perturbations of the atmosphere lasting over a period of at least a few weeks. Estimation of the amounts, the vertical distributions, and the subsequent fates of these materials involves large uncertainties. Furthermore, accurate detailed accounts of the response of the atmosphere, the redistribution and removal of the depositions, and the duration of a greatly degraded environment lie beyond the present state of knowledge.

"Nevertheless, the committee finds that, unless one or more of the effects lie near the less severe end of their uncertainty ranges, or unless some mitigating effect has been overlooked, there is a clear possibility that great portions of the land areas of the northern temperate zone (and, perhaps, a large segment of the planet) could be severely affected. Possible impacts include major temperature reductions (particularly for an exchange that occurs in the summer) lasting for weeks, with subnormal temperatures persisting for months. The impact of these temperature reductions and associated meteorological changes on the surviving population, and on the biosphere that supports the survivors, could be severe, and deserves careful independent study.

". . . all calculations of the atmospheric effects of a major nuclear war require quantitative assumptions about uncertain physical parameters. In many areas, wide ranges of values are scientifically credible, and the overall results depend materially on the values chosen. Some of these uncertainties may be reduced by further empirical or theoretical research, but others will be difficult to reduce. The large uncertainties include the following: (a) the quantity and absorption properties of the smoke produced in very large fires; (b) the initial distribution in altitude of smoke produced in large fires; (c) the mechanism and rate of early scavenging of smoke from fire plumes, and aging of the smoke in the first few days; (d) the induced rate of vertical and horizontal transport of smoke and dust in the upper troposphere and atmosphere; (e) the resulting perturbations in atmospheric processes such as cloud formation, precipitation, storminess, and wind patterns, and (f) the adequacy of current and projected atmospheric response models to reliably predict changes that are caused by a massive, high altitude, and irregularly distributed injection of particulate matter. The atmospheric effects of a nuclear exchange depend on all of the foregoing physical processes, (a) through (e), and their ultimate calculation is further subject to the uncertainties inherent in (f)."

The Interagency Research Program (IRP): The genesis of this program stems from ongoing DoD and DoE research efforts. In 1983, both the DoD and the DoE started research on the atmospheric response phenomena. In addition to sponsoring the NAS study just discussed, the DoD portion of the program addressed a broad range of issues associated with the long-term global climatic effects of nuclear exchange. This program ($400K in FY83, $1100K in FY84, $1500K in FY85, $2500K in FY86 and continuing at appropriate levels into the future) supports research on several fronts—at numerous government laboratories, universities, and contractors.

The DoD portion of the IRP emphasizes research in (1) the smoke and dust source terms, including the definition of total ignition area, fuel loading and fire spreading, and particulate production, (2) large-scale fire characteristics, particulate lofting, scavenging, coagulation, rain-out, and atmospheric injection, (3) chemistry, including the chemical kinetics of fires and fireballs, the chemical consequences of mesoscale and global processes, and radiative properties (optical and infrared absorption, emission, and scattering), and (4) climatic effects, including the improvement of measoscale and global climate models to incorporate better particulate source functions; horizontal advection processes; vertical mixing; solar radiation; particulate scavenging; inhomogeneities; particulate, radiative, and circulation feedbacks; seasonal differences; and particulate spreading.

The effort supported by the DoE is fully coordinated with that of the DoD and is currently funded at roughly $2M per year. The LLNL program is broadbased and includes modeling of urban fire ignition, plume dynamics, climate effects, radioactive fallout, and biological impacts. The LANL program focuses on developing comprehensive models for global-scale climate simulations. It is coordinated with complementary efforts at NCAR and NASA Ames. The IRP came into being with approval of the draft Research Plan for Assessing the Climatic Effects of Nuclear War prepared by a committee of university and government scientists. The plan was initiated by Presidential Science Advisor, Dr. George Keyworth, with the National Climate Program Office of NOAA heading the preparation effort. This program augments and coordinates the research activities currently underway in the DoD and the DoE with other government agencies. The program focuses particularly on the problems of fire dynamics, smoke production and properties, and mesoscale processes. The proposed additional research includes increases in theoretical studies, laboratory experiments, field experiments, modeling studies, and research on historical and contemporary analogues of relevant atmospheric phenomena.

The IRP recognizes the need for expertise from a number of experts inside and outside of the Federal Government—many are already at work on the problem. Participating government agencies would include the Department of Defense (DNA), Department of Energy, National Oceanic and Atmospheric Administration (NOAA), National Science Foundation (NSF), National Bureau of Standards, National Aeronautics and Space Administration (NASA), Federal Emergency Management Agency (FEMA), and the U.S. Forest Service. The IRP Steering Group is chaired by the President's Science Advisor and is composed of representatives from the Department of Defense, Department of Energy, Department of Commerce, and the National Science Foundation.

The major goals of the IRP are to accelerate the research to reduce the numerous uncertainties in smoke sources and to improve modeling of atmospheric effects. Although it is recognized that not all of the uncertainties could be reduced to uniform or perhaps even to acceptable levels, it is clearly possible to improve our knowledge of the climatic consequences of nuclear exchanges.

2. Summary observations on the current appreciation of the technical issues

The Department of Defense recognizes the importance of improving our understanding of the technical underpinnings of the hypothesis which asserts, in its most rudimentary form, that if sufficient material, smoke, and dust are created by nuclear explosions, lofted to sufficient altitude, and were to remain at altitude for protracted periods, deleterious effects would occur with regard to the earth's climate.

We have very little confidence in the near-term ability to predict this phenomenon quantitatively, either in terms of the amount of sunlight obscured and the related temperature changes, the period of time such consequences may persist, or of the levels of nuclear attacks which might initiate such consequences. We do not know whether the long-term consequences of a nuclear war—of whatever magnitude—would be the often postulated months of subfreezing temperatures, or a considerably less severely perturbed atmosphere. Even with widely ranging and unpredictable weather, the destructiveness for human survival of the less severe climatic effects might be of a scale similar to the other horrors associated with nuclear war. As the Defense Science Board Task Force on Atmospheric Obscuration found in their interim report:

"The uncertainties here range, in our view, all the way between the two extremes, with the possibility that there are no long-term climatic effects no more excluded by what we know now than are the scenarios that predict months of sub-freezing temperatures."

These observations are consistent with the findings in the NAS report, summarized earlier in this report. We believe the NAS report has been especially useful in highlighting the assumptions and the considerable uncertainty that dominate the calculations of atmospheric response to nuclear war. While other authors have mentioned these uncertainties, the NAS report has gone to considerable length to place them in a context which improves understanding of their impact.

We agree that considerable additional research needs to be done to understand better the effects of nuclear war on the atmosphere, and we support the IRP as a means of advancing that objective. However, we do not expect that reliable results will be rapidly forthcoming. As a consequence, we are faced with a high degree of uncertainty, which will persist for some time.

Finally, in view of the present and prospective uncertainties in these climatic predictions, we do not believe that it is possible at this time to draw competent conclusions on their biological consequences, beyond a general observation similar to that in the NAS report: if the climatic effect is severe, the impact on the surviving population and on the biosphere could be correspondingly severe.

3. Policy implications

The issues raised by the possibility of effects of nuclear war on the atmosphere and climate only strengthen the basic imperative of U.S. national security policy—that nuclear war must be prevented. For over three decades, we have achieved this objective through deterrence and in the past 20 years we have sought to support it through arms control. Now, through the Strategic Defense Initiative, we are seeking a third path to reduce the threat of nuclear devastation.

In the remainder of this report, we will first discuss these three principal elements of our posture—deterrence, arms control, and the Strategic Defense Initiative—briefly describing each one and discussing how it relates to the issue of possible severe climatic effects. We conclude, in this regard, that these three elements, and the initiatives we are taking for each of them, remain funda-

mentally sound. We then explore the possibility of additional initiatives explicitly designed to mitigate climatic effects, concluding that, while some may be possible, the state of our technical understanding of these phenomena is not yet mature enough to have allowed development of specific initiatives. Finally, we review Soviet perceptions of climatic effects and their implications. We observe that Soviet perceptions are very important—indeed, that differences between their perceptions and ours would be particularly important. We conclude, however, that they have done little original work on the subject and show no evidence of regarding the whole matter as anything more than an opportunity for propaganda.

Deterrence: The evolution of U.S. strategic doctrine from the late-1940s to date is well documented. Throughout the past four decades, our policy has had to convince the Soviet leadership of the futility of aggression by ensuring that we possessed a deterrent which was sufficiently credible and capable to respond to any potential attack. Two years ago next month, the President's Commission on Strategic Forces (Scowcroft report) confirmed anew that effective deterrence requires:

Holding at risk those military, political and economic assets which the Soviet leadership have given every indications by their actions they value most and which constitute their tools of power and control;

Creating a stable strategic balance by eliminating unilateral Soviet advantages and evolving to increasingly survivable deterrent forces; and

Maintaining a modern, effective strategic Triad by strengthening each of its legs and emphasizing secure and survivable command, control and communications.

These three principles are reflected in our strategic modernization program discussed below. Consistent with meeting our essential targeting requirements which derive from these three overarching deterrence principles, we also observe other policy considerations, three of which warrant special mention because they may serve to reduce concerns about climatic effects. They are a reduction of the number of weapons and total yield, rejection of targeting urban population as a way of achieving deterrence, and escalation control. Reducing unwanted damage must be an important feature of our policy, not only because of a categorical desire to limit damage that is not necessary, but also because it adds to the credibility of our response if attacked and thus strengthens deterrence. Over the past 20 years or so, this policy and other considerations have resulted in development of systems which are more discriminating. This, in turn, has led to reductions of some 30% of the total number of weapons and nearly a factor of four reduction in the total yield of our stockpile. This direction continues today, and the prospects for extremely accurate and highly effective non-nuclear systems are encouraging.

Some analyses of climatic effects of nuclear war have assumed targeting of cities. If this were regarded as an inevitable result of nuclear attack, or as U.S. policy, it would completely distort analysis of climatic effects, but more importantly, it would perpetuate a basic misperception of the nature of deterrence. Attacks designed to strike population would, by virtue of deliberately targeting heavily built up urban centers, necessarily have a high probability of starting major fires, and consequently, of creating large amounts of smoke. We believe that threatening civilian populations is neither a prudent nor a moral means of achieving deterrence, nor in light of Soviet views, is it effective. But our strategy consciously does not target population and, in fact, has provisions for reducing civilian casualties. As part of our modernization program, we are retiring older deterrent systems (e.g., the Titan missile) which might create a greater risk of climatic effect than their replacement.

A third element of our implementation of deterrence policy which bears on a mitigation of possible climatic effects is escalation control. It is our position that, however an adversary chooses to initiate nuclear conflict, we must have forces and a targeting capability so that our response would deny either motive or advantage to the aggressor in further escalating the conflict. (Of course, the prospect of our having such a capability would help deter the attack in the first place.) This objective has already in past years resulted in development of a wide range of combinations of targeting and systems selection options. While designed to strengthen deterrence and control escalation if deterrence were to fail, these options may allow us to adjust our planning so as to reduce the danger of climatic effects as our understanding of them develops.

There are those who argue, in effect, that we no longer need to maintain deterrence as assiduously as we have, because the posited prospect of catastrophic climatic effects would themselves deter Soviet leadership from attack. We strongly disagree, and believe that we cannot lower our standards for deterrence because of any such hope. As summarized above, there is large uncertainty as to the extent of those effects; certainly today we cannot be confident that the Soviets would expect such effects to occur as a result of all possible Soviet attacks that we may need to deter. This entire area of consideration—the impact of possible climatic effects on the deterrence—is made more complex by the fact that it relates to what the Soviets understand about such climatic effects and how that understanding would influence their behavior in a crisis situation. We will probably never have certainty of either; indeed, we cannot know the latter before the event, and knowing the former is made difficult by their behavior so far, which has been to mirror back to us our own technical analysis and to exploit the matter for propaganda. (Soviet handling of the "nuclear winter" issue is discussed more fully later in this report.)

The United States has, or is now taking, specific actions which relate directly to maintaining and strengthening deterrence and reducing the dangers of nuclear war: the President's Strategic Modernization Program, arms reductions initiatives, and the Strategic Defense Initiative all bear directly on effective deterrence, and are all therefore relevant to the potential destructiveness of nuclear war including possible climatic effects. We will now discuss these in turn.

Strategic Modernization Program: The President's Strategic Modernization Program is designed to maintain effective deterrence, and by doing so, is also an important measure in minimizing the risks of atmospheric or climatic effects. It is providing significantly enhanced command, control, communications and intelligence (C^3I) capabilities which, through their increased survivability and effectiveness contribute immeasurably to our ability to control escalation. Survivable C^3I contributes to escalation control and thus, as explained above, to mitigation of damage levels (of whatever kind, including possible climatic effects) by reducing pressures for immediate or expanded use of nuclear weapons out of fear that capability for future release would be lost. The improvements to our sea-based, bomber and (with the Scowcroft modifications) land-based legs of our Triad—all intended also to improve survivability and effectiveness—are also essential to maintaining deterrence.

For nonstrategic weapons, our modernization programs have also resulted in increased discrimination through improved accuracy and reduced yield. Beyond that, we have a good beginning on a program to replace some types of nuclear weapons by highly effective, advanced conventional munitions. All of this would contribute to reduction in possible climatic and other global effects of nuclear war. The possibility of such effects, of course, adds urgency to the implementation of these programs.

Arms Reductions: It is the position of this Administration that the level of nuclear weapons which exists today is unacceptably high. As a result, to the extent it is possible to reduce nuclear weapons unilaterally—particularly where both conventional and nuclear modernization programs allow replacement of existing systems on a less than one-for-one basis—we have undertaken to do so. But it would be misleading to suggest that dramatic reductions in nuclear weapons can be achieved by unilateral U.S. initiatives without increasing the risk of nuclear attack, in the absence of any indication that the Soviet Union is undertaking similar steps, or short of a changed strategic situation resulting from highly effective strategic defenses.

Major reductions in nuclear weapons can only be achieved by negotiating mutual and verifiable reduction agreements. Agreements which only legitimate the growth, or slow the rate of increase, of existing stockpiles are not in our national interest. It is for this reason that the Administration has determined that SALT II is fatally flawed. Since 1981, the Reagan Administration has demonstrated its strong desire to break with the past pattern of calling build-ups "arms control". The arms reduction proposals we have put forward have been the most extensive ones advanced by either side for over 20 years. In the area of Intermediate Range Nuclear Forces (INF), we initially proposed the elimination of all longer-range INF (LRINF) missiles—SS-20s, SS-4s, Pershing IIs, and ground-launched cruise missiles. While this remains our goal, we are prepared, as an intermediate step, to reach agreement on the reduction of U.S. and Soviet LRINF missiles. With regard to strategic weapons, we proposed reducing the number of each side's land-based and sea-based ballistic missile warheads to 5,000—a cut of approximately 33%. We have also called for equal limitations on bomber forces and restrictions on missile throw weight. As we prepare to resume negotiations with the Soviet Union in Geneva, we reaffirm our intention to seek agreements in both areas providing for significant, mutual and verifiable reductions.

As to how nuclear arms reductions bear on nuclear-induced climatic changes, the relationship is two-fold: they can strengthen deterrence—the most direct way available to us today of dealing with the possibility of severe climatic effects—and they can mitigate the effects to some extent if deterrence were to fail. However, nuclear arms reductions which may be achievable in the near

term are not likely to be able to reduce significantly the consequences of a nuclear war in which a large proportion of the then existing nuclear forces would be used and in which active defenses would be non-existent or ineffective.

It is worth noting in this context, that proposals which would "freeze" development of modernized systems would also stop what has been a continuing trend in our capability—development of systems which are more discriminating and thus more restrictive in both local and global effects. We must avoid constraints that would force us to use weapons of high yield or unconfined effects.

The Strategic Defense Initiative and Arms Control: It is essential to keep potential benefits of arms reductions clearly in view when assessing what one seeks to accomplish through that process. Our objectives in arms reductions are to preserve deterrence in the near-term and begin a transition to a more stable world, with greatly reduced levels of nuclear arms and an enhanced ability to deter war based upon the increasing contribution of non-nuclear defenses against offensive nuclear arms. This period of transition could lead to the eventual elimination of all nuclear arms, both offensive and defensive. A world free of nuclear arms is an ultimate objective to which we, the Soviet Union, and all other nations can agree. The Strategic Defense Initiative research program enhances our efforts to seek verifiable reductions in offensive weapons through arms control negotiations. Such defenses would destroy nuclear weapons before they could reach their targets, thereby multiplying the gains made through negotiated reductions. Indeed, even a single-layer defense may provide a greater mitigating effect on atmospheric consequences than could result from any level of reductions likely to be accepted by the USSR in the near term.

In addition to its design objective to destroy nuclear weapons in flight, the Strategic Defense Initiative would further serve to remove any potential for environmental disaster by moving away from the concept of deterring nuclear war by threat of retaliation and, instead, moving towards deterrence by denial of an attackers political and military objective. Defenses can provide such a deterrent in two ways. First, by destroying a large percentage of Soviet ballistic missile warheads, an effective defense for the U.S. and our Allies can undermine the confidence of Soviet military planners in their ability to predict the outcome of an attack on our military forces. No rational aggressor is likely to contemplate initiating a nuclear war, even in crisis circumstances, while lacking confidence in his ability to predict success.

Second, by reducing or eliminating the utility of Soviet shorter-range ballistic missiles which threaten all of NATO Europe, defenses can have a significant impact on deterring Soviet aggression against our Allies. Soviet SS-20s and shorter-range ballistic missiles provide overlapping capabilities to target all of Europe. This capability is combined with a Soviet doctrine which stresses the use of conventionally-armed ballistic missiles to initiate rapid and wide-ranging attacks on crucial NATO military assets. By reducing or eliminating the military effectiveness of such ballistic missiles, defense systems have the potential for enhancing deterrence not only against intercontinental nuclear attack, but against nuclear and conventional attacks in Europe as well.

Some critics claim that the SDI program would cause the Soviet Union to increase numbers of weapons in an attempt to overcome the defense. This is related to the argument advanced over a decade ago that, by rendering ourselves totally vulnerable to Soviet weapons we would be able to negotiate limits on those weapons. This logic has, of course, been disproven by events; despite the fact that the U.S. made itself fully vulnerable, the U.S.S.R. increased the number of its weapons fourfold since the signing of the ABM Treaty in 1972. The guarantee that all Soviet weapons would reach their U.S. targets apparently did not give the Soviets an incentive to negotiate an equitable SALT II agreement, it encouraged them to build more weapons. Defenses would have the opposite effect; they would reduce the military and political value of ballistic missiles thereby increasing the likelihood of negotiated reductions. The prospect that powerful emerging technologies will reverse the cost leverage which offensive forces have heretofore had over defenses will further improve the likelihood of negotiated reductions.

Thus, by preventing the detonation of thousands of nuclear warheads, and, by paving the way for the elimination of those warheads by making them obsolete, the Strategic Defense Initiative may provide an answer to both the short-term and potential longer-term consequences of nuclear war.

Civil Defense: The basic goal of civil defense in the United States is to develop and maintain a humanitarian program to save lives in the event of major emergency, including a nuclear war. As to changes in our Civil Defense posture, the Federal Emergency Management Agency believe that until scientific knowledge regarding climatic impacts of nuclear conflicts is more fully developed it would be impractical to develop cost-effective policies regarding civil defense, or to change existing policies.

The particular staff elements within the Federal Emergency Management Agency responsible for civil defense planning are being kept abreast of the issues relative to possible climate effects as they develop and will be prepared to take appropriate action as soon as the relevant research now underway is complete.

As we have shown, much of our long standing policy and our current initiatives move in a direction such as to reduce the probability of severe climatic effects even though they were instituted before such effects were under investigation. Specifically, we are maintaining a strong deterrence augmented by necessary force modernization and verifiable, mutual arms reductions. We are continuing the development of accurate, discriminating systems designed to achieve their military objectives with the least nuclear yield possible. We have implemented and are constantly refining options for escalation control. We have, long ago, rejected the targeting of population as a means of securing deterrence. Finally, we have begun the Strategic Defense Initiative which has as its ultimate goal the obsolescence of nuclear weapons. All these things work first to deter nuclear war—the best way of avoiding the effects at issue—and second, to reduce these effects were deterrence to fail.

Possible Further Initiatives: As we have already pointed out, reducing unwanted damage must be an important feature of our policy. It would be entirely consistent with our policy and recent practices to continue to make weapons more discriminating, to reduce their yields by improved accuracy where possible, and in other ways to minimize effects not directly related to target damage, so as to both enhance the credibility of our deterrent and to reduce unwanted destruction, including the potential for ameliorating possible climatic and other environmental effects. In fact, we are pursuing such objectives in general, though programs are in various stages of development.

Beyond these continuing trends, with regard to targeting and the detailed characteristics of the nuclear forces, which pertain both to deterrence and to limiting damage, as our understanding of climate effects improves it is prudent to develop other measures intended to reduce those effects if deterrence were to fail. Besides possibly adding targeting options to those which already exist to limit damage, some technical developments might also contribute. For example, highly accurate, maneuverable reentry vehicles and earth penetrating weapons, both of which might be useful in strengthening deterrence, could reduce yields and in other ways limit the starting of fires. In the farther future, for selected missions, nonnuclear systems, if feasible, might replace some strategic nuclear systems, as we have begun to do for non-strategic systems.

Today, however, we have inadequate knowledge to evaluate possible measures. As the analytical methods for assessing climatic effects become more accurate and we gain confidence, they can be used to predict what kind of changes will in fact reduce the dangers of nuclear war. For example, some have suggested that reducing the height of burst of the nuclear explosions could reduce the area of thermal effect and, therefore, the amount of material burnt. However, at lower heights of burst, increased fallout might be worse than any mitigation of long-term change in the climate. Where such trade-offs are involved, we need better information before deciding.

4. Soviet activities on climatic effects

Soviet science spokesmen and media have claimed that Soviet scientists had independently confirmed the probability of severe long-term atmospheric effects as a consequence of nuclear exchange. Initially, their claim was accepted in the West; however, an examination of open Soviet publications specifically discussing this production shows their claim to be unfounded.

In their writings on the "nuclear winter" hypothesis, Soviet scientists have neither used independent scenarios nor provided independent values of the essential parameters characterizing the key ingredients (soot, ash, and dust) on which the hypothesis principally depends. Instead, Soviet researchers—and on this subject, it is hard to tell the difference between scientific workers and propagandists—have uncritically used only the worst-case scenarios and estimates from other work. They have taken these estimates and merely adapted them to borrowed mathematical simulations of state-of-the-art multi-dimensional models of global atmospheric circulation modified to instantaneously simulate long-term global effects after an exchange. For example, the primary atmospheric circulation model used by the Soviets in the case of the widely publicized study by Soviet researchers V. Aleksandrov and G. Stenchikov, is based on a borrowed, obsolete, U.S. model. Thus, given the sources of inputs and methods for their "studies," their findings do not represent independent verifications of the hypothesis.

Further, Soviet reports tend to stretch the conclusions well beyond what even their uncritical, worst-case assessments support, embellishing statements of technical analyses with conclusions that any use of nuclear weapons at all will lead to the disappearance of the human race or similar propagandistic statements the Soviet Union has made on and off for years, even before these atmospheric phenomena surfaced.

The Soviet scientists have contributed very little to the international study or understanding of this phenomenon. This shortfall has not gone unnoticed by other non-Soviet scientists, some of whom have characterized their analyses as "crude" and "flawed." Time after time their presentations contain exaggerated claims, which are criticized by their foreign colleagues following the formal briefing, but subsequent presentations do not reflect any change, even though in private the Soviets acknowledge the exaggeration.

This is not to say that, over the years, the Soviets have not published studies that have examined various effects and phenomena (dust, fires, soot, etc.) of nuclear detonations; they have. However, the Soviets have made little use of such findings in their public discussions and models of the phenomenology associated with the current climate effects hypothesis. They have not been forthcoming in providing information that might have been of use with regard to reducing the uncertainties associated with the assumptions made in their work. Repeatedly, they ignored an American request for information derived from Soviet pre-1963 nuclear test and large-scale fires. The flow of useful technical work has been almost all one-way. It is worth noting that Soviet interest in this topic provides them with some degree of additional access to U.S. scientists (and their technology) who are involved with super-computers, software model development, and global and meso-scale climate phenomenology.

If the Soviets see this issue as a matter that might substantially affect their policies, strategy, or force structure, those views have so far been hidden from us. It is important that, whatever the outcome of the scientific work regarding climatic effects of nuclear war, the understanding should be commonly held by all of the nuclear powers and help to reduce the risk of nuclear destruction. Unfortunately, recent Soviet performance and statements on the subject do not appear supportive of establishing a truly common understanding, either on the phenomena themselves or on their implications for the strategic relationship between the two powers. If the Soviet leadership does believe that the possibility of severe climatic effects is important, then this issue will add its weight, along with the many other imperatives which the United States and the people of the world feel so strongly, to produce a truly constructive approach toward a world in which the fears aroused by such horrors as nuclear war or the so-called "nuclear winter" will be a thing of the past.

(Mr. HUMPHREY assumed the chair.)

HUMAN RIGHTS VIOLATIONS IN CHILE

Mr. PROXMIRE. Mr. President, on February 25 Adolfo Perez Esquivel, an Argentine human rights activist, denounced human rights violations occurring in Chile. Esquivel called the Chilean regime of Gen. Augusto Pinochet "one of the bloodiest dictatorships in Latin America."

Mr. Esquivel won the Nobel Peace Prize in 1980 for his advocacy of human rights. Now he is demanding that the Chilean Government release political prisoners, labor leaders, and student activists from prison. He has denounced the state of siege which Pinochet imposed last November. Esquivel also called for information on the thousands of people who have disappeared or have been detained. He further asked for the legalization of political parties as a precondition for the return to democracy.

Human rights sources, including Amnesty International, have reported that incidents of deliberate police brutality are on the rise in Chile. Despite a prohibition in the Chilean Constitution on the "use of all illegal pressure" during interrogations, the Government security agency allegedly has been subjecting prisoners to beatings, burnings, and electric shocks.

There is hope for the future, though. The newly elected President of Brazil, Tancredo Neves, has repeatedly criticized the Pinochet regime. Some experts believe that if the other countries of South America as well as the United States would add their protests to Neves', real change might come about.

Although the Chilean Government does not hesitate to commit hideous human rights violations, it has signed the Genocide Convention. If a repressive regime like Pinochet's can be one of the 96 signatories to this treaty, why does the United States continue to drag its feet? We cannot with impunity criticize the Chileans for their human rights violations until we too have taken this basic step to further the cause of human rights.

We should ratify the treaty and join Chile in outlawing the most dreadful form of murder know to man. As the greatest democracy in the world, we are foolish to allow this human rights oppressor to assume a higher normal ground where the most basic human right—the right to live—is concerned. The Senate can rectify this situation by ratifying the Genocide Convention this session.

ACID RAIN PROBLEM IN THE NORTHEAST

Mr. LEAHY. Mr. President, it is once again my very proud and pleasurable duty to report on a very significant vote taken yesterday by my fellow Vermonters in town meetings throughout the State. They voted on an issue that came before the town meetings following an initiative by State Representative Peter Allendorf and Bolton Selectman Ray Atwood.

Mr. President—Vermont—just as it did 2 years ago, is sending the Nation a message, and I want this body to know that I am more than a messenger in this instance—I agree wholeheartedly with the votes cast yesterday by more than 100 Vermont communities asking the Federal Government to do something now to control the acid rain problem in the Northeast.

We have heard in Vermont that the administration wants to study this some more. Well, we do not need to study it. I am not against study—I think it is a good thing. But sooner or later, Mr. President, comes graduation time, and I think we have reached graduation time on acid rain. We know the damage caused by it.

Vermonters have a special love of the soil. We are all born again agronomists and foresters and general biologists. We think of Vermont as a special place, which it is. And we care about our environment.

We were one of the first States to ban nonreturnable bottles—because we did not like to look at them along the side of the road.

Two years ago, more than 186 Vermont communities voted for a nuclear freeze on town meeting day—not because we thought Vermont could negotiate with the Russians as an independent entity—but because we live on a precious part of a planet that is endangered.

And a lot of people, throughout the Nation, realized that they thought like a lot of Vermonters did—and suddenly there was a strong grassroots support for arms talks and a more secure and peaceful world.

These same Vermonters yesterday sent us another message. Our forests are dying—our streams are being polluted—our wildlife is jeopardized—and again, we have no control over what is happening to us.

It is a national problem—but neither the administration nor the Congress seems to have much stomach for this fight.

They would rather continue to study the problem—which, my friends, is merely a convenient excuse for avoiding some hard and tough decisions and doing nothing.

I spent many days in Vermont during the last month talking about acid rain and what Vermonters could do about the problem.

Well, Vermonters have spoken overwhelmingly in most communities—and the message they want me to deliver is this:

We have studied the acid rain problem long enough. It is time to do something about it.

Let me echo the words of Wade Morse, who was the moderator at the town meeting in Duxbury yesterday.

I happen to own a home in the adjoining town of Middlesex. I know Duxbury well.

The moderator said:

We can't all drive to Montpelier. We can't all drive to Washington. Somewhere, a Senator in Washington is going to know and acknowledge the vote in Duxbury.

Mr. Morse, now the entire Senate knows your feelings, the feelings of the people of Duxbury, and the overwhelming sentiment of the people of Vermont.

And like Wade Morse, and the other good folks in Duxbury who live right up against the most precious mountain—a landmark in our State—Camel's Hump—where studies have been made on the damage created by acid rain—I am worried that something precious is being lost for every minute that we delay coming to grips with this problem.

In my years in the Senate, I have always listened to what Vermonters say. There is no better guide to good government—and good sense.

They do not make snap judgments—their decisions come after a lot of careful thought.

I am hopeful a lot of folks here in Washington listen, too.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. STENNIS. Mr. President, as I understand, I had reserved 6 minutes to make short remarks. Is that correct?

The PRESIDING OFFICER. There does not appear to be any such order, but the Senator from Mississippi is recognized, nevertheless.

Mr. STENNIS. I thank the Chair very much.

SENATOR BYRD PASSES ANOTHER MILESTONE

Mr. STENNIS. Mr. President, since West Virginia was admitted to the Union in 1863, 30 different men have represented that State in the U.S. Senate. Some of those West Virginia Senators have served enviably long terms, I might add.

March 4, however, was a special day for West Virginia, for the U.S. Senate, and for one of our most distinguished Senators. As of March 4, our esteemed colleague, the Senate Minority Leader, Senator ROBERT C. BYRD, earned the distinction of having represented his home State of West Virginia in the U.S. Senate longer than anyone else in history. For more than 26 years, Senator BYRD has been a Senator from West Virginia, and every added day extends the longevity of his record.

Senator BYRD is not a novice at setting records, however. Indeed, during his 38-year political career, ROBERT C. BYRD has never suffered defeat in an election. First elected to the West Virginia State House of Delegates in 1946, ROBERT C. BYRD has held more elective offices than anyone else in West Virginia history. After serving two terms in the State house of delegates, he was elected to the West Virginia State Senate, then to the U.S. House of Representatives, and in 1958 to the U.S. Senate. His 1958 Senate victory also distinguished him as being the only West Virginian ever to serve in both chambers of the West Virginia State Legislature and both Houses of the U.S. Congress as well.

Some political observers have attributed ROBERT BYRD's outstanding West Virginia success to his being the quintessential West Virginian—a man embodying for the people of his home State those values that West Virginians value most—honesty, hard work, dedication to duty, patriotism, faith, and practicality. Again and again, West Virginians have reelected ROBERT C. BYRD because they see him as truly representative of their own beliefs and hopes. And the people of West Virginia have taken pride in their Senator BYRD as he has served as an ambassador to the world from West Virginia, during his long Senate career meeting officially and privately with such world leaders as the late President Sadat of Egypt, former Prime Minister Begin of Israel, King Hussein of Jordan, Vice Premier Deng of Mainland China, the late President Brezhnev of the Soviet Union, President Assad of Syria, then Prince and now King Fahd of Saudi Arabia, the Shah of Iran, and Chancellor Helmut Schmidt of West Germany.

But Senator ROBERT BYRD is not only a prominent West Virginian, but also a prominent and leading American, as well, and his life has been a fulfillment of many of an American dream. A winner of the esteemed Horatio Alger award in 1983 and a genuine Horatio Alger saga of succeeding against the obstacles of poverty and struggle, ROBERT C. BYRD has become one of the most admired and influential men of our time. Senator BYRD's story exemplifies the hopes, dreams, and values of mainstream America, and throughout his extraordinary Senate career, he has worked to weave those mainstream American qualities into our country's public policies.

Certainly, Senator ROBERT C. BYRD's political career is one of the outstanding ones, not only in his home State, but also in our entire country, and today I want to congratulate him on passing another milestone in that career. I also want to congratulate the people of West Virginia for again and again placing their confidence in ROBERT C. BYRD as their U.S. Senator, and in sharing his talents and skills with their fellow-countrymen in the U.S. Senate.

Mr. President, I want to take just a minute or two, if I may, to refer back to the day when ROBERT C. BYRD first came here and was sworn in as a Member of the U.S. Senate. I had not had the pleasure or the chance to know him before then, but I spotted him on the day of his arrival as a man with a constructive future, I thought, of worthwhile achievements here, in this body. I judged him by his energy, by his attitude toward his fellow workers, and by his determination to have positive things and problems come his way and exert every effort to solve them, and also to serve humanity and his great State at the very highest levels and with its best wishes.

I was not prophesying, I was observing, when I first met him and formed these impressions of him. I, therefore, was not surprised at all to see him emerge in 2 years or 4 years—a short time, anyway, very short for the U.S. Senate—as one of the leaders.

He was soon elected to one of the posts—I believe he started out as clerk to the governing body, the main governing body of Democratic Senators. I told him then, "We made you a servant over small duties, and I believe if you work hard, you will be a king among the leaders of this body." Without claiming any credit myself, that is exactly what he has done. I do not claim credit for any of it, except I have supported him.

I am hardly in a position to judge something about the worth he is to this body, his reliance, the reliance on his work, his character, his honor, his integrity. There are others who have those attainments but none rank higher. He has a great talent. He knows more about the rules of the Senate than anyone else. He makes the hard rulings. He is a resourceful man, and to fill this role now of minority leader as he had done for the last few years, especially after having filled the role of majority leader, is quite a complement to him, indeed an extreme compliment. I have great faith in this body. I am not always pleased with what happens, but I have great faith in this body, and so long as we have men of his character and capacity come and go, we will maintain our system of government; we will be able to protect the rights, benefits, and privileges of our people and stand forth among nations in the world as leaders, preservers and protectors of right. It is my privilege, Mr. President, to make these remarks about this distinguished colleague and friend. I am

flattered to observe that without my knowledge he came into the Chamber after I started speaking. I salute him, and I thank him, too, for what he has done.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I could not be more proud of the statement of any Senator than I am of the remarks that have just been made by the senior Member of this body. Senator STENNIS, as we all know, is the senior Member of this body. From the time when I came here 26 years and 63 days ago, I have thought of Senator STENNIS as a Senator's Senator. When I came here, this body was composed of 96 Senators. I was here when Hawaii and Alaska came into the Union and sent their first Senators to this body. I came here in the class of 1958. I had been in the House 6 years prior thereto and had had an opportunity there to have some perception of the Members of this body before I came to the Senate. I came in a class of 17 new Senators, 14 of whom were Democrats, and I am the sole remaining Member of that class of 1958.

I have always said that JOHN STENNIS acts like a Senator, talks like a Senator, and looks like a Senator. I do not know of anyone in my service in this body who more aptly fits that down-home West Virginia description than Senator STENNIS. He has been an inspiration to many Senators, to say nothing of millions of people across this country and in his home State of Mississippi. His life has touched the lives of many Senators, as I say, entirely aside from the myriad other lives that he has influenced. Tennyson said, "We are a part of all that we have met." I am glad to have served in this body with JOHN STENNIS, and I feel that he is and always will be a part of me.

There were four other Senators who were here when I came: Senator THURMOND, Senator LONG, Senator GOLDWATER, and Senator PROXMIRE. I never knew when I came here in 1959, January 3, that I would be the last of that class. The late Senator Richard Russell was a Member of this body when I came here. I was so favorably impressed with Senator Russell. His knowledge of the Senate's rules and procedures inspired me to learn as much as I could about them. Shortly after Senator Russell died on January 21, 1971, I introduced a resolution to name what we then called the Old Senate Office Building the Russell Senate Office Building. That resolution went to the Rules Committee of this body, and I being a member of the Rules Committee at that time, and as of now still, pressed for action on that resolution. The committee readily reported it out, thus honoring the memory of Senator Russell, and also with an amendment naming what we then called the New Senate Office Building after the late Senator Everett Dirksen. Those two edifices, therefore, are named after Mr. Russell and Mr. Dirksen, respectively.

In closing, I really cannot find words, may I say to my distinguished friend, Senator STENNIS, that appropriately express my deep, deep gratitude to him for his remarks. He is a Senator sui generis. He is one of a kind. His love for this institution has been demonstrated so clearly to all that I think we would all stand as one and proclaim our pride and our respect for the Senator from Mississippi, whose integrity, character, and dedication to this body, dedication to the people of his State, and dedication to the people of this country are of the very highest. I want to thank the Senator again and I want to say to him that as long as I live, be it 1 hour or 100 years, I shall never forget JOHN C. STENNIS, a great American Senator, and a great patriot.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. EVANS). There will now be a period for morning business.

COMMITTEE ASSIGNMENTS

Mr. DOLE. Mr. President, we are announcing committee assignments. Yesterday there was one vacancy on the Committee on Small Business. We have now made that appointment.

I send a resolution to the desk and ask for its immediate consideration. I indicate that it has been cleared with the distinguished minority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 93

A resolution making an appointment to the Committee on Small Business.

Resolved, That the Senator from Virginia (Mr. TRIBLE) is hereby appointed to serve as a majority member on the Committee on Small Business for the 99th Congress.

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

The resolution (S. Res. 93) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

SELECT COMMITTEE ON ETHICS

Mr. BYRD. Mr. President, I ask unanimous consent that in the engrossment of Senate Resolution 87, the Senators named following the designation "Select Committee on Ethics" appear as follows: "Mr. HEFLIN, Mr. PRYOR, and Mr. LONG."

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

WOMEN'S HISTORY WEEK

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 50, Women's History Week, now being held at the desk by unanimous consent.

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

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 50) designating the week beginning March 3, 1985, as "Women's History Week."

THE PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

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

Mr. HATCH. Mr. President, some 69 years ago, even before the 19th amendment gave women the right to vote, Jeannette Rankin became the first woman elected to the U.S. Congress. Even before that, in 1912, the town of Kanab, UT, elected Mary W. Howard as one of the United States' first woman mayors. Sixteen years earlier Martha Hughes Cannon was elected a Utah State senator—the first woman State senator in America. And, 115 years ago, on February 21, 1870, Miss Seraph Young, a niece of Brigham Young, was the the first woman to cast a vote in the United States. Utah women received the right to vote in 1870, but sadly, this right was revoked by the Federal Government when the State joined the Union in 1896 and women's suffrage was still not the law of the land.

Whether or not history books have mentioned their involvement, women have been key players in American history, and not only in the political arena. They have been involved in the history of this country as doctors, lawyers, religious leaders, scientists, educators, social workers, artists, business leaders, authors, farmers and inventors, not to mention as wives, mothers, and homemakers.

As Abigail Adams said: "I desire you would remember the ladies." It is important that we in the Senate remember these contributions by designating the week containing March 8, 1985, as "National Women's History Week."

I am delighted to be joined by 35 of my colleagues in sponsoring Senate Joint Resolution 27 and by the 228 Members of the House of Representatives who supported the passage of the resolution introduced by Congresswomen OLYMPIA SNOWE and BARBARA BOXER in the House. I urge all Sena-

tors to join us in this "National Women's History Week."

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

There being no objection, the joint resolution (H.J. Res. 50) was ordered to a third reading, was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

BILL HELD AT DESK—H.R. 1093

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate receives from the House H.R. 1093, the Pacific Salmon Treaty Act of 1985, it be held at the desk pending further disposition.

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

Mr. DOLE. Mr. President, I want to thank the distinguished Senator from Alabama for permitting us to take care of these matters.

PROTEIN CRYSTAL GROWTH EXPERIMENTS

Mr. HEFLIN. Mr. President, Aviation Week & Space Technology magazine recently carried an article on the protein crystal growth experiments to take place on the space shuttle. This program is being managed by Marshall Space Flight Center in Huntsville, AL, in conjunction with the University of Alabama in Birmingham and other universities as well as a number of drug companies. Many of our country's leading biochemists believe the crystalography experiments could eventually result in powerful new cancer drugs as well as drugs for other serious health problems such as high blood pressure. This exciting collaboration between universities, government, and industry is an important example of the potential for commercial activities in space.

The University of Alabama in Birmingham has for many years been one of the world's leading centers for crystalography research. Their work in bioengineering has opened the door for the development of new drugs to treat critical illness. However, because of the restrictions of Earth's gravity, it has been very difficult up until now to grow protein crystals large enough to allow characterization of their atomic structure. In the zero gravity environment of space, these crystals can be grown up to 1,000 times larger than on the ground giving biochemists samples large enough to characterize the atomic structure of the molecules. Once the atomic structure of the protein is characterized in detail, biochemists believe they will be able to create new medicines.

The crystalography experiments aboard the shuttle represent the unlimited potential for commercial activities in space particularly in the area of materials processing. As we continue to learn about the benefits of working in a zero gravity environment, we will see more joint endeavors between universities, government, and industry in materials processing investigations and experiments. Materials processing in space holds great promise for technological advancement in such areas as metallurgical materials and process, chemical processes, glasses, composites, and fluid studies. The Federal Government must continue to develop policies and guidelines to stimulate commercially oriented investigations and demonstrations such as the protein crystal growth experiments.

Mr. President, I ask unanimous consent that the article from Aviation Week be printed in the RECORD in full.

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

SHUTTLE CRYSTAL GROWTH TESTS COULD ADVANCE CANCER RESEARCH

(by Craig Covault)

WASHINGTON—Several large U.S. drug companies and universities have signed with the National Aeronautics and Space Administration to fly hundreds of protein crystal growth experiments on the space shuttle, which could result in powerful new cancer drugs. It also could eventually generate billions of dollars in new pharmaceutical business.

Treatments for other serious conditions such as high blood pressure and the rejection of transplanted organs also could result from the new crystal growth work, which will combine bioengineering and space commercialization to develop new medicines.

The project is being rushed into the flight stage because of its potential for key medical and commercial benefits and a recent discovery that shows space processing could be the single most critical element in achieving the potential.

LARGE REVENUES

"For the pharmaceutical companies, if you hit the right drug you can make tremendous money—there are single drugs that have produced revenues in the billions of dollars," a bioengineer in the project said. "Anything that provides a quicker, more effective way to design a highly specific pharmaceutical agent has tremendous profit potential, and this new shuttle project is clearly in that league."

The early flight of protein crystal growth tests was made possible when NASA and an industry/university team signed an agreement Feb. 14 for a focused three-year space shuttle effort in this new medical area. NASA will provide some funds, but the bulk of the effort will be borne by commercial firms and university grants such as those from the National Institutes of Health.

The first 36 crystal growth experiments will be conducted on shuttle Mission 51-D in March and will be followed by 100-200 tests excepted to be flown on shuttle Mission 51-I in August.

"We have not made any effort to advertise what we are doing." one researcher said. He said it involved both corporate and scientific proprietary work. "It is only by word of mouth this collaboration is taking place, but we welcome it because it will provide a lot of additional expertise."

The drug companies and university shuttle flight team members are:

Smith Kline Beckman, Corp., Philadelphia, interested in cancer research and treatments.

Schering Corp., Bloomfield, N.J., interested in improving the capabilities of interferon used in cancer treatment.

Upjohn Co., Kalamazoo, Mich., interested in medicines to fight hypertension.

University of Alabama-Birmingham's Comprehensive Cancer Center and the school's Huntsville, Ala., campus, interested in cancer research and treatments.

University of Pennsylvania, interested in using space to study more precisely DNA, a key building block of life important in disease studies and bioengineering.

University of Iowa, interested in gene crystallization to study the structure of genes better.

In addition to these participants, McDonnell Douglas Astronautics and its production/test astronaut Charles W. Walker will provide in-orbit support on the space shuttle.

McDonnell Douglas participation has been critical to getting the tests on the shuttle without NASA bureaucratic delays. The protein tests will be flown as a piggyback task to Walker's primary electrophoresis work that also will produce drug material by a different method.

The Ortho Pharmaceuticals Div. of Johnson & Johnson, which sponsors the electrophoresis work, last summer attempted a largely unsuccessful crystallization test in the orbiter and is interested in the new effort in connection with the Scripps Institute.

NASA's Marshall Space Flight Center will have primary responsibility and will be a focal point for theoretical research in the endeavor. The U.S. Naval Research Laboratory also will perform some research. Part of the NRL work will be keyed toward apparatus used to handle the crystalline structures, and its other work will involve study of the chemical conversion process that occurs in organisms such as lightning bugs to create light from biological material. In addition to these participants, other U.S., European and japanese pharmaceutical companies are monitoring the program closely.

The intense pharmaceutical company interest and the need for an early flight program were stimulated largely by the success of a West German experiment on shuttle Mission 9/Spacelab I and illustrate how quickly new scientific developments can sometimes affect commercial applications.

ATOMIC STRUCTURES

A new thrust in the development of drugs, especially those for critical illness such as cancer, involves the bioengineering of drugs with specific atomic structures. Using bioengineering, the molecular structure of new drugs can be tailored specifically to work either in connection with or against the atomic structures of protein molecules in the body. There are about 250,000 proteins that could be studied, and many are critical to life and the disease mechanisms that threaten life.

To use bioengineering to create such new drugs, the pharmaceutical companies must first understand in detail the atomic struc-

ture of the protein molecules to be attacked or assisted in the body by the new bioengineered drugs.

The ability to achieve that detailed an understanding of protein molecule structure has become a serious problem for drug companies around the world, however, because in Earth's gravity field it has been difficult and often impossible to grow protein crystals large enough to allow characterization of their atomic structure.

During a zero-g experiment on the Spacelab 1 flight, West German scientist Walter Littke of the University of Freiberg grew one type of protein crystal 1,000 times larger than his ground control process and another protein crystal 30 times larger than his ground setup. The absense of gravity and convection in space enable far larger crystals to be produced.

With these data from the shuttle, bioengineers at drug companies realized that if they could conduct protein crystal growth work in space, they could obtain samples large enough to characterize the atomic structure of the molecules and from there make significant drug breakthroughs.

Once the atomic structure of a particular protein is characterized in detail, the companies can engineer the molecular structure of their medicines to work either in connection with or against similar molecules in the body, thus creating powerful new medicines.

As the Spacelab data were being reviewed, scientists and bioengineers at the University of Alabama-Birmingham Comprehensive Cancer Center, who had been working on this problem, were put in touch with the Marshall Space Flight Center in Huntsville.

The head of the Birmingham research team, Charles Bugg, a doctor of bioengineering, said he "had no idea" what the NASA Marshall facility, located only 100 mi. north, was doing until U.S. Sen. Howell T. Heflin (D.-Ala.) brought the two groups together.

"When we heard what Marshall was doing in zero-g processing, it was an immediate spark—we realized they could help with one of our biggest experimental problems," Bugg said. This occurred early in 1984.

NASA then put the drug companies in touch with Marshall, which put them in touch with the University of Alabama group. From there the industry/university team began to focus on experiments that Bugg and his group want to fly on the space shuttle immediately.

The early flight opportunity was made possible by McDonnell Douglas, which will have its astronaut Walker carry the 36 protein crystal growth tests in connection with his electrophoresis processing duties during the March mission to be commanded by Navy Capt. Daniel C. Brandenstein.

The March tests will be followed in August by the flight of a small McDonnell Douglas refrigerator that will carry 100-200 additional protein crystal growth experiments.

Over the next three years, the small manual unit and the refrigerator will be flown as often as possible, making several hundred protein crystal growth samples. A minimum of two to three flights per year is planned to carry the apparatus under the program approved Feb. 14.

Following three years of work with the manual and refrigerator systems, the team expects to be flying an apparatus that can conduct thousands of protein crystal growth tests per year on the space shuttle.

NASA's Fiscal 1986 Commercial Programs budget request includes $400,000 to initiate development of an automated protein crystal growth device that will cost about $2.4 million.

There are thousands of proteins that need to be studied, and because of the inexact science involved in growing the extremely delicate structures, it may take a hundred or more tests to come up with the precise crystal for analysis, according to Robert Naumann, chief of Marshall's Low Gravity Science Div. Fortunately, individual tests can be done in small vials enabling a large number to be carried at one time.

The characterization of these crystals for pharmaceutical application will then be done by a process called protein crystallography. The process uses X-rays to provide a structural signature from billions of protein atoms that all line up uniformly when in crystalline form.

The field is so important that it has resulted in eight Nobel prizes, Bugg said.

COMPUTER BREAKTHROUGHS

Earlier it took decades for researchers to decipher the atomic structure of specific protein crystals, but because of breakthroughs in the last five years in computing speed and computer graphics, the characterization of individual proteins can now be done in months or a few years, rather than decades, Naumann said.

Getting crystals large enough to characterize is now the problem, and recent data show this can be done in space, Bugg said.

Naumann said the space tests could bring substantial benefits to other fields of organic chemistry. He said one large U.S. chemical company told Marshall it required 20,000 protein crystal type tests to come up with a herbicide agent using "hit or miss" molecular analysis techniques.

Bugg said that with large crystals what has been a trial-and-error research process can become far more specific.

His group at the University of Alabama-Birmingham is working specifically on a protein enzyme keyed toward cancer treatments and drugs that can prevent the rejection of human organ transplants. The protein enzyme Bugg's group plans to fly on the shuttle is called purine nucleosid phosphorylase, or PNP.

ENZYME USE

"PNP provides a good example of what you can do," he said. "It is an enzyme that is found in red blood cells and is used by the red cells to chop up building blocks of DNA so they can be recycled to make new DNA.

"A number of chemotherapy cancer treatments have been designed to mimic the building blocks of DNA so they can be used to mess up the machinery of a cancer cell.

"The problem is that the PNP enzyme, in addition to chewing up the normal building blocks of DNA, recognizes the cancer drugs as material it should also chew up, so when these drugs are injected into patients the PNP in the red blood cells chews up the cancer drug before it can reach the site of action at the cancer cell itself.

"What we want to do is make a drug that knocks out the PNP enzyme so we can give that drug along with the anticancer agent so the anticancer agent can reach its target without being attacked by PNP," Bugg said. To do this the group needs better molecular detail on the PNP enzyme and hopes to obtain it by growing crystals on the space shuttle.

"In addition, the PNP enzyme is required by one of two branches of the human immune system," Bugg said.

"One branch, the T-Cell branch, is responsible for attacking foreign issues; the other branch, the B-Cell branch, is assigned to protect against virus and bacteria and more common immune system functions," he said.

"The problem is the branch that attacks foreign issues is the same branch that causes the rejection of transplants, such as liver or kidney replacements.

"To enable widespread tissue transplants, what you would like to have are drugs that would knock out only that one branch of the immune system, whereas most agents now knock out the entire system and the patient is open to attack from other infections," Bugg said. "PNP is an enzyme that the T-Cell branch needs in order to function, but the B-Cell side does not need it.

"If we can do space-based work that will enable us to specifically knock out PNP, these drugs can then be used to enhance the activity of anticancer agents and to selectively knock out the T-Cell side of the immune system," according to Bugg.

To do that, however, they need larger PNP crystals to study, and they have not been able to grow them as large as needed on the ground, he said.

EARLY RESULTS

Both Naumann and Bugg said the progress of this work need not take a long time to result in new medicines. Naumann said he hopes some of the resulting treatments will be available well before 10 years, and Bugg has hopes of entering the space-based PNP work in animal or human testing within three to five years.

"In many cases, projects are held up for years for lack of being able to grow the big crystals, so anything that allows that bottleneck to be alleviated would be very important," Bugg said.

The device that Walker will use in the orbiter middeck in March consists of two plastic slabs 9 × 5 in. in size with 17 syringe systems between the plastic. Two of these units will be flown and mounted on the orbiter middeck wall. Walker will open plungers on each side of the units to allow the protein solutions and a crystallizing agent to mix. The crystals will form in a small drop on the end of each syringe.

Before reentry, Walker will pull the syringes so they pull the drops with crystals back up into fluid suspension.

This will protect the crystals from reentry loads.

There also will be a unit with two dialysis-type protein crystal systems that will use a somewhat different crystal-growing mechanism on the first mission carrying project hardware, set for launch about Mar. 20.

HENRY CABOT LODGE

Mr. MATSUNAGA. Mr. President, I rise to salute and honor the memory of one who served with distinction in this body and carried out many and varied assignments in the service of our great Nation—Henry Cabot Lodge.

A distinguished son of a distinguished American lineage, he made a career of public service as lawmaker and diplomat as well as a soldier in the North Africa and European campaigns during World War II. He was the first Senator to resign his seat to fight in a war since the Civil War period and his decorations included the Bronze Star, the Legion of Merit and the French Croix de Guerre. His wartime experi-

ence converted him from the isolationist positions that he and his father previously had espoused in this Chamber and he went on to become a U.N. Ambassador and an articulate foe of Soviet aggression in that international tribunal.

He served in many other posts, Mr. President: Ambassador to South Vietnam, Ambassador to West Germany, Ambassador at Large and special envoy to the Vatican. He aspired to others: The Vice Presidency and Presidency, which fate denied him. But he always served with honor, ability, and dedication in the many high offices that did come his way. And in his twilight years, after all these high positions, he was not too proud to continue servicing others in a far less exalted but important post, that of a teacher of politics and diplomacy at North Shore Community College in Massachusetts.

Mr. President, the people of Hawaii have an especially warm aloha for Henry Cabot Lodge because he played a major role in the attainment of Hawaiian statehood. I was a student at Harvard Law School back in 1950 when our delegate to Congress, Joe Farrington, learned that, as minority leader, Henry Cabot Lodge was about to circulate a "Dear Colleague" letter in opposition to Hawaiian statehood. So he telephoned me at Harvard Law School. He said, "Sparky, you have got to come down here and talk to Senator Lodge; he is prepared to distribute a "Dear Colleague" letter in opposition to Hawaiian statehood. If he does that, our chances are dead." My response was, "Good Heavens, Joe, I have exams coming up in 2 days." He said, "Well, this is more important, and I know you can do it because he has plenty of aloha for the veterans in the 100th battalion and the 442d," and I was one of those veterans. I was also asked to talk to Senator RUSSELL LONG. When I went over to Senator Lodge's office, he welcomed me immediately because it so happened that while he was at the Italian war front as a Senator viewing the activities of the 100th battalion, I was assigned as his escort officer to show him around. He remembered me when I presented myself. He immediately granted me an audience, and I spoke to him about what the veterans of the 100th battalion and 442d had fought for in World War II and that the granting of Hawaiian statehood would be the ultimate recognition of the loyalty that they had displayed on the battlefield.

He listened very attentively and then he reached forward and picked up from his desk a draft of a "Dear Colleague" letter he had prepared. He said to me, "For you and the veterans of the 100th Battalion and 442d I can do at least this much." And after showing me what it was, he tore the "Dear Colleague" letter into bits and threw it in the wastebasket. Here was a man of compassion, who had feelings for others even in opposition to his own clear thinking, which had led him to drafting a "Dear Colleague" letter in opposition to Hawaiian statehood. He reversed himself because he thought then and there as I was speaking to him that Americans, regardless of race or ancestry, deserved recognition especially after they had proven their loyalty by sacrifice of limbs and even lives.

Years later, in 1965 when I was visiting South Vietnam as a U.S. Congressman and was introduced to our then Ambassador to that war-torn country, he focused his sharp gaze on me and to my amazement asked me, "Spark Matsunaga, aren't you the young man from Harvard Law School who went to Washington to lobby me for Hawaiian statehood?" I remarked, "How could you remember such a little incident which happened so many years ago?" Ambassador Lodge responded, "It isn't too often that a U.S. Senator tears up his own 'Dear Colleague' letter."

Mr. President, Henry Cabot Lodge was indeed a distinguished American who played a major role in the history of his country for nearly a half century and played it well. My condolences go out to his widow Emily and all the members of his family.

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

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

FARM CREDIT

Mr. BOREN. Mr. President, I was alarmed to read a report in the Washington Post this morning, March 6, carried on the front page and carried over to page A4, indicating that there seems to be again some confusion at the White House about the position that it has previously taken in regard to farm credit.

I am very concerned about this confusion for several reasons.

First of all, if the President is really acting on the basis of the misinformation contained in some of the statements coming from the administration, then he is apt to make a serious error as he acts on the package of legislation sent to him by the Senate and the House of Representatives to deal with the current emergency on the farm.

I refer to an article in this morning's paper entitled "House Sends Farm-Aid Bill to President" written by Margaret Shapiro, and I ask unanimous consent to have printed in the RECORD the full text of that article.

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

HOUSE SENDS FARM-AID BILL TO PRESIDENT REAGAN HAS VOWED TO VETO MEASURE

(By Margaret Shapiro)

The Democratic-controlled House, over strenuous Republican objections, approved and sent to President Reagan yesterday an emergency farm-credit relief bill that Reagan has said he will veto as unnecessary and too costly.

The 255-to-168 vote generally followed party lines, with 225 Democrats and 30 mostly farm-state Republicans voting in favor of the legislation, and 18 Democrats and 150 Republicans, including most of the House GOP leadership, voting against it.

House Democratic leaders predicted that the House would override a presidential veto, but yesterday's tally fell well short of the two-thirds majority needed to do so.

Nevertheless, Democrats yesterday were relishing the political bind such a veto would cause for Reagan and the GOP.

"Reagan can veto the farm bill, but he cannot veto the problem," said House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.).

House Minority Leader Robert C. Michel (R-Ill.) accused the Democrats of trying to score political points by rushing the bill through without trying to find a compromise acceptable to the White House.

"The need is there; the urgency is there; it's just a question of how to do it," he said. "We seem to be more interested in harvesting votes than in harvesting crops."

The legislation was approved last week by the Republican-led Senate, despite heavy lobbying by the administration and Senate Majority Leader Robert J. Dole (R-Kan.).

Farm-state Senators had tacked the credit provision onto a bill authorizing $175 million in disaster and refugee assistance to drought-ravaged African nations.

Administration officials had indicated that, even without the farm provisions, Reagan would be inclined to veto the bill because the amount approved for African drought assistance was seven times more than the administration requested.

The farm bill would make it easier for debt-ridden farmers to obtain credit in time for spring planting. It would provide an additional $1.85 billion in federal farm-loan guarantees this year to help farmers obtain loans to run their operations and restructure their debts.

The administration maintains that its current $650 million loan-guarantee program is adequate.

The bill also would provide $100 million to subsidize lower interest rates for commercial loans. The federal government would match the interest-rate reductions granted by lenders who refinanced farm loans. This measure has been denounced by the administration officials, and some lawmakers suggested it would be little more than a bank bailout.

The legislation would also allow farmers this spring to get half of the farm-price support loans they normally would receive after the fall harvest. A farmer could get an advance of up to $50,000 this way, to be used to finance spring planting.

Administration officials have said the cost of the combined farm-famine measure could run as high as $7.4 billion this year, then

drop to a net total of $1.3 billion for this year and next as farmers repay loans.

However, Democratic officials said the Congressional Budget Office estimates that the two-year cost would be about $500 million.

House Majority Leader James C. Wright Jr. (D-Tex.) said that one-third of American farmers have not been able to obtain financing for the spring planting season, that 100,000 family farms are on the verge of bankruptcy and that rural bank failures are at the highest point since the Depression.

According to aides of Rep. Thomas A. Daschle (D-S.D.) about 400,000 could face similar problems without the financial assistance in the legislation sent to Reagan yesterday.

Mr. BOREN. Mr. President, I quote just a portion of it now. It says:

The farm bill would make it easier for debt-ridden farmers to obtain credit in time for spring planting. It would provide an additional $1.85 billion in federal farm-loan guarantees this year to help farmers obtain loans to run their operations and restructure their debts.

I continue to quote:

The administration maintains that its current $650 million loan-guarantee program is adequate.

Mr. President, during our negotiations with representatives of the administration in the period of time in which the filibuster was continuing on the Senate floor during the consideration of the Meese nomination a very clear agreement was reached between this Senator, and others, and the administration on the point that the $650 million cap on the amount of money made available for loan guarantees had been removed. We were told that no eligible farmer under the terms of the program would be denied the right to restructure his debt or to receive a loan guarantee on the basis that the funds had been exhausted.

A commitment was made not only that the $650 million cap would be removed on the guarantee program and that all caps would also be removed on the direct loan programs, but that however much was required would be made available by the administration.

If $3 billion, and that figure was discussed, or $4 billion in loan guarantees became necessary, the administration committed itself to making that amount of money available.

We unanimously passed a sense of the Senate resolution by 91 votes in favor of it, 9 not voting, and in that resolution it spelled out that the caps on both of these programs, including the $650 million cap, had been removed. I now quote from that resolution as it appeared in the RECORD of February 23.

Whereas the Administration has assured Congress that adequate funding will be immediately available for eligible and qualified borrowers under the Farmers Home Administration insured farm operating loan program to meet operating credit demands for the 1985 crops;

Whereas the Administration has assured Congress that adequate guaranteed authority will be immediately available for eligible and qualified borrowers to implement the President's Debt Adjustment Program announced in September 1984 and revised in February 1985;

Those are the requisite portions of the resolution passed unanimously by the Senate at the conclusion of the filibuster on the Meese nomination.

Passage of that resolution and the wording of that resolution was an inherent part of the good faith agreement entered into between this Senator and others and the administration in return for which we agreed to end the debate and allow a vote on the Meese nomination.

Not only was the resolution agreed to but it was also agreed that the administration by letter, in writing, would certify its agreement to removing the $650 million cap. At this point, I would quote from a letter, and ask unanimous consent to have it printed in the RECORD at this point, from Secretary John R. Block, Secretary of Agriculture.

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

DEPARTMENT OF AGRICULTURE,
OFFICE, OF THE SECRETARY,
Washington, DC, February 22, 1985.

Hon. ROBERT BYRD,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MINORITY LEADER: I have discussed the actions recommended in the Sense of the Senate resolution with the President.

I am authorized by the President to state that it is the intention of the Administration (1) to fully and speedily implement the policies set forth in the resolution (the text of which is attached), and (2) to make certain that adequate funds are immediately available for all qualified farmers seeking assistance under the programs and provisions identified in the resolution.

Sincerely yours,

JOHN R. BLOCK,
Secretary.

Mr. BOREN. The letter reads as follows. "Dear Mr. Minority Leader," in this case, Senator BYRD, and it was also addressed to the majority leader, Senator DOLE.

DEAR MR. MINORITY LEADER: I have discussed the actions recommended in the Sense of the Senate resolution with the President.

I am authorized by the President to state that it is the intention of the Administration (1) to fully and speedily implement the policies set forth in the resolution (the text of which is attached), and (2) to make certain that adequate funds are immediately available for all qualified farmers seeking assistance under the programs and provisions identified in the resolution.

Mr. President, nothing could be clearer than the agreement which has been entered into by the administration in the sense-of-the-Senate resolutions as further implemented by a letter signed by the Secretary of Agriculture in which he says he is authorized to enter into this agreement by the President of the United States, spelled out in this letter over his signature.

And yet we continue to hear from the administration talk about the fact that the emergency farm credit package somehow has a huge cost attached to it because it authorizes more than $650 million in loan guarantees under the old cap.

It is because of this confusion that I wrote to the President a letter on February 25, 1985. I ask unanimous consent that a copy of my letter be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, DC, February 25, 1985.

The PRESIDENT,
The White House,
Washington, DC.

MR. PRESIDENT: According to an article which appeared in yesterday's "Washington Post", you stated that you did not intend to provide more than $650 million for the FmHA Debt Adjustment Program, (DAP). It was my understanding that you had earlier in the week authorized Secretary Block to use as much money as necessary for this program, that, in essence, there would be no cap on the funding.

Secretary Block assured us that you supported the Senate Resolution clarifying that there would be no cap on this program. His repeated assurances were one of the primary reasons I decided to end the filibuster against Mr. Meese's nomination.

I would appreciate an immediate clarification of your position on this matter as the Ethiopian Food Aid Bill is to come before the Senate this afternoon and your position may necessitate a modification of an amendment several farm state senators intend to propose.

Your prompt reply will be appreciated.

Sincerely,

DAVID L. BOREN,
U.S. Senator.

Mr. BOREN. In part, I noted that there continued to be articles in the news media referring to a $650 million cap and that Secretary Block had assured us that the President supported the Senate resolution removing the cap. I wrote that letter on February 25 and yet I still have not, as of today—and the bill is on the President's desk—received a reply to my letter asking for a clarification.

The next day, February 26—and I just received this letter very recently—I received a letter from Mr. M.B. Oglesby, Jr., Assistant to the President, saying:

DEAR SENATOR BOREN: Thank you for your February 25 letter to the President requesting clarification on the Administration's position with respect to funding for the Farmers Home Administration Debt Adjustment Program.

Your concern is appreciated, and I have asked the appropriate Administration advisers to promptly review your comments and provide you with the information you requested as soon as possible.

With best wishes,
Sincerely,

M.B. OGLESBY, Jr.,
Assistant to the President.

As of this time they have failed to provide me with that information.

Mr. President, there are two possibilities at work here. One is that there is a total failure to understand the situation at the White House and that we may be somehow in danger of having the administration not implement the agreement, clearly entered into on the floor of the Senate, in terms of the sense-of-the-Senate resolution as supported by a letter signed by the Secretary of Agriculture on the authority of the President of the United States.

Mr. President, if it were to be the policy of the administration to reimpose the $650 million cap, as these press reports indicate, and deny farmers eligible under the terms of the program the right to participate in the debt adjustment program, it would be a complete and total breach unparalleled, certainly in my public career, of written commitments entered into between the vast majority of the Members of this body and the administration.

And I think it would be an understatement to say that its consequences not only in this area but in other areas of legislative policy and the future ability to enter into agreements based upon trust would be far-reaching indeed.

Mr. President, I am not suggesting that that is what is in the minds of the administration. I certainly hope not. There is, I suppose, another alternative and that is that the White House understands the situation. They understand that they agreed to remove the $650 million cap themselves. They understand that they were obligating themselves to perhaps $3 or $4 billion in loan guarantees, at least that is a potential figure. But they do not want to clearly explain that to the American public. They would rather leave the impression that somehow the two bills passed by the Senate and the House recently and now on the President's desk have some huge price tag associated with them; that they somehow cost several billions of dollars because they exceed the $650 million that the President himself already agreed to exceed.

If that is the case, Mr. President, it is certainly not a credit to the administration. It is certainly not a positive reflection on the truthfulness of the presentation of the administration to the American people.

What is the truth? Assuming that the administration keeps its word and removes the $650 million cap, what is the truth about the cost of these bills that have been passed by the Senate and by the House? The truth is that they have very negligible cost.

One bill does have a provision for $100 million of matching money to be made available under regulations to be written by the administration itself, with protections in the regulations as deemed necessary by the administration, so that banks, at their option, after already acting to remove and reduce to interest rates, to reduce the interest rates for farmers on guaranteed loans, could have the option of reducing the interest rates further on the basis that the bank would absorb one-half of the cost of further interest rate reductions and the Government would absorb the other half up to a maximum of $100 million. There is a cap in that program and under no circumstances can the total amount of money expended exceed $100 million.

So it would be fair to say that the potential cost of these two bills to aid the farmers in a desperate emergency at the outside is $100 million.

What about the other bill, the Dixon bill or the Daschle bill, as it is sometimes called? What is the cost of that bill?

Mr. President, the cost is virtually zero. It is simply a cash advance of funds that are already going to be paid to the farmers anyway in the same fiscal year. It is just a matter that instead of paying those dollars later in the year, perhaps August or September, half of the money that is going to be paid anyway will be paid to the farmer sooner. Not another dollar is going to be paid; it is simply going to be that the dollars are going to be made available sooner. So that, in terms of the cost for the Government for the entire year, there really is no increase at all under that bill. Now it is possible a few more farmers may sign up under the program than would otherwise so that they can get the cash advance.

If that is the case, Mr. President, it is my belief that the cost to the Government will not be increased but will be reduced in the long run. As we get more farmers to participate, we help bring supply and demand back into balance. That reduces the cost of commodity programs down the line by improving market prices for farmers.

So, Mr. President, if the administration keeps its pledge—as I say, I certainly hope and trust they will—to remove the $650 million cap, if they have taken that action already, they cannot assign that cost to these two bills. That is their own action by their own administration. They are the ones who removed the cap. They are the ones who said, "If it takes another $1 or $2 billion, we are ready to agree to that." They cannot then turn around and assign that cost to these two bills.

If they try to imply to the American people that they were holding the line at $650 million and that these two bills increase the cost beyond that, they are not leveling with the American people.

One way or the other, either the agreement is not being kept in trust with this body or the American people are being misled, one way or the other. One alternative or the other appears to be correct.

The cost of these two bills is only $100 million.

The reason I make these points now, Mr. President, is that we are told the White House has the bill under consideration and will act on it in the very near future, if they have not already done so. The advisers to the President will be doing him a great disservice if they do not make it clear to the President that the actual cost of these two bills is not several billion dollars as has been bandied about in the press, but $100 million.

I would hope that the President would receive straight and accurate advice on that point. As President he is entitled to be told the truth by his own advisers.

Let us assume, Mr. President, that the cost is $100 million, as I have said, or certainly approximately that figure, as opposed to $2 billion, $3 billion, $4 billion, or $5 billion. Is it too much for us to spend $100 million to give thousands of farmers across this country a fighting chance to survive?

We are told that we should not add to the deficit of this country. Mr. President, I strongly agree with that proposition. I believe that in order to make $100 million available to the farmers of this country we should cut waste out of the budget in other areas. I will be specific.

I do not see how in the world we can justify the request of this administration for $20 billion for foreign aid this year and then turn around and say that we cannot afford $100 million to deal with the pressing problems of the farmers here at home.

I cannot believe that the American people, if they were given an opportunity to vote directly on this question, would hesitate even 1 second to cut $100 million out of the $20 billion the administration has requested for foreign aid and give our farmers here at home a chance to survive. The American people know that our farmers are now on the verge of going broke. Farmers have allowed them the greatest food bargain in the world, with only 16 percent of the average American's income going for food, while it is 45 percent in the Soviet Union, and over 50 percent in many parts of the world. You cannot tell me that the American people, if they had an opportunity to set budget priorities, would have any hesitation in rejecting the proposal to give $20 billion of foreign aid and give nothing to the farmers.

I think 99.99 percent of the people of this country would vote to make the foreign aid $19.9 billion so we could

give $100 million to the farmers here at home.

It is not only that the farmers deserve our sympathetic understanding because, after all, they are not the ones who imposed embargoes preventing them from selling their food to other countries. Our Government did that. They are not the ones who caused the overvaluation of the American dollar or mistakes in our budgetary problems, but it was our own Government who placed them in that situation so they could not sell their food overseas.

Even beyond that, I think the American people understand what a collapse in agriculture can do to the rest of this economy. We have not forgotten what happened in 1929. We have not forgotten what happened in 1930.

We know it all too well. When land values collapsed, the banks began to collapse because it was the land which backed up their portfolios. When the land collapsed, the small business across this country collapsed and a ripple was set forth across the country which became a tidal wave which did not stop until it reached Wall Street and the financial institutions of this country and ultimately resulted in the entire population, off the farm and on the farm, being thrown out of work. Last year we lost 1.5 percent of our farmers in this country and land values went down 10 percent. Mr. President, projections are that in the Great Plains States we can lose as many as 13 percent of our farmers this year alone. If land values went down 10 percent losing 1.5 percent of our farmers, what would happen if we lost 13 percent?

We were told by the administration, and I agree, we could not risk the failure of a large bank in Chicago recently. A $4.5 billion bailout package, $900 million of which went into the pockets of the stockholders as their equity value was protected, was put together to keep that bank from collapsing, a $4.5 billion package.

Mr. President, if the possible collapse of that bank constituted a threat to our economy, what would happen if 13 percent of our farmers went out of business? What would happen to banks in this country that have more than 41 percent of their loan portfolios in agricultural loans? If we think that $50 billion of Latin American loans which are nonperforming might constitute a threat to this country, what do we think the impact would be if the $220 billion agricultural debt in this country could not be serviced? $4.5 billion to prevent the failure of one bank in Chicago, and not $100 million to prevent a potentially devastating collapse of the agricultural sector of this country? How can that be in the interest of any American citizen, whether they live on the farm or whether they live in a large city?

Do not forget, farmers are the largest single customers for trucks and autos in this country. There are a lot of jobs at stake there. They are the fourth largest consumer of insurance and real estate services in this country. They create 40,000 jobs directly in the steel industry through their purchases from that industry. Directly or indirectly they create 20 percent of all the jobs in this country even though they are 3 percent of the population.

How can we stand by and be responsible and risk the kind of problems that we risk by not dealing with this agricultural crisis now? How can we ever look the farmers of this Nation in the eye and say to them, "We had $20 billion to send overseas in foreign aid but we did not have $100 million to deal with your crisis here at home. We had $4.5 billion to prop up a Chicago bank to protect $900 million worth of equity of the stockholders in that bank, but we did not have $100 million anywhere in the budget for you. We have the money to spend hundreds of dollars each for toilet seats for the Pentagon, but we do not have $100 million anywhere in place in the budget that we could trim out to take care of your problems and to protect the rest of American citizens against the ripple effect the collapse of agriculture could have."

Mr. President, it is indefensible. It is absolutely indefensible to have such a misguided set of priorities in terms of writing the budget of this country that we fail to deal with a critical economic crisis here at home while finding the money, much of which will go down a rat hole in some other country in the international arms market, we send somewhere else in foreign aid.

One of our national commentators suggested with tongue in cheek recently that the farm crisis could be solved by having all the farmers bring their pitchforks to Washington, have them take them to the Pentagon, trade them in under the normal prices that appear to be paid for certain objects recently, have the Pentagon pay every farmer $25,000 each for their pitchforks, and that would solve the problem that we have on the farm. It is a sad commentary, Mr. President.

I hope the President of the United States will look at the information which I have inserted into the RECORD. I hope that he will be reminded by his advisers that he already pledged in writing in this resolution—by his own Secretary of Agriculture over the Secretary's signature saying he acted with the authority of the President of the United States—and has already acted to remove $650 million cap. I hope, Mr. President, that the administration will keep its pledge, and I trust that they will, in that matter. But I hope they will also do something else, and tell the American people the truth; that is, that the cost of this bill is not several billion dollars. It is perhaps $100 million. That is an outside figure because that is a cap that is imposed on the money available for the interest buydown.

I hope the administration will think long and hard about the priorities in the budget, will decide that we can trim that $100 million out of foreign aid or out of some other function, and make it available to deal with the serious American problem that is going to cost us not $100 million, not even hundreds of millions, but billions of dollars before it is through; $4.5 billion was poured into one bank when it almost failed. Yet, for want of $100 million, we add the jeopardy placed upon 4,100 banks in this country. It does not make sense. There is no good reason in substance to do it. There is no good political reason to do it. There is no reason in terms of fairness to do it.

I can only hope that the President will decide not to veto that bill. If he does, many of us in conscience will have only one course, and that is to do everything we can to overturn that decision and to follow opportunities in the future to make other proposals—we hope that the President will have better information at that time—and, if not, to try to overturn the veto and the results of it.

But I earnestly hope that the President will not try to raise the issue of the deficit in acting on this bill because it is an argument totally without substance. It is a small amount of money involved in a budget where there are many places for us to cut to come up with that money without adding to the deficit. It is not a matter of deficits. It is a matter of priorities—foreign aid, for example, versus pressing problems here at home. It is a time for us to keep faith with the American people, with the needs of the American economy, and with the American farmer. We have certainly kept faith with a lot of other people around the world. We are keeping faith to the tune of $20 billion this year. We kept faith with the Latin American farmers by bailing out their governments through the International Monetary Fund to the tune of several billion dollars when they could not pay their debts back to us. Our farmers paid the taxes that helped bail out those governments that have been in essence competing with us by paying their share of the money that went to the International Monetary Fund. It is a matter of priorities.

In my own mind, our clear priority should be to keep faith with our own and to deal with serious economic problems here at home before they so cripple our economy that we are not going to be able to help anyone else in the world or ourselves as well.

I thank the Chair, and I yield the floor.

CALLING FOR THE PRESIDENT TO APPROVE LEGISLATION THAT WILL PROVIDE CREDIT ASSISTANCE FOR FARMERS

Mr. ZORINSKY. Mr. President, yesterday the House of Representatives approved legislation—H.R. 1096—that will provide emergency credit assistance for our Nation's farmers and assistance for Africans faced with famine.

Last week, the Senate acted on H.R. 1096. At that time, several important provisions of farm credit legislation—Senate Joint Resolution 49—that I introduced on February 19, were incorporated into that measure. It was the Senate-passed version of H.R. 1096 that was approved yesterday by the House.

I believe that it is essential that the President sign this legislation.

A number of my colleagues have joined me in sending a letter to the President expressing our strong recommendation that he approve the legislation.

I ask unanimous consent that the text of the letter to the President be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC, March 5, 1985.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We strongly urge you to approve H.R. 1096, legislation that would provide African famine-relief assistance and emergency credit assistance for our Nation's farmers.

Without the farm credit assistance provided in the legislation, thousands of farmers will be faced with financial ruin. We implore you to seize this opportunity to assist our Nation's farmers before what is now an agricultural credit crisis develops into an economic disaster for all of rural America.

Sincerely,

Edward Zorinsky, James Abdnor, Howell Heflin, Charles E. Grassley, Bob Kasten, Alan J. Dixon, Tom Harkin, Mark Andrews, David Boren, Lowell P. Weicker, Jr., John Melcher, David Pryor, Larry Pressler.

FARM CREDIT

● Mr. LEVIN. Mr. President, before the day is over, President Reagan will have on his desk legislation which provides substantial assistance to tens of thousands of farmers who are in desperate need of immediate credit and cash to plant this spring.

I deeply regret that the President has threatened to veto this crucial legislation. I deeply regret that farmers will go under due to economic factors beyond their control and this administration is just going to sit and watch. After all, they say, it is a dynamic economy at work and the farmers who are going broke must be inefficient.

Are the declining land values brought on by the inefficient farmer? Is it the inefficiency of the farmer that is responsible for high interest rates? Did the inefficient farmer bring on the high cost of the dollar? Is it the bad farm manager who brought about the decline of the export markets? The answer is no.

And yet the administration is turning a deaf ear to the needs of those in rural America. I am pleased that the majority of the Congress chose to address the problems the farm community is facing. We are not going to quit. I want to commend the leadership of Senators BOREN, DIXON, EXON, and ZORINSKY for their ability to move emergency farm legislation through the Senate despite some seemingly insurmountable obstacles.

They have spoken out with great conviction on the farm crisis and their knowledge of agriculture issues is unsurpassed. I want to thank them for their efforts on behalf of the farmers of this country.

It is a cause which will ultimately benefit all Americans.●

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

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

The bill clerk proceeded to call the roll.

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

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

TROUBLE IN COLOMBIA'S WAR ON DRUGS

Mrs. HAWKINS. Mr. President, an article in the Washington Post yesterday revealed some very disturbing information about Colombia's "War Without Quarter."

This brave nation has fought a courageous battle against drug traffickers since the assassination of their Justice Minister, Rodrigo Lara Bonilla. This battle has been waged against tremendous odds, as cocaine trafficking had almost ruined Colombia's economy, and had nearly caused the destabilization of that nation's society. President Belisario Betancur finally declared all-out war on the drug kingpins controlling his nation, and tremendous strides were made.

It has been 9 months since this declaration of war, and the Washington Post article brings up some disturbing information about this struggle. It is reported that despite almost a year of unstinting effort, President Betancur remains in a stalemate with adversaries whose power sometimes seems to rival his own.

An example of these adversaries is provided in the article: the notorious Carlos Lehder. In a move so outrageous it reportedly shocked even his peers, this self-acknowledged drug kingpin appeared, from his jungle headquarters, on Colombian national television. In this interview, Lehder said: "Cocaine and marijuana have become an arm of struggle against American imperialism."

He goes on: "We have the same responsibility in this—he who takes up a rifle, he who plants coca, he who goes to the public plaza and denounces imperialism."

That this astounding interview was filmed, and then shown on national television, is a sure indication of the difficulties facing President Betancur in his drug control efforts. Despite the fact that arrests of narcotics suspects have nearly tripled, and despite the fact that seizures of cocaine jumped from 5,400 pounds to 47,000 pounds in 1 year, Colombia's task of ridding itself of drug traffickers becomes increasingly difficult. This nation remains a country "saturated by drugs and their accompanying corruption."

An example of the continuing production and export capability of Colombian cocaine cowboys can be seen in the recent seizure of a cocaine shipment aboard an Avianca plane. Last month, more than 2,500 pounds of cocaine, with a street value of about $600 million, was discovered in Miami aboard a Boeing 747 jet of the Colombian national airline, Avianca. While the capture of this illicit cargo is encouraging, the fact that this amount of cocaine is still being grown and exported from Colombia is a disturbing indication of the continuing power of the cocaine traffickers in this nation. The outgoing U.S. Ambassador to Colombia, Lewis Tambs, was quoted: "It reminds me of Nazi Germany in the 1930's, when criminal elements took over," in a description of the state of affairs in that nation, despite the ongoing battle against these criminal elements.

In an equally tragic aspect to this situation, the drug traffickers have become increasingly violent in their fight to maintain their multimillion dollar drug empires. President Betancur and Ambassador Tambs have been singled out as targets, as have the newly appointed Justice and Vice Justice Ministers. The offices of American businesses and cultural foundations, in Bogota and other cities in Colombia, have also been bombed, and their personnel attacked, in the traffickers' attempts to regain control.

Mr. President, it is to the great credit of President Betancur and his government that their efforts continue, unabated, despite the return of fire of the cocaine traffickers. While individuals like Lehder, and the equally

notorious Pablo Escobar, continue to be tolerated by many Colombians, President Betancur has been largely successful in convincing the citizens of his nation that the crackdown he has launched on drug traffickers is necessary for the survival of Colombia.

The battle that this brave nation is fighting, and as the Washington Post article points out very well, fighting against tremendous odds, is not just political. It is social and economic as well. It is, indeed, a struggle for the very survival of a great nation, and I, as a U.S. Senator, and as chairman of both the Senate Subcommittee on Alcoholism and Drug Abuse and the Senate Drug Enforcement Caucus, will continue to do everything I can to be of assistance to Colombia in its continuing "War Without Quarter."

TRIBUTE TO SAUL SORRIN

Mr. KASTEN. Mr. President, I rise today in tribute to a man who has dedicated his life to the plight of minorities. Saul Sorrin is a man who has given selflessly of his time and energies for the betterment of his community and State.

When Saul Sorrin stepped down from his post of 22 years as executive director of the Milwaukee Jewish Council, the Milwaukee community began to realize just how many lives had been touched by Saul's commitment to uphold human rights for all people.

During his two decades as director, Sorrin played a major role in the enactment of laws protecting equal opportunity in employment, housing, and public accommodations; assisted school systems in the creation of a human relations program; and consistently spoke out against discrimination and bigotry. When faced with opposition or disfavor, he only pursued his causes with more fervor and determination. When other lights had gone out, Saul's continued to burn brightly.

I recently attended a dinner roast in honor of Saul at the Milwaukee Jewish Community Center. Hundreds of people came to pay tribute and to toast Sorrin's contributions to the community. Although Saul will no longer be serving the council in the same capacity, his involvement in their activities will continue through consulting work and writing on various issues.

I would like to bring my colleagues' attention to the following articles which appeared in two Milwaukee papers after Mr. Sorrin's announcement to retire.

In closing, my best wishes to Saul and his wife Harriet for a prosperous and happy retirement.

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

[From the Milwaukee Journal, June 30, 1984]

RIGHT FOR RIGHTS

For nearly three decades, Saul Sorrin has been a dominant figure in this state's struggle to reach higher levels of human understanding. Milwaukee and Wisconsin are greatly in his debt.

Sorrin is retiring as executive director of the Milwaukee Jewish Council. He had simultaneously served as Wisconsin regional director of the Anti-Defamation League of B'nai B'rith for many of those years, and has been active in almost all phases of the civil rights movement.

Although he is retiring from the day-to-day action, Sorrin will continue to consult with the council and to write on rights issues. His community is fortunate in having Sorrin's continued, if diminished, participation in the effort to realize the rights of all people.

Thanks, Saul. And every good wish for happiness and long life in your "retirement."

[From the Milwaukee Sentinel, Jan. 15, 1985]

SORRIN HAILED AS CHAMPION OF MINORITIES

Saul Sorrin, who stepped down as executive director of the Milwaukee Jewish Council last year, was praised for his untiring efforts to champion the causes of minorities at a retirement dinner Monday night.

A crowd of 400, which included numerous political and church leaders, attended the "toast and roast" at the Jewish Community Center.

Speakers praised Sorrin for his efforts to build bridges between the Jewish and Christian communities in Milwaukee.

Milwaukee Archbishop Rembert G. Weakland said Sorrin stood for "the just man. He has respect for his God and also sees the reflection of God in everyone else."

Jack Weiner, executive director of the Jewish Community Center, characterized Sorrin as a man of powerful conviction. Weiner recalled that Sorrin was censured, even by many in the Jewish community, in 1967 when Sorrin supported former Catholic priest James E. Groppi.

Groppi aroused the anger of many in Milwaukee by leading nightly demonstrations in the city's streets to try to force the Common Council to pass an open housing ordinance.

Among those attending were US Sen. Robert W. Kasten Jr. (R-Wis.), former US Rep. Henry S. Reuss (D-Wis.), Gov. Earl, and former Gov. Lee S. Dreyfus.

It was announced at the dinner that the Evangelical Christian-Jewish Dialog of Milwaukee, as an honor to Sorrin, had arranged to have 25 trees planted in his name in Israel.

[From the Milwaukee Journal, June 27, 1984]

SORRIN SOUGHT GOOD AND FOUND IT

(By Linda Steiner)

The world, according to Saul Sorrin, is sort of like the story of the father who gave his twin boys a cigar box for their birthday.

The first boy opened it, only to find it was full of horse manure. The lad shrieked in disbelief and anger, but as he carried on, the second boy cried out with joy.

"Why are you crying out in joy?" the first boy asked his brother. "Look at what's in this box!"

"Ah," said the second boy. "Remember, wherever there's manure, a pony can't be far away."

Although Sorrin, 64, has seen more than his share of manure in the world, he won't stop looking for that pony.

Sorrin, the outgoing executive director of the Milwaukee Jewish Council, headed the community relations arm of the Jewish community here for 22 years. Simultaneously, he served as the Wisconsin regional director of the Anti-Defamation League of B'nai B'rith until 1981, when he quit to devote full time to the council. He has been active in almost all phases of the civil rights movement for more than 30 years.

Sorrin will be succeeded July 16 by Judy Mann, 35, of Milwaukee, formerly the director of community relations for Planned Parenthood of Wisconsin.

Although Sorrin grew up in a world in which "everybody was Jewish," in New York City, he didn't become involved in Jewish organizations or human rights activism until after World War II.

But the five years after the war, when he worked as director of United Nations Centers for Jewish Holocaust Survivors in southern Germany, resettling Jews who had survived, changed his life immeasurably.

With his shirt sleeves rolled up and wearing a tie that, he told a reporter, was "probably as old as you are," Sorrin rummaged through a plaid hatbox in his council office, pulling out scores of faded black and white memories of people from "my camps."

There were pictures of him with the refugees and the survivors, pictures of some of their post-war activities in the camps where they had lived while waiting for new homes in Palestine or the United States, and pictures of very young children. Unlike the refugees, they were fat-faced and healthy-looking.

Sorrin talked about a surge in births in the camps between 1945 and '46, then put the pictures down and gazed into the distance momentarily, measuring his words.

"After crawling out of the camps of Europe . . . what drove them to recreate, to start all over again with new families? I asked myself several times if I would have done so under such circumstances. . . . I said to them, 'You must be crazy to start all over again in such a world,' but they did. I've always taken that as the life affirmation of the Jewish community. . . .

"To me, those memories of those days are the sharpest. . . . And if they were willing to risk it, all of us should be willing to risk it.

"It's my optimism, my faith in the ultimate redemption of humankind."

TAKES SOME CRITICISM

That optimism has kept Sorrin going in his work and sometimes has drawn criticism from the Jewish community and the community at large. There have been charges that, at times, he tries to soft-pedal controversy and focus on the bright side of things.

Sorrin laughed and said he sometimes stormed and ranted. But he maintains that one has to choose battles carefully, look beneath the surface and be honest about what is seen. He contends that prejudice and discrimination are on the wane in this country and that undue media attention often is given to small groups of "weirdos."

He cited the recent painting of swastikas on a synagogue in Mequon.

"You have to be careful not to confuse a swastika or a synagogue with an organized Nazi movement," he said. "In 90% of these cases, it's the work of isolated adolescents."

What was feared to be a neo-Nazi movement here in the early 1970s was really the work of only a very small group of people, Sorrin said. And the Posse Comitatus, which he said newspaper editorials were now declaring dead, "was just a newsprint organization," he said.

"This is not to say you're not careful with them," he said of such groups. But they must be kept in perspective, he said.

When Sorrin looks back over his years in Milwaukee, he remembers a slow-moving city before the freeways and big buildings were built. He fondly recalls hours spent playing three-cushion billiards at the old Antlers Hotel at 616 N. 2nd St. But he also remembers overt discrimination, in things such as housing and employment and anti-Jewish quotas in universities.

"But that's gone, out the window now . . .," Sorrin said. "This is not to say everything is wonderful, but things are getting better, not worse.

"I am a great alarmist," Sorrin said, shifting his focus to what he calls the truly major threats to freedom in this country. "There are trends toward the reversal of constitutional guarantees . . ., toward diminishing the rights of defendants, toward crippling the enforcement of hard-won civil rights laws.

"But they're not coming from any extremist groups. They're coming from the heart of our political system. The threat is not from a group of weirdos—Americans reject that—but it will come from a failure of will and a failure to support equal rights and equal opportunity concepts."

SUSPECTS SURGE OVER

Sorrin said he suspected that the country was on a plateau in civil rights issues after having experienced a surge in social change since 1954.

"The verdict isn't in yet on whether we're climbing toward another opening of rights and opportunities," he said. "The legal framework has been laid, now we have to work toward the reality."

Sorrin reflected for a minute on his boyhood, when his school tried to erase the Yiddish from his speech. He remembers that, when his mother went to talk with his teacher, he was embarrassed over her Yiddish accent. Now, young people in Milwaukee are learning Yiddish and finding out their ethnic heritage.

"That's good, it creates a sense of richness . . . ," Sorrin said. "The problem, though, is that we sometimes forget we have to cooperate, to come out of our respective enclaves and come together to work on problems.

"It's important to create bridges at the same time groups are turning inward to examine their values."

WORK TO CONTINUE

Along those lines, he will continue for several months to work closely with the council on interfaith work and consulting. He also will write articles for general publications on rights issues.

In his spare time, he'll play a little handball and canoe and fish at the home that he and his wife, Harriet, own on the Menominee River in northern Wisconsin.

And occasionally, he'll go back to New York "to get charged up and eat a little corned beef and blintzes."

He'll also keep that hatbox full of photographs to remind him that love and the human spirit—and the quest for that pony—never die.

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

THE SPIRIT OF ENTERPRISE

Mr. KASTEN. Mr. President, I would like to bring to my colleagues' attention a review of George Gilder's new book, "The Spirit of Enterprise," by former Presidential speech writer Aram Bakshian, Jr. in the February 8, 1985, issue of National Review.

In his book, Mr. Gilder brings to center stage the role that the American entrepreneur has played in shaping our capitalistic society. He identifies what, until recently, could be called the "missing link" in capitalism—the entrepreneur. That is to say our society, and the business world in particular, has overlooked the individual entrepreneur as a resource to draw upon. Instead of assisting and cultivating these creative people, we have looked primarily toward large corporations for maintaining healthy employment levels and providing all innovation.

In reality, it is the private entrepreneur that is our greatest resource for boosting productivity, providing new jobs, and creating wealth. The entrepreneur may appear to be the minority in the corporate world, but in fact he comprises the growing majority of businessmen and women.

Similar to grassroots political organizations, entrepreneurs form networks that perpetuate success on the local level. This stems from the fact that they are more likely to share resources and creative knowledge unlike major corporations.

The rest of the world recognizes the United States as a haven for the hard-working, creative individual. What has received little credit up till now is the sacrifice and courage of American entrepreneurs engaged in private enterprise. In his own words, Gilder captures the spirit of the entrepreneur: "Bullheaded, defiant, tenacious, creative, entrepreneurs continue to solve the world's problems faster than the world can create them. The achievements of enterprise remain the highest testimony to the mysterious strength of the human spirit."

The American entrepreneur represents opportunity for success and innovation, as well as the hope and faith which makes the American dream possible for all.

I submit the following book review by Aram Bakshian as a tribute to all American small businessmen and women, and ask unanimous consent that it be printed in the RECORD.

GILDERING THE LILY

(Aram Bakshian Jr.)

Too many people seem to have forgotten that the word "wealth" means well-being as well as affluence. Four years ago, In *Wealth and Poverty*, George Gilder pulled together the long-existing but recently neglected strands of morality, folk wisdom, and basic elements of human nature that can lend to wealth and its accumulation a moral dimension—a virtue—that even the staunchest defenders of capitalism often ignore. Most but not all. A hundred and fifty years ago, Alexis de Tocqueville smelled a benevolent rat and wrote that "The love of wealth is . . . to be traced, as either a principal or accessory motive, at the bottom of all that the Americans do; this gives to all their passions a sort of family likeness . . . It may be said that it is the vehemence of their desires that makes the Americans so methodical; it perturbs their minds, but it disciplines their lives."

For that matter, one can go back as far as the fifth century B.C., when Thucydides asserted of free Athenians that wealth was not "mere material for vain glory but an opportunity of achievement."

In our time, it has fallen to Mr. Gilder's eloquent, impassioned, and occasionally empurpled pen to reassert the positive, moral good of the free market in general and the American spirit of entrepreneurship in particular. In *The Spirit of Enterprise*, he does so on both philosophical and anecdotal levels. The result is a magnificent encapsulation of the soul of capitalism as embodied in individual entrepreneurs and their collective legacy to progress and prosperity—things often misunderstood by professional economists.

The problem with most conventional theories of capitalism, says Mr. Gilder, is the failure to appreciate fully this positive, perhaps inadvertently altruistic role of the entrepreneur:

"The capitalist is not merely dependent on capital, labor, and land; he defines and creates capital, lends value to land, and offers his own labor while giving effect to the otherwise amorphous labor of others. He is not chiefly a tool of markets but a maker of markets; not a scout of opportunities but a developer of opportunity; not an optimizer of resources but an inventor of them; not a respondent to existing demands but an innovator who evokes demand; not chiefly a user of technology but a producer of it. He does not operate within a limited sphere of market disequilibria, marginal options, and incremental advances. For small changes, entrepreneurs are unnecessary; even a lawyer or bureaucrat would do.

"In their most inventive and beneficial role, capitalists seek monopoly; the unique product, the startling new fashion, the marketing breakthrough, the novel design. These ventures disrupt existing equilibria rather than restore a natural balance that outside forces have thrown awry. Because they can change the technical frontiers and reshape public desires, entrepreneurs may be even less limited by tastes and technologies than artists and writers, who are writers, who are widely seen as supremely free. And because entrepreneurs must necessarily work and share credit with others and produce for them, they tend to be less selfish than other creative people, who often exalt happiness and self-expression as their highest goals."

This is serious stuff. If we accept Mr. Gilder's basic premise—as this reviewer does—then the entrepreneur becomes the pivotal figure in a productive, free society with existing basic values. Unlike most artists, academics, or politicians, he does more than simply chart or depict extant social landscapes. He creates, expands, and alters them most often using the market-place as his medium. The prime threat to a better future, then, becomes those forces, regulatory and confiscatory, that, often with the best of intentions, stifle the entrepreneurial ideal or deprive it of its necessary tools.

Again, Mr. Gilder lucidly describes the phenomenon:

"The key to growth is quite simple: creative men with money. The cause of stagnation is similarly clear; depriving creative individuals of financial power. To revive the slumping nations of social democracy, the prime need is to reverse the policies of entrepreneurial euthanasia. Individuals must be allowed to accumulate disposable savings, to wield them in the economies of the West. The crux is individual, not corporate or collective, wealth. No discipline of the money supply or reduction in government spending, however heroic, no support scheme for innovation and enterprise, no program for creating jobs, no subsidy for productive investment, however generous and ingenious, can have any significant effect without an increase in the numbers and savings of entrepreneurs."

Now all of this makes such obvious sense that one is tempted to dismiss it as a self-evident truth not in need of repetition—a governing assumption graven in the national character. And, to a certain extent, it is, in the daily conduct of millions of small businessmen and other ordinary citizens. But never has it been so well articulated, and never has it so needed articulation for the growing legion of scholars, regulators, and social activists who, out of blindness or malice, have done so much to undermine the spirit of enterprise in our lifetimes.

Mr. Gilder reinforces his case by mustering strong past and present anecdotal evidence. Some of the portraits he paints are remarkably vivid and inspiring in their very simplicity, from the Idaho farmer who started with a small patch of wasteland and ended up supplying potatoes to McDonald's, through the waves of Cuban, Indochinese, and other recent immigrants who have shown how much good can be generated by hard work and sound thinking in a land of opportunity, to young innovators in the field of high technology. These are the real altruists of our time, altruists in a way that even Ayn Rand might have appreciated if she had been able to see beyond her gospel of selfishness to a deeper human truth.

Naturally, in a free market, all is not sweetness and light. Mr. Gilder is the first to concede this, since, "in the harsh struggles and remorseless battles of their lives, entrepreneurs are no saints, and far from sinless. They bear scars and have inflicted many. Since their every decision has met the empirical test beyond appeal, they are necessarily the world's true realists, most proven pragmatists." But, by building hope and opportunity, they are also a class of men who, more than most, "embody and fulfill the sweet and mysterious consolations of the sermon on the Mount and the most farfetched affirmations of the democratic dream."

With grace, wisdom, and fervor, George Gilder tells their story and inspires us all with a fresh appreciation for the heroic aspect of capitalism—the Spirit of Enterprise, without which freedom is doomed to decay and even the highest of civilizations is bound to wither. One hopes the message has arrived in time.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1096. An act to authorize appropriations for famine relief and recovery in Africa.

The enrolled bill was subsequently signed by the President pro tempore [Mr. THURMOND]

At 1:54 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 47. An act to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty; and

H.R. 1093. An act to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 47. An act to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent pending further disposition:

H.R. 1093. An act to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-572. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of the deportation of certain aliens under sections 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-573. A communication from the Secretary of Education, transmitting a draft of proposed legislation to terminate the perpetual trust fund for the American Printing House for the Blind, and for other purposes; to the Committee on Labor and Human Resources.

EC-574. A communication from the Secretary of Education, transmitting a draft of proposed legislation to make certain amendments to the act of September 30, 1950 (Public Law 874, 81st Congress), and for other purposes; to the Committee on Labor and Human Resources.

EC-575. A communication from the chairman of the board of trustees of the Harry S Truman Scholarship Foundation, transmitting a draft of proposed legislation to amend the Harry S Truman Memorial Scholarship Act to remove the dollar limitation on stipends paid under such act and to authorize the Harry S Truman Scholarship Foundation to prescribe regulations governing the amounts of such stipends; to the Committee on Labor and Human Resources.

EC-576. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The 1980 Multiemployer Pension Plan Amendments Act: An Assessment of Funding Requirement Changes"; to the Committee on Labor and Human Resources.

EC-577. A communication from the Deputy Administrator of Veterans Affairs, transmitting, pursuant to law, a report stating that the Department of Medicine and Surgery did not contract out any services during fiscal year 1984; to the Committee on Veterans Affairs.

EC-578. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation:

Special Report on the Activities of the Committee on Commerce, Science, and Transportation (Rept. No. 9).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 94. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Foreign Relations:

Treaty Doc. 99-2. Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon, including Annexes and a Memorandum of Understanding to the Treaty, signed at Ottawa on January 28, 1985.

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. DOLE (for himself, Mr. BYRD and Mr. PELL):

S. 592. A bill to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between Members appointed from the House of Representatives and Members appointed from the Senate, and for other purposes; considered and passed.

By Mr. DENTON (for himself and Mr. HEFLIN):

S. 593. A bill for the relief of the Merchants National Bank of Mobile, AL; to the Committee on the Judiciary.

By Mr. McCLURE:

S. 594. A bill for the relief of the County of Cassia, State of Idaho; to the Committee on the Judiciary.

S. 595. A bill to provide relief for certain desert land entrymen in Idaho; to the Committee on Energy and Natural Resources.

By Mr. BRADLEY:

S. 596. A bill to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Finance.

By Mr. STEVENS:

S. 597. A bill to amend subtitle II of title 46, United States Code, "Shipping," making technical and conforming changes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KASTEN:

S. 598. A bill to make persons who produce agricultural commodities on highly erodible land ineligible for certain agricultural benefits, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EXON:

S. 599. A bill to amend title 31, United States Code, to authorize 1 ounce, one-half ounce, one-fourth ounce, and one-tenth ounce gold coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE:

S. 600. A bill to extend the authority to establish and administer flexible and compressed work schedules for Federal Government Employees; to the Committee on Governmental Affairs.

By Mr. HEFLIN (for himself and Mr. THURMOND):

S. 601. A bill to establish a Federal Courts Study Commission; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 602. A bill to authorize and direct the Secretary of the Army to correct certain slope failures and erosion problems along the banks of the Coosa River; to the Committee on Environment and Public Works.

S. 603. A bill to authorize and direct the Secretary of the Army to correct certain erosion problems along the banks of the Warrior River near Moundville, AL; to the Committee on Environment and Public Works.

By Mr. LUGAR (by request):

S. 604. A bill to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (for himself and Mr. DOLE):

S. 605. A bill to amend sections 2314 and 2315 of title 18, United States Code, relating to stolen archeological material; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 606. A bill to provide for notification to a city or county of the presence of hazardous substances in or near such city or county; to the Committee on Environment and Public Works.

By Mr. BRADLEY:

S. 607. A bill to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Finance.

By Mr. SYMMS:

S. 608. A bill to amend the Internal Revenue Code of 1954 to exclude small transactions and to make certain clarifications relating to broker reporting requirements; to the Committee on Finance.

By Mr. THURMOND:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February 1986, as "National Black (Afro-American) History Month"; to the Committee on the Judiciary.

By Mr. STEVENS:

S.J. Res. 75. Joint resolution to further approve the obligation of funds made available by Public Law 98-473 for procurement of MX missiles; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KASTEN:

S. Res. 92. Resolution calling for imposition of countervailing duties on pork; to the Committee on Finance.

By Mr. DOLE:

S. Res. 93. Resolution making an appointment to the Committee on Small Business; considered and agreed to.

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

S. Res. 94. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, Mr. HEINZ, Mr. HART, and Mr. LEVIN):

S. Con. Res. 25. Concurrent resolution expressing support for the President's no-undercut policy concerning existing strategic offensive arms agreements; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. BYRD, and Mr. PELL):

S. 592. A bill to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between Members appointed from the House of Representatives and Members appointed from the Senate, and for other purposes; considered and passed.

(The remarks of Mr. DOLE and the text of this legislation appear earlier in today's RECORD.)

By Mr. DENTON (for himself and Mr. HEFLIN):

S. 593. A bill for the relief of the Merchants National Bank of Mobile, AL; to the Committee on the Judiciary.

RELIEF OF MERCHANTS NATIONAL BANK OF MOBILE, AL

Mr. DENTON. Mr. President, I rise today to introduce a bill for the relief of the Merchants National Bank of Mobile. Passage of the bill would conclude a congressional reference proceeding that began in the U.S. Senate more than 5 years ago.

The bill complements the legislation that was introduced in the 96th Congress (S. 2052), and referred in November 1979 by Senate Resolution 291 to the Chief Commissioner of the U.S. Claims Court.

The reference sought the court's consideration of whether the bank was legally or equitably entitled to compensation for losses sustained in connection with a defective Federal loan guarantee issued by the Department of Defense. After a lengthy trial before a hearing officer, and argument before a review panel, the U.S. Claims Court, through its chief judge, has advised the Senate that the bank has an equitable claim for $809,609, and that payment of the amount would not constitute a gratuity.

The losses sustained by the bank relate to loans made to a Government contractor in Mobile, AL, which was attempting to perform two contracts, awarded by the Defense Logistics Agency in 1976, to assemble combat rations for the military. In the early stages of the contracts, lengthy delays and mishandling of materiel by the Government generated substantial unforeseen costs to the contractor. To assist the contractor in securing financing for the costs, the Agency approved a loan guarantee to the bank pursuant to the Defense Production Act "V-Loan Guarantee" Program.

When the bank had advanced virtually the entire guaranteed sum—almost $2 million—the Agency abruptly canceled the guarantee because it discovered that no funds had been appropriated to support the guarantee agreement. Nevertheless, stressing the importance of the combat rations contracts to the defense effort, the Agency pledged its full assistance to Merchants Bank and the contractor to encourage them to proceed with the contracts. The Agency even drafted legislation to allow the issuance of a suitable replacement guarantee. Based upon these assurances, the bank agreed to continue supporting the Government's contractor.

Soon thereafter, appropriate language was included in the 1978 DOD Appropriations Act to make available $5 million for the express purpose of authorizing new loan guarantee agreements. At this point, the bank applied for a new V-loan guarantee consistent with the assurances it had received from the Defense Logistics Agency. Notwithstanding the availability of suitable loan guarantee authority and the assurances that the Agency would do everything possible to restore the guarantees upon which the bank had relied, the Agency refused the application. Instead, it offered a guarantee substantially less favorable than the first, and only after requiring the bank to extend an additional half-million dollars in unguaranteed credit to the Government's contractor.

Meanwhile, the Agency acknowledged that its handling of the contracts had substantially increased the

cost of performance. Consequently, it enlarged the credit requirements of the contractor. Because the second loan guarantee was wholly insufficient to support these credit requirements, and since the bank could not prudently extend further credit in light of its already substantial unguaranteed exposure, the contractor was forced to close its doors and file for bankruptcy in 1978. Both before and after the bankruptcy petition was filed, the bank expressed its willingness several times to join with the Agency in cooperative financing arrangements that would save the company. The Agency refused to entertain these suggestions, and in April 1978, the contractor was adjudged bankrupt.

In extending credit for the performance of the Government contracts, the bank understandably relied upon representations and assurances of the Defense Logistics Agency. When the first guarantee was suddenly canceled, the bank again relied upon the assurances of senior Agency officials that, pending enactment of new guarantee authority, a replacement loan guarantee would be established in an amount sufficient to protect the bank. When the Agency ultimately refused to stand by those assurances, the resultant credit limitations left the contractor facing bankruptcy and caused the bank to suffer losses of nearly $1.7 million.

Because the bank's losses were primarily the result of its reliance upon a guarantee that exceeded the authority of the responsible Government officers, it was apparent that a successful legal cause of action for the recovery of these losses was extremely unlikely. Where Government officials act beyond the scope of their authority, the obstacles to maintaining a legal cause of action to recover from the United States are virtually insurmountable. For that reason, S. 2052 was introduced in the 96th Congress and was referred by Senate resolution to the Court of Claims for consideration.

After a lengthy trial, which filled 2,000 transcript pages, Judge Spector, a senior judge of the Claims Court, on April 30, 1984, issued an exhaustive 65-page report in which he recommended that Congress authorize payment to Merchants Bank of $809,609, in full statement of all its legal or equitable claims against the United States. The report concluded that the Government was responsible for a series of wrongful acts, including several unfulfilled assurances upon which the bank had relied in extending credit to the contractor. Judge Spector also found that the bank's cooperation with the Government and its contractor was in part motivated by the Agency's insistence that continued production under the contract was urgently required to support national defense needs.

Government counsel took exception to many of the findings, and a three-judge review panel of the Claims Court considered yet another round of briefs and oral argument from the parties. The resulting 22-page report of December 6, 1984, confirmed Judge Spector's conclusions and recommended that the chief judge transmit to the Senate its conclusion that Merchants Bank has an equitable claim against the Government for $809,609. Copies of the decisions of both Judge Spector and the review panel were referred to the Secretary of the Senate by the chief judge of the Claims Court on December 19, 1984.

The bill that I introduce today would give effect to the conclusions rendered after careful adjudication by the Claims Court. It does not compensate the bank for all of the losses it has suffered in supporting this government contractor. Indeed, the bank has never sought total compensation from the United States for its losses, nor does it seek to recover the painful costs generated by some 5 years of watching this congressional reference proceeding take its long and careful course.

The bill would confirm the efficacy of some of the longstanding traditions of a congressional reference, traditions founded in part upon a simple recognition that there should be an avenue by which the Government can be held accountable for its mistakes and excesses. Accountability is particularly important when, as in this case, losses are suffered expressly because of the trust and reliance that was placed quite naturally in a Government agency responsible for the national defense.

The bill involves a unique, unprecedented set of facts, and will provide compensation only to the Merchants National Bank of Mobile for its own proven losses.

I urge my colleagues to support equitable compensation for the Merchants National Bank of Mobile in implementation of the findings of the U.S. Claims Court.

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

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

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $809,609 to the Merchants National Bank of Mobile, Alabama for compensation for losses sustained during the period January 1, 1976 through December 31, 1978, concerning the issuance and cancellation of a Government loan guarantee and the subsequent issuance of a second loan guarantee on reduced terms, resulting from actions and misrepresentations of the Defense Logistics Agency of the Department of Defense and its fiscal agent, the Federal Reserve Bank of Atlanta.

SEC. 2. (a) The payment made pursuant to the first section of this Act shall constitute full settlement of the legal and equitable claims by the Merchants National Bank of Mobile, Alabama against the United States, covered by this Act.

(b) No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

By Mr. McCLURE:

S. 594. A bill for relief of the County of Cassia, State of Idaho; to the Committee on the Judiciary.

RELIEF OF COUNTY OF CASSIA, IDAHO

● Mr. McCLURE. Mr. President, today I am introducing the Cassia County relief bill. This legislation will provide needed relief to Cassia County in southern Idaho for their successful fight against a potential flood last year.

In the spring of 1984, a combination of heavy winter snows and an early spring thaw threatened Cassia County with disaster of substantial proportions. The snowpack in the surrounding mountains was nearly two and one-half times its regular level. Following an unexpected warm spell in May, water quickly filled Oakley Dam, built in 1913, and threatened to spill over the top.

Federal, State, and local officials agreed that if water had spilled over the dam's edge, thousands of acres of prime farmland in Cassia County would have been flooded. In addition, the city of Burley, located north of the dam, was in the direct path of a potential flood, threatening homes, schools, and businesses.

In the face of this potential disaster, local citizens teamed up with the U.S. Army Corps of Engineers and State and local officials to prevent an impending catastrophe. In the span of just 11 days, a total of 46 miles of canals were built to divert water.

The first canal extended 23 miles. This canal, however, proved to be inadequate to contain the floodwaters, and another 23-mile canal was then proposed. The corps built 7.75 miles of this second canal under their flood-fighting authority, and improved 5.5 miles of existing drainage. Cassia County, local workers, and volunteers constructed the remaining 10 miles.

Time was clearly of the essence. At the time water was released into the second canal, the floodwaters were less than 2 feet from the top of the dam, and the last 3 miles of this canal had not yet been completed.

Because of the heroic efforts of Cassia County and its residents, the region was spared from flooding that would have caused extensive damage. Some farmers, however, suffered losses because of this emergency work. The local agriculture stabilization and conservation service estimates that 1,000 acres of crops were destroyed, either by flooding or by building the diversion canals across their lands.

To help cover farmers' losses, the Burley and Oakley stakes of the Mormon Church raised over $300,000 among its members. I commend the members of these stakes for their humanitarian efforts to help their neighbors in a time of need.

To help build both canals, the Federal Government spent approximately $757,000. Cassia County, on the other hand, spent $1.3 million. If the corps and the county had not taken immediate action to prevent flooding, it is estimated that there would have been at least $3.5 million in damages. Because of these efforts, the diversion canals were completed in time, and the Burley area was spared from a catastrophe.

Had there been a sufficient amount of time before the flood threat arose, the corps could have constructed the entire 46 miles of canals on its own. But time was not on the side of Cassia County in this case. The county had to take quick action or face millions of dollars in damages.

Since the county has borne the brunt of the costs, I believe it is only fair that they be compensated for the expenses they incurred to prevent a disaster. I hope the Senate will act swiftly on the Cassia County Relief Act.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay the County of Cassia, State of Idaho, out of any money in the Treasury not otherwise appropriated, the sum of $1,300,000 for work performed between May 1, 1984 and September 30, 1984 relating to the construction of canals to avert a flooding disaster in the county of Cassia.

SEC. 2. (a) Any payment of a claim with funds made available pursuant to the first section of this Act, shall be in full settlement of all claims by a claimant against the United States.

(b) Nothing in this Act shall be construed as an inference of liability on the part of the United States.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.●

By Mr. McCLURE:

S. 595. A bill to provide relief for certain land entrymen in Idaho; to the Committee on Energy and Natural Resources.

RELIEF FOR CERTAIN IDAHO ENTRYMEN

● Mr. McCLURE. Mr. President, today I am introducing a bill to reinstate desert land entries in a project in Idaho and to permit the entrymen or their heirs to complete the requirements of the Desert Land Act in accordance with interpretations of that act adopted by the Department of Interior and retroactively applied to those entries after those entries had been developed and final payment had been made to the United States.

SUMMARY OF THE PROBLEM

The situation addressed by this bill presents an issue of unfair treatment by the Government of the United States in dealings with its citizens. We have here a case in which several citizens discussed the development of public lands with the Government officials assigned to administer that development work and performed their development work using methods suggested by the Government officials with whom they dealt, and which had been openly acceptable to Government officials in Idaho for a number of years prior to the development work, only to have their transactions later repudiated by other Government officials in Washington, DC, many years after the development work had taken place, based on a new interpretation of law developed long after the work had been completed. As a result, forfeiture of the land they had developed, and the money they had paid to the United States, was ordered by the Government. The purpose of this bill is to rectify this injustice and to provide fair treatment to the citizens involved.

DETAILS OF THE PROBLEM

This bill is necessary to eliminate the harsh and unfair results arising from the retroactive application of an interpretation of the Desert Land Act, 43 U.S.C. 329—the act—by the Department of the Interior to transactions that were completed before the interpretation of the act was developed. The power of the Department of the Interior to apply its new interpretation to past transactions has been upheld by the U.S. courts in this matter. The result of this retroactive application by the Department of its interpretation of the act is forfeiture to the Government of the land and the money paid by the entrymen, despite that from as early as the 1880's and continuing to as late as 1964 or beyond, the Department consistently held that desert entries were controlled by interpretations in effect at the time the entries were filed.

The subject project affected by the bill is located near the Snake River in Elmore County, ID. The Sailor Creek project consists of 12 entries comprising approximately 3,700 acres. The project was initiated in 1963 and the applications for all the entries had been approved by March 1964. Development of Sailor Creek started in 1963 and the lands were placed under irrigation, and in crop production that year. Final proof of reclamation and final payment to the United States were made for the entries in 1964.

The entries were farmed under 2-year leases, with two 5-year renewal options—one entry was leased originally only for 1964. At that time, the Department had no regulations concerning leases or farming contracts for desert land entries. However, it did have a regulation expressly authorizing mortgages on desert entries.

Decisions of the Department made between 1891 and 1910, and still in effect in 1964, stated that desert entrymen did not have to live on the land, that all the required work could be done by an agent and did not have to be done by the entryman, and that other parties could assist in financing the work so long as there was no agreement to transfer title to the person providing the financing. Accordingly, the farm operator received mortgages to secure payment of the development costs. As is amply shown in the administrative records of the BLM, the Sailor Creek entrymen were encouraged by BLM employees to lease their entries in order to ensure sound farming operations and a successful project.

The basis of the cancellation of the entries was the 320-acre holding limitation set forth in the act. The first indication from the Department that the holding limitation applied to anything other than title transfers came in an opinion issued by the Department Solicitor in April 1965, several months after final payment had been accepted by the United States on the entries. That Solicitor's opinion was followed by a decision by Secretary Udall, 73 I.D. 386, which interpreted the act as prohibiting leases and development arrangements. This interpretation made the holding limitation under the act applicable to leases by construing leases to constitute an effective transfer of title under the act. The courts have upheld the Secretary's authority to make this interpretation and to apply it retroactively to the entries.

However, the entrymen were not advised that the new policy would be applied to their entries. Moreover, in another 1964 decision, 71 I.D. 477, the Department had confirmed its policy that new interpretations of public land

laws would not be applied retroactively. There has been confusion in applying the new policy set forth in Secretary Udall's decision. For instance, in 1972, the Department issued two patents on two entries comprising 640 acres, even though a partnership had held both entries under 5-year leases.

In May 1966, almost 2 years after final payment was made, the BLM filed contest complaints against the entrymen on grounds that they had violated the 320-acre holding limitation. The administrative law judge who heard the testimony ruled in favor of the entrymen. However, that decision was overruled by the Interior Board of Land Appeals [IBLA] on the basis of its own interpretation of section 329. In a suit for judicial review, the U.S. district court held that, while the Department's interpretation of the act was a proper one, it was unfair for the IBLA to apply that interpretation retroactively to the entries and that the entrymen should have been given an opportunity to comply with the new interpretation. The court of appeals for the ninth circuit reversed the district court and interpreted section 329 as permitting no latitude for modifying contractual arrangements to comply with the new interpretations. A second appeal was decided against the entrymen and the U.S. Supreme Court denied certiorari.

The purpose of this bill is to provide relief to the entrymen from forfeiture of their entries resulting from the retroactive application of the new interpretation of the act. The bill is designed to provide the entrymen with an opportunity to come into compliance with the new interpretations, which they knew nothing about when they made their contracts. Through the process of administrative evolution, the Department now has taken the position that an individual entryman "must participate actively in the reclamation and cultivation of his entry." The function of this bill is to reinstate the entries and afford the entrymen or their heirs—two entrymen are now deceased—an opportunity to complete the reclamation and cultivation of their entries in accordance with the Department's newly adopted policy.

The relief provided in this bill is similar to that provided for a large number of desert entrymen in Imperial County, CA, by the act of June 25, 1910 (36 Stat. 857). Many entries that had been made by dummy entrymen had been obtained by innocent purchasers, through assignments. Other entries had been assigned to persons who already held entries but not for the full 320 acres allowed by law. Technically, the entries were subject to cancellation for illegal inception or because the assignees were disqualified, just as the courts have held that the Sailor Creek entries technically were subject to cancellation for failure to comply with the requirements of the holding limitation. Many of the innocent assignees had invested thousands of dollars to develop the entries. In the Sailor Creek entries, the transactions were entered into innocently because the entrymen did not know that their development and farming arrangements would be interpreted as consituting holdings under 43 U.S.C. 329. That lack of knowledge is emphasized by the BLM's 1964 decision in the Indian Hill case, which held that long-term leases and mortgages were a permissible method of development and farming and did not constitute violations of section 329.

The 1910 act provided relief by permitting the assignee to complete the entry, notwithstanding any existing or potential contest against the entry, based upon a charge of fraud of which the assignee had no knowledge, or a charge that the assignee was disqualified. This bill relieves the entrymen of the harsh effect of an interpretation of which they had no knowledge at the time they entered into the critical transactions, because the interpretations had not been developed at that time and, in fact, a contrary interpretation was in effect at the time.

In providing relief to these entrymen from the harsh effects of retroactive application of the new interpretation this bill will not affect the Department's present policy or affect any other desert entries. This bill is limited in its application to the entries in the Sailor Creek project, the BLM serial numbers for which are set forth in appendix A attached hereto which I ask unanimous consent to have printed at the end of my remarks. This bill does not amend the Desert Land Act or any regulations; rather, it merely provides relief to these entrymen from retroactive application of new interpretations of the act and the consequent forfeiture of their entries. The bill will give these entrymen a fair opportunity to comply with the law as now interpreted by the Department and it will prevent the wasting of several hundred thousands of dollars of material and energy resources that were used in the development of the project and the construction of the irrigation system that serves the project.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—(1) certain developed and productive desert land entries in Idaho, identified in section 2 of this Act, made pursuant to the Act entitled "An Act to provide for the sale of desert lands in certain States and Territories", approved March 3, 1877 (43 U.S.C. 321, et seq.), commonly known and hereinafter referred to as the "Desert Land Act", have been cancelled by the Secretary of the Interior pursuant to holding limitation regulations promulgated pursuant to section 7 of the Act (43 U.S.C. 329);

(2) such regulations were retroactively applied to such desert land entries several years after the entries were allowed and more than two years after final development, proof and final payment for such entries were made, without giving the entrymen any opportunity to comply with the new interpretation of such regulations;

(3) cancellation of such desert land entries was harsh and unfair, and resulted in forfeiture to the Government of the developed entries and the monies paid for the land;

(4) such entrymen have fulfilled the requirements of the Desert Land Act in all respects other than such holding limitation regulations; and

(5) such entrymen, or their heirs or devisees, should have the entries reinstated and qualify for issuance of patents to carry out the objectives of the Desert Land Act.

SEC. 2. The names of the entrymen, and the serial numbers of the desert land entries generally known as the "Sailor Creek Project", to which this Act applies, are as follows:

Entryman	Bureau of Land Management serial number
G. Patrick Morris	Idaho 013820.
John E. Roth	Idaho 013905.
Elise L. Neeley	Idaho 013906.
Lyle D. Roth	Idaho 013907.
Vera M. Noble (Now Baltzor).	Idaho 014126.
Charlene S. Baltzor	Idaho 014128.
George R. Baltzor	Idaho 014129.
John E. Morris (deceased).	Idaho 014130.
Juanita M. Morris	Idaho 014249.
Nellie Mae Morris (deceased).	Idaho 014250.
Milo Axelsen	Idaho 014251.
Peggy Axelsen	Idaho 014252.

SEC. 3. (a) The desert land entries identified in section 2 of this Act are hereby reinstated. The entrymen, or the heirs or devisees of any decreased entryman, may—

(1) rescind any agreement which is prohibited by the Secretary of the Interior pursuant to regulations under section 7 of the Act (43 U.S.C. 329) within six months after the date of enactment of this Act; and

(2) resubmit final proof of reclamation and cultivation of the land in accordance with the provisions of section 7 of the Act (43 U.S.C. 329) before December 31, 1988.

(b) The Secretary of Interior shall issue patents to the entrymen named in section 2, or their heirs or devisees upon compliance with the provisions of subsection (a) and the submission of satisfactory final proof.

SEC. 4. Notwithstanding any other provision of law, the property right prior to issuance of a patent to the land of any entryman identified in section 2 of this Act, or the heirs or devisees of any such entryman whose entry is reinstated in accordance with section 3 of this Act, shall be a personal right, inheritable but not assignable. Any such entry may be mortgaged in the manner permitted by regulations promulgated by the Secretary of the Interior for the purpose of securing repayment of monies borrowed for development of the entry or for farm operating or crop production expenses.

EXHIBIT "A".—*BLM designated serial numbers for desert entries in the Sailor Creek project*

Entryman	BLM designated serial number
G. Patrick Morris	Idaho 013820.
John E. Roth	Idaho 013905.
Elise L. Neeley	Idaho 013906.
Lyle D. Roth	Idaho 013907.
Vera M. Noble (now Blatzor).	Idaho 014126.
Charlene S. Blatzor	Idaho 014128.
George R. Blatzor	Idaho 014129.
John E. Morris (deceased).	Idaho 014130.
Juanita M. Morris	Idaho 014249.
Nellie Mae Morris (deceased).	Idaho 014250.
Milo Axelsen	Idaho 014251.
Peggy Axelsen	Idaho 014252.●

By Mr. BRADLEY:

S. 596. A bill to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Finance.

SUPERFUND EXTENSION AND IMPROVEMENT ACT

Mr. BRADLEY. Mr. President, today I am introducing the Superfund Reauthorization Act of 1985. As you know, the Environment and Public Works Committee reported S. 51 last week. The Environment and Public Works Committee bill, of course, did not contain a revenue title. The bill I introduce today incorporates S. 51 as reported—with two minor modifications that I will describe in a moment—and adds a revenue title that will raise the $7.5 billion called for by the Environment and Public Works Committee.

The first modification of the E&PW reported bill is the addition of a target cleanup schedule. The second modification of the reported bill, and the first revenue component of my proposal is the reduction in level of general revenues authorized by the bill. The reported bill would authorize $206 million per year; my proposal is to maintain the annual authorization at the existing level of $44 million.

The second revenue component in my bill is the extension of the tax on oil and chemical feedstocks. These taxes would be extended for an additional 5 years, again, at the existing rates.

The third revenue component is the tax on disposal or long-term storage of hazardous waste that has been developed by Senators MOYNIHAN and BENTSEN, both members of both the Finance and E&PW Committees. I have incorporated their bill, S. 14, into the revenue package I introduce today.

The final revenue component is a tax on the net receipts of corporations with gross revenues in excess of $50 million. This tax is necessary to raise the funds called for by the program described in the E&PW reported bill. The combination of general revenues at acceptable levels in light of current Federal deficits, feedstock taxes at reasonable levels given the current competitive world chemical market, and the waste-end tax in its first years of existence is insufficient to raise the $7.5 billion called for in the E&PW bill.

The tax I am proposing today is an attempt to ensure that the responsibility for financing the Superfund is spread broadly among corporate America and its customers—that is, all of us. We have all profited from less costly production of manufactured goods, including the less costly waste management practices of the past. Banks have lent money to firms that have generated waste, insurance companies have insured them. We all must bear a small part of the burden. If we are to increase the size of the Superfund, and I believe we must, then we must seek a broader, more equitable tax base.

The net receipts tax on corporations with gross revenues in excess of $50 million will affect only a small number of firms, somewhere in the neighborhood of 10,000. The vast majority of businesses in this country have annual gross revenues of less than $1 million. The tax I am suggesting today would not apply to any but the largest firms.

The top 1 or 2 percent of businesses in terms of revenues, however, generate the greatest bulk of the business revenues in the Nation. The revenue base of the firms with gross revenues in excess of $50 million is in the neighborhood of $1 trillion. This allows the tax rate to be very low, less than one-tenth of 1 percent. For example, according to the annual reports of several companies that would be subject to this tax, a chemical company with gross receipts of $9 billion, net receipts of $2.4 billion, would pay about $2 million into the Superfund because of this tax. A large, integrated oil company with gross revenues of $93 billion, net receipts of $36 billion, would be liable for payments of $30 million to the Superfund under this tax. Of course, these chemical and oil companies would also be paying into the Superfund under the feedstock and waste-end components of this package. One of the Nation's largest automobile companies, with gross revenues of $75 billion and net receipts of $14 billion, would pay about $12 million under the net receipts tax I have suggested. Can it be argued that these rates are injurious to the health of these companies? Can it be argued that these companies and their customers—that is all of us—do not benefit from the production of chemicals? Can it be argued that these companies and their customers—all of us—do not benefit from the cleanup of abandoned toxic waste dumps?

We must act on Superfund soon. We all know that the Superfund authority expires next September 30. We all know that the Finance Committee has an extremely full agenda over the next several months. But, Mr. President, in my view, there is no more pressing issue before the Finance Committee, indeed, there is no more pressing issue before the Congress, than the reauthorization of an expanded, well funded Superfund.

We made a promise 5 years ago to clean up the thousands of hazardous waste sites that blight our land. The creation of the Superfund in 1980 told the American people that the Government recognized a mammoth problem, a continuing threat to public health, and that it could take the necessary steps to address that problem. Today the American people are wondering what happened to that promise. They see only slow progress cleaning up the sites in their communities. They saw the first several years of the Superfund's existence wasted by an EPA willing to use the Superfund for political favors instead of for cleaning up hazardous waste. Can we blame them for their skepticism?

We must reaffirm that promise we made back in 1980. We have the chance to make good on it now. We in the Finance Committee have the chance to continue the momentum generated by the quick action by the Environment and Public Works Committee. But we cannot wait until all the Federal budget issues are decided. We cannot wait for final disposition of tax simplification—even though I have a great deal of interest in that issue as well. Mr. President, we cannot wait.

I ask unanimous consent that the cleanup schedule and title II of my bill be printed in the RECORD at the conclusion of my remarks.

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

CLEANUP SCHEDULE

SEC. Section 104 is amended by adding the following at the end thereof:

"( )(1) It shall be a goal of this section for the Administrator to commence remedial investigations and feasibility studies for all facilities which are listed, as of the date of the enactment of this sub-section, on the National Priorities List at a rate of not fewer than 130 facilities per year.

"(2) It shall be a goal of this section for the Administrator to list not fewer than 1,600 facilities on the National Priorities List by January 1, 1988. Beginning 24 months after the date of the enactment of Superfund Improvements and Expansion Act of 1985, the goal for the Administrator shall be to assure commencement of remedial investigations and feasibility studies for each facility which is added to the National Priorities List after the date of the enactment of such Act. Such remedial investigations and feasibility studies shall be commenced in accordance with a schedule which provides for such commencement at 200 new facilities during the first 12 months after such 24-month period, at 225 facilities during the next 12 months, and at 275 facilities during the third 12 months.

"(3) It shall be a goal of this section for the Administrator to take such steps as may be necessary to assure that substantial and

continuous physical on-site remedial action commences at facilities on the National Priorities List at a rate of not fewer than 130 facilities per year beginning on October 1, 1986.

"(4) Not later than January 1, 1987, the Administrator shall complete preliminary assessments of all facilities which are listed, as of the date of the enactment of this subsection, on the Emergency and Remedial Response Information System (ERRIS) list.

"(5) It shall be a goal of this section for the Administrator to take such steps as may be necessary to assure that remedial action is completed, to the maximum extent practicable, for all facilities listed, as of the date of enactment of this subsection, on the National Priorities List within five years after the date of the enactment of this subsection. If remedial action is not completed at such facilities within such 5-year period, the Administrator shall publish an explanation of why such remedial action could not be completed within such period.

TITLE II

SEC. 201. TERMINATION OF TAX.

Subsection (d) of section 4611 of the Internal Revenue Code of 1954 (relating to termination) is amended to read as follows:

"(d) TERMINATION.—The tax imposed by this section shall not apply after the earlier of—

"(1) September 30, 1990, or

"(2) the date on which the Secretary, in the manner prescribed by regulations, reasonably estimates that the sum of the amounts received in the Treasury of the United States by reason of the taxes imposed by this section and sections 4461, 4691, and 4696 will equal 7,280,000,000.".

SEC. 202. WASTE-END TAX.

Chapter 38 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Tax On Disposal or Long-Term Storage of Hazardous Waste

"'Sec. 4691. Imposition of tax.
"'Sec. 4692. Definitions.
"'Sec. 4693. Records, statements and returns.

"'SEC. 4691. IMPOSITION OF TAX.

"'(a) GENERAL RULE.—There is hereby imposed a tax on (1) the receipt of a hazardous waste for disposal at a qualified hazardous waste disposal facility or (2) long-term storage of a hazardous waste in a qualified hazardous waste storage facility.

"'(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be—

"'(1) $45 for each ton of hazardous waste which is disposed of by landfill, in waste piles, or by surface impoundment;

"'(2) $25 for each ton of hazardous waste which is disposed of by ocean dumping or land treatment;

"'(3) $5 for each ton of hazardous waste which is disposed of by underground injection;

"'(4) $45 for each ton of hazardous waste which is placed in long-term storage.

"'(c) ALTERNATIVE COMPUTATION OF TAX.—Under regulations provided by the Secretary, if the owner or operator of a qualified hazardous waste disposal or qualified hazardous waste long-term storage facility can establish the amount of water of the hazardous waste deposited for disposal or for long-term storage, then such owner or operator may elect to pay a tax of $50 per ton on the amount of waste deposited for disposal or storage, reduced by the weight of water, in lieu of the taxes that would otherwise be paid under this section.

"'(d) EXCLUSION FOR CERTAIN WASTES.—The tax imposed by subsection (a) shall not apply to the following:

"'(1) The disposal or long-term storage of wastes which are, as of the date of enactment of this Act, exempt from regulation as a hazardous waste under section 3001 of the Solid Waste Disposal Act, as amended. In the event that any such waste is determined by the Administrator of the Environmental Protection Agency, following studies as required under section 8002 of such Act, to pose a potential danger to human health and environment, and the Administrator of the Environmental Protection Agency promulgates regulations for the disposal of such waste, then the Administrator shall transmit to both Houses of Congress, along with such regulations, his recommendation for imposing a tax, if any, on the disposal or long-term storage of such waste. A tax shall be imposed under subsection (a) on such waste only when authorized by an Act of Congress.

"'(2) The disposal or long-term storage of wastes which are not, as of the date of enactment of the Act, identified or listed under section 3001 of the Solid Waste Disposal Act. A tax shall be imposed under subsection (a) on such waste only when authorized by an Act of Congress.

"'(3) The disposal or long-term storage of wastes in a surface impoundment which (a) contains treated waste water during the secondary or tertiary phase of a biological treatment facility subject to a permit issued under section 402 of the Clean Water Act (or which holds such treated waste water after treatment and prior to discharge), and (b) is in compliance with generally applicable ground water monitoring requirements for facilities with permits under section 3005(c) of the Solid Waste Disposal Act.

"'(4) The disposal or long-term storage of (a) any waste by any person in the course of carrying out any removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 if such disposal is carried out in accordance with a plan approved by the Administrator of the Environmental Protection Agency or the State, (b) any waste removed from any facility listed on the National Priorities List (NPL), or (c) any waste removed from a facility for which notification has been provided to the Administrator of the Environmental Protection Agency pursuant to the provisions of Section 105 or 103(c) respectively, title I, of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

"'(e) LIABILITY FOR THE TAX.—The tax imposed by this section shall be imposed on the following:

"'(1) The owner or operator of the qualified hazardous waste disposal facility or qualified hazardous waste storage facility at which the hazardous waste is disposed of or stored.

"'(2) In the case of hazardous waste that is required by regulation to be disposed of or stored at a qualified hazardous waste disposal facility or a qualified hazardous waste storage facility but is disposed of or stored for a long term at other than a qualified hazardous waste disposal facility or a qualified hazardous waste storage facility, the person disposing of the hazardous waste.

"'(f) CREDIT FOR PRIOR TAX.—(a) A credit shall be allowed in the computation of any tax due under this section on the disposal of a hazardous waste for any tax previously paid under this section by the disposer on the long-term storage of such hazardous waste.

"'(2) In the event that a person who has paid a tax under this section on the long-term storage of a hazardous waste causes such hazardous waste to be delivered to and received by another person who is the owner or operator of a qualified hazardous waste disposal facility, then such person who paid the tax on the long-term storage shall be allowed a credit for such tax in the computation of any tax subsequently due on the long-term storage or disposal of a hazardous waste.

"'(3) For purposes of determining any credit allowances for fungible waste under the provisions of paragraphs (1) and (2), it shall be presumed that the last of such waste placed in a qualified hazardous waste storage facility shall be the first to be removed from such facility.

"'(g) FRACTIONAL PART OF TON.—In the case of a fraction of a ton, the tax imposed by this section shall be the same fraction of the amount of such tax imposed on a whole ton.

"'(h) PROSPECTIVE APPLICATION OF TAX.—The taxes imposed in this section shall not apply to the hazardous waste which is received for disposal or placed into long-term storage prior to the effective date of this Act.

"'(i) TERMINATION.—The taxes imposed in this section shall not apply after September 30, 1990.

"'SEC. 4692. DEFINITIONS.

"'(a) DEFINITIONS.—For purposes of this subchapter:

"'(1) DISPOSAL.—The term "disposal" means the discharge, deposit, injection, dumping, or placing of any hazardous waste into or on any land or water so that such hazardous waste may enter the environment. "Disposal" shall not include the treatment or reclamation of hazardous wastes or the storage of hazardous wastes in a facility described in the definition of "Qualified Hazardous Waste Storage Facility" below.

"'(2) LONG-TERM STORAGE.—The term "long-term storage" means remaining within the confines of a qualified hazardous waste storage facility for one year or more. For the purpose of determining the length of time in storage, it shall be presumed in the case of fungible waste that the last waste placed in a qualified hazardous waste storage facility shall be the first to be removed from such facility.

"'(3) QUALIFIED HAZARDOUS WASTE STORAGE FACILITY.—The term "qualified hazardous waste storage facility" means any storage facility, waste pile or surface impoundment, permitting of accorded interim status under section 3005 of the Solid Waste Disposal Act. "Qualified hazardous waste storage facilities" shall not include any hazardous waste treatment facilities.

"'(4) WASTE PILE.—The term "waste pile" is a quantity of hazardous waste heaped together as a means of storage as defined under regulations promulgated by the Administrator or the Environmental Protection Agency pursuant to section 3005 of the Solid Waste Disposal Act.

"'(5) SURFACE IMPOUNDMENT.—The term "surface impoundment" is an impoundment in which quantities of hazardous wastes are collected as a means of storage as defined under regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to section 3005 of the Solid Waste Disposal Act.

"'(6) QUALIFIED HAZARDOUS WASTE DISPOSAL FACILITY.—The term "qualified hazardous waste disposal facility" means any disposal

facility permitted or accorded interim status under section 3005 of the Solid Waste Disposal Act or under section 102 of the Marine Protection, Research and Sanctuaries Act, or part C of the Safe Drinking Water Act. "Qualified hazardous waste disposal facility" shall not include any hazardous waste treatment facilities.

"'(7) HAZARDOUS WASTE TREATMENT FACILITIES.—The term "hazardous waste treatment facilities" means any facility employing any method, technique, or process designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to convert such waste to a nonhazardous waste.

"'(8) TREATMENT.—The term "treatment", when used in connection with hazardous waste, means a method, technique or process designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to convert such a waste to a nonhazardous waste; except that there may be a byproduct or residue from such method, technique or process that would be considered a hazardous waste under section 3001 of the Solid Waste Disposal Act.

"'(9) HAZARDOUS WASTE.—The term "hazardous waste" means any waste—

"'(A) identified or listed under section 3001 of the Solid Waste Disposal Act, other than waste the regulation of which has been suspended by Act of Congress, and

"'(B) subject to the recording or record-keeping requirements of sections 3002 and 3004 of such Act.

"'(10) TON.—The term "ton" means 2,000 pounds.

"'(11) RECEIPT.—The term "receipt" means the act of the owner or operator of a qualified hazardous waste disposal facility by which such owner or operator, at an off-site facility, signs, or is required by regulation to sign, the manifest or shipping paper accompanying the hazardous waste, or at an onsite facility, enters, or is required to do so by regulation, the description and quantity of the hazardous waste in the qualified hazardous waste disposal facility operating record.

"'(12) NONHAZARDOUS WASTE.—The term "nonhazardous waste" means any waste that is not identified or listed as hazardous waste and section 3001 of the Solid Waste Disposal Act. Nonhazardous waste shall include the air and water effluents permitted by the Federal Government or by delegated State agencies under the Clean Air Act or Clean Water Act.

"'(13) RECLAMATION OF HAZARDOUS WASTES.—The term "reclamation of hazardous waste" means any hazardous waste that is processed to recover a usable product or any such waste that is regenerated. The term also includes hazardous wastes that are employed as an ingredient (including use as an intermediate) in an industrial process to make a product. The term also includes hazardous wastes that are employed in a particular function or application as an effective substitute for a commercial product. The term does not include hazardous wastes that are reused in a manner analogous to land disposal or incineration, including but not limited to, hazardous wastes that are used to produce products that are applied to the land or hazardous wastes burned for energy recovery used to produce a fuel or contained in fuels.

"'SEC. 4693. RECORDS, STATEMENTS, AND RETURNS.

"'(Every person who disposes of, or stores hazardous wastes for one year or more subject to taxation under this subchapter shall keep records, render such statements, make such returns, and comply with rules and regulations as the Secretary may prescribe to ensure proper assessment, payment, and collection of the taxes imposed by section 4691. The Secretary shall consult with the Administrator of the Environmental Protection Agency to ensure that records, statements, and returns required to be kept, rendered, and made under this section shall be consistent, to the extent possible, with the reports required to be submitted to the Administrator under the Solid Waste Disposal Act. The Secretary may require any person who generates, transports, disposes of, or stores hazardous wastes for one year or more and who is required to maintain records under the Solid Waste Disposal Act, the Marine Protection, Research and Sanctuaries Act or the Safe Drinking Water Act, to submit copies of such reports or make such reports available to the Secretary as required:

"SEC. 242. The table of subchapters for chapter 38 of the Internal Revenue Code of 1954 is amended by adding the following at the end thereof:

"Subchapter D—Tax on Disposal or Long-Term Storage of Hazardous Waste'

"SEC. 243. (a) EFFECTIVE DATE.—The amendments made by this Act, unless otherwise provided, shall take effect January 1, 1986.

"(b) STUDY.—Not later than January 1, 1987, and annually thereafter, through 1989, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on the amount of revenues being collected in accordance with this subchapter and his recommendations, if any, for changes in the tax imposed under this subchapter in order to—

"(1) raise an amount of revenue equivalent to the anticipated amount of revenue from the tax originally imposed under this subchapter,

"(2) ensure that the tax is discouraging the disposal of waste in an environmentally unsound manner, and

"(3) ensure that the tax is being collected with maximum administrative feasibility.".

SEC. 103. Section 221(b)(1) of the Comprehensive, Environmental Response, Compensation, and Liability Act of 1980 is amended by adding a new subparagraph as follows:

"(F) the amounts received in the Treasury under section 4691 of the Internal Revenue Code of 1954.".

SEC. 203. CORPORATE NET RECEIPTS TAX.

(a) IN GENERAL.—Chapter 38 of the Internal revenue code of 1954 (relating to environmental taxes) is amended by adding at the end thereof the following new Subchapter:

"Subchapter E—Tax on Corporate Net Receipts

"SEC. 4696. ENVIRONMENTAL NET RECEIPTS TAX.

"(a) GENERAL RULE.—There is hereby imposed on each corporation with gross receipts for any taxable year in excess of $50,000,000 a tax equal to 0.083 percent of the taxable net receipts of such corporation for the taxable year.

"(b) TAXABLE NET RECEIPTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'taxable net receipts' means the excess (if any) of the gross receipts of the taxpayer for any taxable year, over the cost of goods sold by the taxpayer, as defined by the Secretary for purposes of this subsection only, for any taxable year.

"(2) AGGREGATION OF CONTROLLED GROUPS.—

"(A) IN GENERAL.—For purposes of this section, all members of the same controlled group of corporations shall be treated as one taxpayer.

"(B) OTHER GROUPS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, a rule similar to the rule of subparagraph (A) shall apply to trades or businesses (whether or not incorporated) which are under common control.

"(C) CONTROLLED GROUP DEFINED.—For purposes of this paragraph, the term 'controlled group of corporations' has the meaning give such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(c) SPECIAL RULE FOR TAX-EXEMPT ORGANIZATIONS.—In the case of any taxpayer which is exempt from tax under section 501(a), taxable net receipts shall be computed only by reference to the unrelated business taxable income (within the meaning of section 512) of the taxpayer.

"(d) TERMINATION.—No tax shall be imposed under this section for taxable years beginning after December 31, 1990.".

(b) ALLOCATION OF REVENUES TO TRUST FUND.—Section 221(b)(1) of the Comprehensive, Environmental Response, Compensation and Liability Act of 1980, as amended by part III, is amended by striking out "and" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", and", and by adding at the end thereof the following new subparagraph:

"(G) the amounts received in the Treasury under section 4696 of the Internal Revenue Code of 1956.".

(c) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"Subchapter E—Tax on corporate Net Profits".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1985.

SUMMARY OF BRADLEY SUPERFUND REVENUE PROPOSAL

Title I of the Bradley bill consists of the Superfund reauthorization as reported by the Environment and Public Works Committee on 3/1/85 with two exceptions: add a target cleanup schedule and reduce the annual general revenue authorization to $44 million.

TITLE II

SEC. 201. Extend the current feedstock tax on crude oil and chemicals at current tax rates. Provides $275 million annually.

SEC. 202. Impose the waste-end tax proposed by Senators Bensten and Moynihan. Provides $300 million annually.

SEC. 203. Impose a net receipts tax on corporations with annual gross revenues in excess of $50 million; tax rate would be .08% (0.0008 times net receipts.) Provides $882 million annually.

Total annual revenues would be $1.5 billion; $7.5 billion five year total.

Mr. LONG. Mr. President, Senator BRADLEY has been heavily involved in Superfund legislation and has put a great deal of thought into his proposal. I think most of us would recognize, as his proposal does, that we need to increase our toxic waste cleanup efforts above what we have been doing up until now.

I am pleased that Senator BRADLEY's proposal recognizes that the industries paying the present feedstock and crude oil taxes are already paying their fair share of the burden of toxic waste cleanup. He would not seek to increase those taxes.

Senator BRADLEY's proposal also includes a new waste end tax. I think it appropriate that we explore developing a practical waste end tax, and I will take a good look at his proposal.

Finally, the Bradley proposal includes a new net receipts tax on large corporations. If we are to enact a new broad-based tax to pay for the cost of toxic waste cleanup, this proposal deserves careful study.

By Mr. STEVENS:

S. 597. A bill to amend subtitle II of title 46, United States Code, "Shipping," making technical and conforming changes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TECHNICAL AND CONFORMING CHANGES IN THE SHIPPING LAWS

● Mr. STEVENS. Mr. President, I would now like to introduce legislation to make certain technical and nonsubstantive changes to the shipping laws in title 46 of the United States Code.

Section 1 makes certain technical amendments to the shipping laws in subtitle II of title 46, United States Code. The amendments correct errors in the 1983 codification of these laws and provide for consistency in the application and use of terms as well as proper punctuation and grammatical construction.

In particular, subsection (a)(5) clarifies the wage penalty provisions in the U.S. shipping laws that apply to vessels engaged in the coastwise commerce. Coastwise commerce encompasses all voyages of vessels from one place in the United States to another, including voyages on the Great Lakes. As the law currently appears, section 10504 of title 46, United States Code, requires a vessel owner or master to pay a seaman 2 days' wages for each day payment of wages is delayed without sufficient cause after the termination of a voyage. Under prior law, former 46 U.S.C. 544, vessels engaged in coastwise commerce were exempt from this requirement. However, in the codification of the shipping laws in title 46 of the United States Code (Public Law 98-89), this exemption was inadvertently omitted.

The reason the wage penalty was enacted originally was to cure abuses occurring in the merchant marine where seamen were abandoned in foreign ports without their pay. Under this provision, if a seaman was not paid, the seaman would be able to receive relief under U.S. law. However, in the original law, the policy was set that this protection was not necessary for vessels enaged in commerce close by along the coast of the United States. In addition, certain fishing vessels, whaling vessels, yachts, and vessels engaged in voyages between the United States and Canada, or between adjacent States, were also exempted from this penalty provision.

This section would simply restore this exemption so that vessels that should properly be exempt from this penalty would not have to disrupt the pay and accounting systems already in place just because of an oversight in the codification of title 46, United States Code. Currently, vessels that enjoy this exemption are paying their seamen in a timely fashion and are legitimate businesses which are not seeking to fraudulently deprive U.S. merchant seamen of their righful benefits. In fact, many of the seamen employed on vessels engaged in coastwise commerce are subject to union agreements which contemplate a slight delay because they provide for the periodic payment of their wages. Thus, although a seaman may not be paid upon the termination of a voyage, as this penalty provision envisions, the seaman would be paid on a biweekly or monthly basis in accordance with a contract with the shipping company and would not have sufficient cause for the penalty to apply. In fact, even without this exemption, because of the established practice of paying seamen in the coastwise commerce, the negotiated union agreements, and the modern accounting systems that shipping companies employ in the United States, it is certain that a seaman paid under these circumstances would not have sufficient cause to make a claim for additional compensation because of a gap in time between when a voyage terminated and when the seaman's paycheck arrived in a timely fashion.

Thus, from a historical and legal perspective, this provision in no way diminishes the protection afforded our American seamen in the past and serves to eliminate this oversight in our shipping laws.

Section 2 simply eliminates a duplicate provision in the shipping laws requiring the use of exposure suits on vessels operating in cold waters. Both section 22 of the Coast Guard Authorization Act of 1984 (Public Law 98-557, 98 Stat. 2871), enacted October 30, 1984, and section 701 of the act of November 8, 1984 (Public Law 98-623, 98 Stat. 3413), enacted substantively identical sections 3102 of title 46, United States Code, related to exposure suits. The purpose of this section of the bill is technical and nonsubstantive in nature. It repeals the earlier section, section 22, and its amendments as of the date of enactment of the later section, section 701, and includes a savings provision so that regulations prescribed and actions taken under, and references to, section 22 and its amendments will be deemed to be regulations prescribed and actions taken under, and references to, section 701 and its amendments. Thus, no disruption occurs in the requirement for exposure suits by law or regulation, nor is the requirement changed in any way.

Section 3 clarifies a provision in the shipping laws in section 403(a) of the Commercial Fishing Industry Vessel Act (Public Law 98-364, 98 Stat. 450) permitting the transportation of cargo to remote communities in Alaska by fishing industry vessels. It makes clear that fish processing vessels that carry flammable or combustible liquid bulk cargo are subject to the safety requirements in chapter 37 of title 46, United States Code. Section 3702(d) of that chapter subjects all fish-processing vessels carrying this type of cargo to regulation by the Coast Guard. Thus, proper storage and transfer procedures would be required for safe operation of the vessel. Section 403(a) permits the carriage of these cargoes but was not intended to circumvent the requirements of chapter 37 of title 46, United States Code. In effect, this clarification merely ensures uniform application of the law to all fish-processing vessels. This change does not alter the application of the law to the transfer of fuel or bunkers which is not regulated under chapter 37.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

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

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subtitle II of title 46, United States Code, is amended as follows:

(1) In section 3305(b), strike "life-saving" and "life preserver or firehose" and insert in lieu thereof "lifesaving" and "life preserver, lifesaving device, or firehose", respectively.

(2) In section 3501—

(A) in subsection (a), strike the comma; and

(B) in subsection (c), strike "violates subsection (b) of this section" and insert in lieu thereof "carries more passengers than the number of passengers permitted by the certificate of inspection".

(3) In section 7702(a), strike "mariners' " and insert in lieu thereof "mariner's".

(4) In section 8302(b), strike "clerks" and insert in lieu thereof "clerks,".

(5) In section 10504, amend subsection (d) to read as follows:

"(d) Subsections (b) and (c) of this section do not apply to:

"(1) a vessel engaged in coastwise commerce.

"(2) a yacht.

"(3) a fishing vessel (except a vessel taking oysters).

"(4) a whaling vessel.".

(6) In section 11101(d), strike "light" and insert in lieu thereof "lighted".

(7)(A) In the analysis of chapter 121, amend the item relating to section 12109 to read as follows:

"12109. Recreational vessel licenses.".

(B) In sections 12101(5) and 12104(2), strike "pleasure" and insert in lieu thereof "recreational".

(C) In section 12109 and the catchline for such section, strike "Pleasure" and "pleasure vessel" wherever they appear and insert in lieu thereof "Recreational" and "recreational vessel", respectively.

(D) In section 12110 (a) and (c), strike "documented pleasure" wherever it appears and insert in lieu thereof "documented recreational".

(8) In section 12114(a), strike "of documentation".

(9)(A) In the caption for part E in the analysis of such subtitle II which appears before the text of Part A of such subtitle, strike "Licenses, Certificates, and Merchant Mariners' " and insert in lieu thereof "Merchant Seamen Licenses, Certificates, and".

(B) In the caption for part E immediately before the analysis of chapter 71 of such subtitle II, strike "Licenses, Certificates, and Merchant Mariners' " and insert in lieu thereof "Merchant Seamen Licenses, Certificates, and".

(C) In section 7501(a), strike "certificate, or document" and insert in lieu thereof "certificate of registry, or merchant mariner's document".

(D) In section 7503(b), strike "certificate, or document" the first time it appears and insert in lieu thereof "certificate of registry, or merchant mariner's document".

(E) In section 7703, strike "certificate," the first time it appears and insert in lieu thereof "certificate of registry".

(F) In section 7704(b), strike "document" the first time it appears and insert in lieu thereof "merchant mariner's document".

(G) In section 7704(c), strike "certificate, or document" and insert in lieu thereof "certificate of registry, or merchant mariner's document".

(H) In section 7705(a) strike "certificates, and documents" and insert in lieu thereof "certificates of registry, and merchant mariners' documents".

(b) The effective date of subsection (a)(5) of this section is August 26, 1983.

SEC. 2. Section 22 of the Coast Guard Authorization Act of 1984 (Public Law 98-557; 98 Stat. 2871), and the amendments made by such section, are repealed as of November 8, 1984. Regulations prescribed and actions taken under, and references to, such section and the amendments made by such section are deemed to be regulations prescribed and actions taken under, and references to section 701 of the Act of November 8, 1984 (Public Law 98-623; 98 Stat. 3413), and the amendments made by such section 701.

SEC. 3. Section 403(a) of the Commercial Fishing Industry Vessel Act (Public Law 98-364; 98 Stat. 450) is amended by striking "Before" and inserting in lieu thereof "except as provided in chapter 37 of title 46, United States Code, and before".●

By Mr. KASTEN:

S. 598. A bill to make persons who produce agricultural commodities on highly erodible land ineligible for certain agricultural benefits, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FRAGILE LANDS CONSERVATION ACT OF 1985

Mr. KASTEN. Mr. Speaker, today I am introducing legislation to discourage the cultivation of fragile lands. I urge my colleagues to support this important legislation.

Soil erosion is a national problem; controlling it ought to be a national priority. Soil erosion robs us of the reserve productive capacity that we may one day need in an emergency; it robs us of drinking water free from sediment, waterways free from silt, and wetlands free from agricultural chemicals. Most important, soil erosion robs our children of the fruitfulness of the land that is our heritage and that ought to be our memorial.

Most of the really damaging erosion in the United States takes place on a comparatively small amount of our cropland. According to the 1982 national resources inventory, we now have about 23.8 million acres of row and close grown cropland suffering from sheet and rill erosion at rates in excess of 14 tons per acre per year, and 16.8 million acres are estimated to suffer that much wind erosion each year; 14 tons is almost three times the tolerable limit for most soils.

The conservation foundation estimates off-site damages resulting from soil erosion at about $3 billion per year, with most of that cost stemming from damage to crops, structures and forests, sedimentation in reservoirs, and waterway dredging.

The problem, Mr. President, is getting worse. The American farmland trust estimates that about 7 percent of existing cropland is a high erosion risk; but of the 3 to 4 million acres of new cropland that come into production each year, about 20 percent is highly erodible. Moreover, there is still much highly erodible land, especially in the arid Great Plains region, which may be brought into cultivation in the next few years.

The cropping of fragile lands is something that Congress cannot forbid, but surely we ought not to encourage it. We ought to discourage it as strongly as we practically can. That is why the bill I am introducing today would deny any person who breaks out any highly erodible land that has not been cultivated in the last 5 crop years any farm program benefits for the next 5 crop years.

Mr. President, the idea of sodbuster legislation is hardly new. It originated with my good friend, the distinguished Senator from Colorado [Mr. ARMSTRONG] who has worked long and hard over the last 2 years to bring this idea to the point where it is accepted in principle by almost everyone in both the agricultural and environmental communities—no easy task, as many in this Chamber know.

Senator ARMSTRONG's efforts have spurred much-needed research and long overdue debate on this important national issue. He deserves the thanks of every American who is concerned about the preservation of our national resources.

The bill that I am introducing frankly builds on the work that Senator ARMSTRONG and others have done. It is a bill that is both stronger and more practical than those that passed each House of Congress last year. It corrects what I regard as flaws in those bills and in the proposal recently advanced by the Reagan administration.

First, my bill would deny farm program benefits for a period of 5 years to any person who breaks out highly erodible land. The benefits such a person would be eligible for include Federal price support, income assistance, and production adjustment payments; Commodity Credit Corporation storage facility loans; Federal crop insurance; disaster payments; and new Farmers Home Administration loans.

The prospect of receiving additional farm program benefits clearly provides an incentive to farmers to crop additional land. However, it is equally clear that other motivations, such as the desire to benefit from low capital gains taxes on the sale of improved land, can be and frequently are more important. For the denial of program benefits to be an effective deterrent to sodbusting, therefore, it must extend to all the crops a sodbuster produces, not just to the crop planted on the fragile land itself, as the bill passed by the Senate last year (S. 663) provided. Denial of program benefits must also last for a longer period than 1 crop year. For example, denying a farmer eligibility for Federal all-risk crop insurance for only 1 year is hardly a deterrent to sodbusting, for the obvious reason that fragile soil is most likely to fail in the years after the one in which it is first cropped.

Conversely, the admittedly much weaker sanctions in S. 663 appear to apply in perpetuity. The objective of my bill is merely to deter sodbusting, and for that purpose denying program benefits for 5 years is sufficient; anything more would be unnecessarily harsh and punitive.

The second improvement in the legislation I am introducing today is the reduction of the so-called "grace period" from 10 to 5 years. In the sodbuster bills that have been introduced thus far, any cropland that has been cultivated in any year since 1975 is excluded from the definition of highly erodible land, and may therefore be cropped without risk of sanctions.

This exemption takes in a lot of land. For example, USDA estimates

that there were about 9 million more acres planted to wheat in 1976 than there were in 1979—and wheat, perhaps more than any other major crop, has been a favorite of sodbusters who farm for a couple of years on land better suited to grass or other protective cover, and then leave it barren or sell to unwary or imprudent buyers.

There were also about 3 million more acres planted to corn in 1976 than there were in 1979, although the acreage actually harvested was somewhat less. This discrepancy can no doubt be attributed to a number of factors, most obviously weather, but it is hard to escape the conclusion that much of the land planted but not harvested should never have been cropped in the first place.

Further, the Agricultural Stabilization and Conservation Service [ASCS] of USDA keeps records of which lands were cultivated during each crop year. USDA would have to rely on these records to determine whether a given field had been cultivated in the recent past, but the records kept by many State and local ASCS offices are not reliably complete for any year before 1980. Shortening the grace period would therefore not only protect more fragile land, but make the whole program easier to administer.

The final improvement in my bill is a technical change that also appears in the administration proposal. The definition of the term "highly erodible land" is based on rates of erosion and left to the discretion of the Secretary of Agriculture.

This provision is of an interim nature. It acknowledges the fact that the land capability classification system used by the Soil Conservation Service is not suited to measure the loss of productive capacity caused by soil erosion, and so should not be used as a guide to the kind of land whose cultivation we ought to discourage. USDA has been working for some time, in cooperation with some of the leading experts from outside the Government, to develop an appropriate alternative.

This alternative will be a variant of the well-known universal soil loss equation [USLE]. Under the formula now being developed, a given area of soil's potential for loss of productive capacity due to soil erosion would be measured by its so-called *T* value: that is, its soil loss tolerance, or the maximum rate of erosion that will permit maintenance of soil productivity.

T values are established according to SCS guidelines and take into account soil depth, the geologic material in which soil is formed, the relative productivity of topsoil and subsoil, and the amount of previous erosion. Most agricultural land in the United States was assigned *T* values by SCS and local conservation officials in the 1960's and 1970's.

Since the formula uses the same data base as the land capability classification system, it will be applicable to all areas that have been surveyed by SCS for purposes of that system. I am informed that USDA should complete its work on the formula in about a month or so; as soon as that work is complete, I intend to amend this legislation's definition of highly erodible land accordingly.

I would point out that my bill retains the exemptions for cultivation of fragile lands where SCS approved conservation techniques are used, and will not effect any crops planted in the crop year that this legislation is enacted.

Mr. President, the urgent task of conserving our soil resources is also a large task, and sodbuster legislation is only the beginning. Sodbuster legislation addresses only the objective of keeping land out of production. We need to move beyond that, and begin thinking in terms of taking fragile lands out of production on a long-term basis.

By taking millions of acres of our most fragile lands out of production and putting them into a conservation reserve, we would be doing more than addressing a pressing environmental problem, although that must be our main objective. We would also be relieving the chronic overcapacity that plagues American agriculture and reducing the huge sums the Government now spends to purchase and store surplus crops every year. Retirement of land whose productive capacity we do not need would be better for both the American farmer and the American taxpayer than the ineffective and somewhat ridiculous array of set-asides, paid diversions, grain reserves, and other supply-management doodads and gimmicks we have now. It would also be more effective in conserving our soil resources than our current soil conservation programs.

I expect to introduce legislation which would establish a conservation reserve later this year. I also expect to introduce legislation on a related environmental problem—the conversion of fragile wetlands to agricultural uses. Such conversion does irreparable damage to some of our most valuable wildlife habitat, and is especially harmful to many species of migratory waterfowl, some of which are threatened with extinction now. In addition, of course, conversion of wetlands into croplands adds still more productive capacity that we do not need at the present time.

Mr. President, the sodbuster bill I am introducing today will not involve additional cost of the Govertnment, since it can be administered with the current level of SCS personnel. Since this legislation will keep some land out of production, it is likely to save the Government money. The necessary research and discussion of the sodbuster concept has been done; it is now time for Congress to act.

Mr. President, I ask unanimous consent that the full text of my legislation be inserted in the RECORD at this point.

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

S. 598

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 "Fragile Lands Conservation Act of 1985".

DEFINITIONS

SEC. 2. As used in this Act:

(1) The term "agricultural commodity" means any agricultural commodity planted and produced by annual tilling of the soil, including one-trip planters.

(2) The term "conservation district" means any district or unit of State or local government formed under State or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such district or unit of State or local government may be referred to as a "conservation district", "soil conservation district", "soil and water conservation district", "resource conservation district", "natural resource district", "land conservation committee", or a similar name.

(3) The term "field" means that term as defined in section 718.2 of title 7, Code of Federal Regulations, except that any highly erodible land on which an agricultural commodity is produced after the date of the enactment of this Act and which is not exempt under section 4 shall be considered as part of the field in which such land was included on such date of enactment.

(4) The term "highly erodible land" means land that has an excessive rate of erosion, as determined by the Secretary.

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

PROGRAM INELIGIBILITY

SEC. 3. Except as provided in section 4 and notwithstanding any other provision of law, following the date of the enactment of this Act, any person who during any crop year produces an agricultural commodity on highly erodible land shall be ineligible for—

(1) any type of price support or payments made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

(2) a farm storage facility loan under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(3) crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(4) a disaster payment under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(5) a loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration;

with respect to any commodity produced by such person during that crop year and during the four succeeding crop years.

EXEMPTIONS

SEC. 4. (a) Section 3 shall not apply to any person who, during any crop year, produces an agricultural commodity on highly erodible land on a field on which such highly

erodible land is predominant if all the commodities are produced by such person during that crop year were—

(1) produced on land that was cultivated to produce any of the 1980 through 1985 crops of agricultural commodities;

(2) planted before the date of the enactment of this Act;

(3) planted during any crop year beginning before the date of the enactment of this Act; or

(4) produced—

(A) in an area within a conservation district under a conservation system that has been approved by a conservation district after it has been determined that the conservation system is in conformity with technical standards set forth in the Soil Conservation Service technical guide for that conservation district, or

(B) in an area, not within a conservation district, under a conservation system determined by the Secretary to be adequate for the production of such agricultural commodity on highly erodible land.

(b) Section 3 shall not apply to any highly erodible land during any crop year if such land was planted in reliance on a determination by the Soil Conservation Service that such land was not highly erodible land. The exemption allowed by the subsection shall not apply to any crop which was planted on any land after the Soil Conservation Service determines such land to be highly erodible land.

(c) Section 3 shall not apply to any loan made before the date of the enactment of this Act.

COMPLETION OF SOIL SURVEY

SEC. 5 (a) The Secretary shall, as soon as practicable after the date of the enactment of this Act, complete soil surveys on those private lands that have not been evaluated as to erosion characteristics.

(b) In carrying out subsection (a), the Secretary shall, insofar as possible, concentrate on those localities where significant amounts of highly erodible land are being converted to the production of agricultural commodities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. EXON:

S. 599. A bill to amend title 31, United States Code, to authorize 1 ounce, one-half ounce, one-fourth ounce, and one-tenth ounce gold coins; to the Committee on Banking, Housing, and Urban Affairs.

GOLD BULLION COIN ACT

Mr. EXON. Mr. President, last year, a young Nebraskan wrote to me regarding gold coins. He suggested that since many Americans were interested in owning gold, that the Federal Government should once again mint gold coins.

I informed this young man of the U.S. Olympic gold and silver coins, the Gold Medallion Program. Since that time, both programs have expired and the U.S. Treasury does not now mint a gold coin.

The United States issued gold coins from 1849 to 1933. When the United States went off the gold standard in 1933, the private ownership of gold bullion was also prohibited. That restriction was not removed until 1974.

The American people have since enthusiastically exercised their option to own gold. In 1980, Congress authorized the Treasury Department to issue 1 ounce and one-half ounce gold medallions to commemorate famous Americans in the fine arts. In 1982, the Congress passed the Olympic Commemorative Coin Act, to help raise money for our Olympic athletes.

Both the Olympic Coin Program and the Gold Medallion Program have been a success. However, my correspondence with this young man made me realize that both gold investments available through the Treasury Department were not accessible to most Americans. The attractive Olympic coins sold for over $350 and the 1 ounce and one-half ounce gold medallions sold for the market bullion rate for gold plus a nominal service charge.

The bill that I am introducing today authorizes the U.S. Department of the Treasury to once again issue gold coins. These coins would be available in 1 ounce, one-half ounce, one-quarter ounce, and one-tenth ounce sizes. These coins would be legal tender for the settlement of private debts and available in quantities necessary to meet demand. The coins would be sold through the Treasury and designated points of distribution at the market value of the coin's bullion plus a service charge.

As such, gold investment would be accessible to all Americans. At the current rates, a one-tenth ounce gold coin could be purchased for well under $50.

It is indeed no coincidence that specifications for the new American bullion coins exactly mirror the sizes, purities, shapes, and weights of the South African krugerrand.

This legislation is intended to create an American gold coin to directly compete with the South African krugerrand. Last year, the South African Government earned over $400 million from United States investors alone.

It is my belief that the vast majority of Americans who have chosen to invest in South African coins are not advocates of the South African form of government or their racist system of apartheid. They simply have chosen the market leader in this type of investment.

I am convinced that most American gold investors would choose an American gold coin over a South African gold coin, if that option existed. The problem, Mr. President, is that the American people have not been given that option. Even the American Olympic coin and the gold medallions offer a less attractive investment opportunity than the South African coins. This legislation creates a new competitive option for American and world investors.

In addition, about 3 million foreign gold coins a year are imported into the United States adding almost $1 billion a year to the Nation's trade deficit. Money that is currently flowing abroad into world gold coin investments could be kept in the United States used to reduce the budget and trade deficits.

This program will be a success. The recently completed Olympic gold and silver coin program exceeded its planned targets and the gold medallion program, while slow starting, has overall done very well.

The Olympic coin program proves that aggressive promotion and attractive design can generate much public interest. I have drafted this legislation to give the Treasury Department the utmost flexibility in designing a gold coin program that will be a big success.

I am hopeful that my colleagues will give this proposal the most serious consideration. It gives all Americans an opportunity to invest in American gold coins, it restores an American tradition and, perhaps most importantly, it offers a positive, free market means of opposing the South African policies of apartheid.

Thank you, Mr. President.

By Mr. CHAFEE:

S. 600. A bill to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees; to the Committee on Governmental Affairs.

FLEXITIME EXTENSIONS ACT

Mr. CHAFEE. Mr. President, today I am introducing legislation to extend the Flexitime Program for Federal employees. During the 6 years it has been in effect, this program has been highly successful in boosting both morale and productivity, thus providing increased service to the public at little or no additional cost to the taxpayer.

Under this program, Federal agencies are permitted to establish alternative work schedules, either by staggering employee arrival and departure times within an 8-hour day, or by lengthening the work day and thus condensing the work week.

This bill extends the current program—which is scheduled to expire on July 23 of this year—through the end of fiscal year 1988. In all other respects, the bill is identical to the 1982 flexitime extension, which passed the Senate in a nearly unanimous vote of 93–2, with the support of unions representing Federal employees and of the Office of Personnel Management.

The benefits of flexitime programs are numerous. Under flexitime, working parents can arrange their schedules to meet their children's needs. Appointments outside the office can be more easily scheduled and travel time to and from work is reduced.

Those interested in furthering their education can take classes at night without having to leave work early to do so, and workers who prefer longer workdays and longer weekends can trade one for the other.

For its part, management enjoys increased productivity, improved morale, and reduced costs. Workers are able to better allocate their time in fulfilling both personal and family obligations. This not only reduces absenteeism and tardiness; it also enables employees to perform better while on the job. In many Federal agencies, the adoption of flexitime schedules has meant extended hours of service to the public. And all of these benefits can be achieved at little or no added expense.

The Flexitime Program has proven successful in responding to the myriad social and economic changes that have transformed the world of work. These trends include the influx of women—especially mothers with school-age children—into paid employment, an increase in multiple-worker and dual career families, and a rise in the proportion of single-parent families. Flexible work hours allow these employees to cope with the often-competing demands of home and office, and to meet their responsibilities to their employers, to their families, and to themselves.

Flexitime is a benefit which Federal workers value highly and which more and more of their private sector counterparts now receive. Extending the program is one step we can take in this time of fiscal austerity to ensure that the civil service continues to attract highly qualified and strongly motivated workers. In doing so, we also set an example for those private sector employers who have not yet experimented with flexible work schedules.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6101 note) is amended by striking out "three years after the date of the enactment of this Act" and inserting in lieu thereof "September 30, 1988".

By Mr. HEFLIN (for himself and Mr. THURMOND):

S. 601. A bill to establish a Federal Courts Study Commission; to the Committee on the Judiciary.

FEDERAL COURTS STUDY ACT

Mr. HEFLIN. Mr. President, there is no doubt that an orderly and effective administration of justice is the key to ensuring the life, liberty, and happiness of all Americans. Our constitutional freedom is premised on certain assumptions; one is the belief that our judicial system will serve the needs of every individual.

We cannot be a completely free society if our courts are not equipped to render justice equally and swiftly. We cannot be free when intercircuit conflicts and backlogs of cases prevent the orderly enforcement of our most cherished constitutional rights. And we cannot be free if we continue to ignore the mounting pressures being exerted on our court system.

Today, I am introducing legislation which will establish a Federal Courts Study Commission for a 10-year period. The purpose of the commission will be to evaluate and provide an eventual solution to the problems currently facing the courts; to make a complete study of the jurisdiction of the courts of the United States and the courts on the State level; to recommend revisions to the Constitution and laws of the United States; to assimilate studies on the effectiveness of the courts; and to develop a long-range plan for the judicial system.

This legislation will help develop a workable, overall gameplan for the future and it will avoid haphazard and piecemeal reforms. Chief Justice Burger was instrumental in drawing attention to the need for study and change and in July 1980 he requested Judge Clifford Wallace of the Ninth Circuit Court of Appeals, to look toward the future and predict the state of the court system by the year 2000. The concept for the Study Commission evolved from the outstanding work of Judge Wallace.

Judge Wallace submitted his working paper—"Future of the Judiciary" on February 20, 1981. That was 4 years ago. In those 4 years, the problem hasn't gone away, and a solution hasn't been achieved. The rise in court cases shows no signs of declining and additional personnel is not a means of action but simply reaction. As legislators, we have a responsibility to learn from the past, take heed of the present, and to prepare for the future.

While we all too frequently avoid problems by appointing commissions to study them, a panel to comprehensively and dispassionately study the delicate question of the proper role and scope of our judicial system is a concept which is not only worthwhile but long overdue.

The greatness of our Nation's judiciary will depend on our ability to determine our future needs and revise our judicial system in line with our constitutional principles. This legislation provides us an opportunity to shape the future of our judiciary, not merely accept what evolves over time because of our inaction.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Courts Study Act".

ESTABLISHMENT AND PURPOSES OF THE COMMISSION

SEC. 2. (a) There is hereby established a Federal Courts Study Commission on the future of the Federal Judiciary (hereafter referred to as the "Commission").

(b) The purposes of the Commission are to—

(1) study the jurisdiction of the courts of the United States;

(2) evaluate the procedures, personnel, business and administration of the courts;

(3) stimulate the examination of problems currently facing the courts;

(4) order, receive, and review reports from all dispute resolving bodies, including courts, administrative agencies, and alternative dispute resolution entities; and further, collect, and review all private and public studies concerning the effectiveness of courts of the United States, the jurisdiction of the courts and their procedures, personnel, business, and administration;

(5) report to the President, the Congress, the Judicial Conference of the United States, and the State Justice Institute, on the revisions if any, in the Constitution and laws of the United States where the Commission, based on its study and evaluation, deems advisable; and

(6) develop a long-range plan for the future of the Federal Judiciary, including assessments involving—

(A) alternative methods of dispute resolution;

(B) the actual structure and administration of the Federal court system;

(C) the manner in which courts handle cases;

(D) methods of resolving intracircuit and intercircuit conflicts in the court of appeals; and

(E) the types of disputes resolved by the Federal courts and Federal agencies.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of fourteen members appointed, within ninety days after the effective date of this Act, as follows:

(1) four members appointed by the President of the United States with not more than two members from any major political party;

(2) two members of the Senate appointed by the President pro tempore of the Senate, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader;

(3) two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader;

(4) four members appointed by the Chief Justice of the United States with no more than two of such members from any major political party; and

(5) two members appointed by the Conference of Chief Justices, with no more than

one such member being from any major political party.

(b) The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by the jurisdiction of the Federal courts.

(c) The term of office of each Commission member shall be five years. Any member who was appointed pursuant to paragraph (2) or (3) of subsection (a) who vacates such office during his term of office with the Commission shall vacate his position on the Commission also. A member appointed to fill any such vacancy shall be appointed only for the remainder of his predecessor's term. Vacancies in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) The Commission shall select a Chairman and a Vice Chairman from among its members.

(e) Eight members of the Commission shall constitute a quorum.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee thereof may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and request the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission, or any such subcommittee may deem advisable.

(b) The Administrative Office of the United States Courts, and the Federal Judicial Center, and each department, agency, and instrumentality of the executive branch of the Government, including the National Institute of Justice and independent agencies, shall furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information and assistance as the Commission may reasonably deem necessary to carry out its functions under this Act, consistent with other applicable provisions of law governing the release of such information.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such Act relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such Act, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.

(d) To the extent or in such amounts as are provided in appropriations Acts, the Commission is authorized to enter into interagency agreements or contracts with the Federal Judicial Center, the National Center for State Courts, Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) The Commission is authorized to receive financial assistance from sources other than the Federal Government, including assistance from private foundations.

(f) The Commission is authorized, for the purpose of carrying out its functions and duties pursuant to this Act, to establish advisory panels consisting of members either of the Commission or of the public. Such panels shall be established to provide expertise and assistance in specific areas, as the Commission deems necessary.

FUNCTIONS AND DUTIES

SEC. 5. (a) The Commission shall—

(1) make a complete study of the jurisdiction of the courts of the United States and of the several States and report to the President and the Congress on such study within two years after the effective date of this Act;

(2) recommend revisions to be made to the Constitution and laws of the United States as the Commission, on the basis of such study, deems advisable;

(3) collect and review studies on the effectiveness of the courts;

(4) develop a long-range plan for the judicial system;

(5) submit annual written reports to the President and the Congress on the condition of the judiciary, which shall contain a summary of their findings, recommendations, and conclusions, submitting the first such report within one year after the study concluded pursuant to paragraph (1);

(6) make any recommendations and conclusions it deems advisable every year thereafter.

(b) The study of the jurisdiction of the courts conducted by the Commission pursuant to paragraph (1) of subsection (a) shall be completed within two years after the effective date of the Act and shall be given priority over the other functions and duties being carried out by the Commission during such time.

COMPENSATION OF MEMBERS

SEC. 6. (a) A member of the Commission who is an officer or full-time employee of the United States shall receive no additional compensation for his or her services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but such amount shall not exceed the maximum amounts authorized under section 456 of title 28, United States Code.

(b) A member of the Commission who is from the private sector shall receive $200 per diem for each day (including traveltime) during which he or she is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but such amounts shall not be in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

REPORTS

SEC. 7. (a)(1) The Commission shall transmit to the President and to the Congress, not later than two years after the effective date of this Act, a study of the jurisdiction of the courts of the United States and of the several States pursuant to section 5(a)(1) of this Act. The Commission shall thereafter, in keeping with its functions, annually transmit to the President and the Congress a report on the condition of the judiciary and summarize any findings, and make any recommendations and conclusions it deems advisable on the basis of its previous activities.

(2) Not later than ten years after the effective date of this Act the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the study conducted pursuant to this Act, together with any recommendations it deems advisable.

EXPIRATION OF THE COMMISSION

SEC. 8. The Commission shall cease to exist on the date ninety days after it transmits the final report pursuant to section 7 of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. To carry out the purposes of this Act there are authorized to be appropriated $700,000 for each of the fiscal years 1986 and 1987, and $800,000 for each of the eight succeeding fiscal years 1988 through 1995.

EFFECTIVE DATE

SEC. 10. This Act shall become effective upon the date of enactment.

By Mr. HEFLIN:

S. 602. A bill to authorize and direct the Secretary of the Army to correct certain slope failures and erosion problems along the banks of the Coosa River; to the Committee on Environment and Public Works.

PRESERVATION OF FORT TOULOUSE NATIONAL HISTORICAL LANDMARK

Mr. HEFLIN. Mr. President, I am today introducing a bill to ensure the preservation of an invaluable historical site, the Fort Toulouse National Historical Landmark located in Elmore County, AL. This proposed legislation passed the Senate last year. This landmark harbors a wealth of history which has provided us with tremendous insight into the heritage of the first inhabitants of our country. Artifacts have been found at this site which span a 1,000-year period. Many historically significant items have been discovered at this site, but many unknown artifacts have yet to be unearthed. To lose this valued resource due to severe erosion along the banks of the Coosa River would be a tragedy.

Fort Toulouse and nearby Taskigi Indian Mound are national historical landmarks located near the confluence of the Coosa and Tallapoosa Rivers. This property which is owned by the State of Alabama was designated a national historical landmark over 100 years ago. In 1971, a large tract of surrounding property was acquired by the United States in an effort to establish a Federal park.

This fort was constructed in 1717 by the French and was named after General Toulouse. The initial purpose of the fort was to protect the French-occupied Louisiana Territory against invasions from British or Spanish colonies. In 1814, the fort was occupied by Andrew Jackson and his army of Tennesseans while en route to fight the British in New Orleans. Since its development in 1717, this fort has captured the history of the French, the

British, the Creek Indians, and Andrew Jackson's trip to New Orleans.

In an effort to preserve this historical site, the fort is presently being reconstructed according to the original plans which were obtained from France. A tremendous amount of archeological excavation has taken place and the State of Alabama has spent in excess of $500,000 to preserve this site.

One major problem confronting the effort to preserve Fort Toulouse is the rapidly accelerating erosion of the banks surrounding the fort. During recent years, the river running adjacent to this property has been dredged and apparently the currents of the river have shifted resulting in the accelerated erosion of the banks surrounding Fort Toulouse. In fact, it has been determined that the banks are eroding at an alarming rate of 10 feet per year. It would be a tragedy to sit idle and watch the ruination of this tremendous historical resource. This is exactly what will take place if we do not act immediately to authorize the Corps of Engineers to take the necessary steps to prevent the loss of this historical site.

This legislation would not authorize any construction other than that which is necessary to correct the erosion of the banks surrounding Fort Toulouse.

I urge my colleagues to join me and support this bill in order to insure that preservation of the wealth of history harbored by Fort Toulouse. This can only serve to increase our appreciation and understanding of the heritage of our Nation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 602

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

That the Secretary of the Army is authorized to preserve and protect the Fort Toulouse National Historic Landmark and Tuskigi Indian Mound in the county of Elmore, Alabama, by instituting bank stabilization measures, in accordance with alternative B contained in the district engineers' design supplement report entitled, "Jones Bluff Reservoir, Alabama River, Alabama, Fort Toulouse, Design Report, National Historic Landmark," dated July 1975, at a cost of $15,400,000 (October 1982).

(SEC. 2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. HEFLIN:

S. 603. A bill to authorize and direct the Secretary of the Army to correct certain erosion problems along the bank of the Warrior River near Moundville, AL; to the Committee on Environment and Public Works.

MOUND STATE PARK EROSION CORRECTION ACT

Mr. HEFLIN. Mr. President, I am today introducing a bill to authorize the Secretary of the Army to correct erosion problems, which have developed and continue along the banks of the Warrior River, which are posing a threat to the preservation of the Mound State Park. This proposed legislation was passed by the Senate last year. This authorization is vital to the preservation of an integral segment of our Nation's history. The Mound State Park harbors a wealth of history that is invaluable to Alabama and to our Nation. This park contains numerous Indian burial mounds and relics which have provided tremendous insight into the customs and folklore of the American Indian.

Presently, this park is being threatened by the erosion of the banks of the Warrior River which runs adjacent to the Indian mounds. The deterioration of this property must be stopped to insure the safekeeping of this historical landmark.

A Corps of Engineers onsite inspection in 1980 revealed that 2,400 feet of riverbank needed to be protected in order to prevent a loss of cultural resources. The erosion of this shoreline has caused the loss of cultural resources and this loss is anticipated to continue to increase in magnitude as it approaches the Indian mounds. For these reasons, I am introducing this legislation which would insure the preservation of this invaluable historical resource.

Having visited this park, I can personally attest to its historical value and significance. It would be a tragedy to sit idle while this landmark is threatened by erosion from the Warrior River. This bill would initiate the necessary steps to insure that this historical site is preserved for generations to come.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to take such actions as may be necessary at a cost of $4,118,000 and, substantially in accordance with the study directed by the district engineer and dated July 20, 1981, to correct erosion problems along the banks of the Warrior River in order to protect Mound State Park, near Moundville, Alabama.

(SEC. 2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. LUGAR (by request):

S. 604. A bill to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Relations.

UNITED STATES PARTICIPATION IN THE INTERNATIONAL JUTE ORGANIZATION

● Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill to authorize U.S. participation in the International Jute Organization.

This proposed legislation has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with an analysis of the bill and the letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate, dated February 15, 1985.

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

S. 604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The President is authorized to maintain membership of the United States in the International Jute Organization.

ANALYSIS OF THE BILL

This Bill authorizes the President to maintain United States membership in the International Jute Organization which entered into force provisionally on January 9, 1984. The Secretariat of the organization is in Dhaka, Bangladesh. The United States signed the Agreement on June 24, 1983 and declared its provisional application on September 20, 1983.

The International Jute Agreement, from which the Organization originates, is a new type of commodity agreement. It is devoted to improving the product competitiveness of the various types of textiles, bagging and carpet backing which are made from jute, rather than to influencing the market through any form of price intervention. The International Jute Organization will sponsor voluntarily funded projects in research and development, market promotion and cost reduction. The projects will primarily be of benefit to the principal jute exporters—Bangladesh, India, Thailand and Nepal.

The U.S., one of several consumer nation participants, is the world's largest importer of jute and jute products, taking 10–15 percent of total exports. The U.S. participated in the negotiation of this agreement based on a formal commitment made at the 1976 UNCTAD Conference. There we agreed to enter into discussions aimed at identifying, on a case by case basis, appropriate international measures to assist developing countries in improving their positions in certain commodity markets. This is the first such agreement which will not involve market intervention, but rather product and marketing improvements.

Permanent legislative authorization of this nature is consistent with 22 U.S.C. 262

and 2672 relating to United States participation in international congresses, conferences and organizations. Annual cost to maintain our membership is expected to be less than $200,000.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 15, 1985.

Hon. GEORGE BUSH,
President, U.S. Senate.

DEAR MR. PRESIDENT: As you know, this Administration prefers to find trade and market-oriented solutions to the problems of development whenever possible. For that reason we were pleased to sign the International Jute Agreement in 1983. Our adherence to this agreement is in line with our pledge at the 1976 UNCTAD Conference to examine the problems of developing country commodities for possible solution through international cooperation. In this agreement we believe we have the potential to enhance the competitiveness of an important developing country export, while avoiding shortsighted attempts to interfere with pricing in its normal markets. The International Jute Organization was brought into force provisionally on January 9, 1984 to implement the International Jute Agreement, with a small Secretariat located in Dhaka, Bangladesh.

Bangladesh and India, in particular, sought international cooperative measures which would shore up, and hopefully improve, the market position of jute and jute products. Jute is an important export for both countries, and to a lesser extent, for Thailand and Nepal. This natural fiber is the basis of an industry which is highly labor intensive, but which faces strong pressures from synthetic fibers in many of its traditional applications. We believe our interests in this poor and politically complex area of the world argue for our support of this fledgling effort to maintain and ideally increase present economic activity and employment based on jute.

For these reasons, I hereby transmit a bill to authorize the President to maintain membership of the United States in the International Jute Organization. Annual cost to maintain our membership is expected to be less than $200,000.

The Office of Management and Budget has advised that from the standpoint of the Administration's program there is no objection to the submission of this legislation to the Congress in that its enactment would be in accord with the program of the President.

Sincerely,

ROBERT F. TURNER,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.●

By Mr. MOYNIHAN:

S. 605. A bill to amend sections 2314 and 2315 of title 18, United States Code, relating to stolen archeological material; to the Committee on the Judiciary.

IMPORTATION OF ARCHEOLOGICAL MATERIAL

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to amend the National Stolen Property Act as it applies to imported archeological and ethnological materials. I am pleased to be joined by my colleague, the distinguished majority leader.

This legislation is a necessary clarification of the Cultural Properties Implementation Act (Public Law 97-466). The CPIA was reported by the Senate Finance Committee and passed in the waning days of the 97th Congress. The CPIA implements the 1972 Unesco Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Cultural Property. It sets forth a clear and comprehensive statement of our national policy concerning the importation of cultural property. Basic to the act is the principle that the United States will act to bar the importation of particular cultural properties, but only as part of a concerted international response to a specific, severe problem of pillage.

The CPIA was enacted only after a long and arduous process of compromise which fairly balanced all competing interests. One part of the compromise which led to the unanimous passage of the act—after a decade of effort—was the clear understanding among all interests, public and private, that the CPIA would establish the definitive national policy regarding the importation of archeological and ethnological material and that any inconsistent provisions of law would be brought into accord.

During the course of the Finance Committee's consideration of the CPIA, it became apparent that the committee did not have jurisdiction to correct one such inconsistent provision: the definition of stolen property under the National Stolen Property Act, and that act's application to the importation of archeological and ethnological materials. This matter is properly within the jurisdiction of the Judiciary Committee. Consequently, Senators DOLE, MATSUNAGA, and I introduced legislation late in the 97th Congress, S. 2963, and again in the 98th Congress as S. 1559. Today we are reintroducing that legislation with modest technical modifications to comport with the style of the National Stolen Property Act. We understand that the Judiciary Committee will promptly schedule hearings and hope the bill will be enacted into law this year.

The need for this bill arises from a controversial decision by the Court of Appeals for the Fifth Circuit in the case of United States versus McClain, interpreting the National Stolen Property Act. Under that decision, Mr. President, a U.S. citizen could be convicted of stealing cultural property if he or she imported such property knowing that the foreign government had declared ownership of all such property found within its borders and had not issued an export license. This would be true even if the U.S. citizen had paid for the artifact—and they had certainly not "stolen" it in any traditional understanding of the word—and despite the fact that the foreign country permitted its own citizens to own and trade such objects.

Is it proper, is it right, to permit American citizens and institutions to be subject to criminal prosecution by allowing declarations of foreign ownership to support the time-tested requirement that an owner have a real possessory interest in property before it can be considered stolen? Under the broad sweep of the McClain decision, the interpretation of the National Stolen Property Act now effectively turns on the meaning of foreign laws, largely unavailable in translation, and on legal concepts alien to American common law. The United States Federal law should embrace American—not foreign—legal principles.

Moreover, the McClain decision is wholly inconsistent with the basic principle of the CIPA, that U.S. participation in efforts to control the international movement of cultural properties will be part of a concerted international effort. The McClain decision represents a unilateral, rather than multilateral, response to the genuine problem of the illegal pillage of cultural property.

I am particularly concerned that under the McClain decision, the executive branch is disregarding the policies and procedures of the CPIA. Hearings will afford an opportunity to explore a directive by the Customs Service largely adopting the McClain decision as well as recent bilateral agreements between the State Department and foreign countries, agreements which appear to be wholly inconsistent with congressional policies regarding CPIA.

I understand that the Customs' directive, particularly in conjunction with the State Department agreements, is producing a virtual embargo on pre-Columbian objects coming into the United States. This confounds all the procedures, requirements, and findings Congress established in the CPIA. It bypasses the Cultural Properties Advisory Committee now in place, authorized by Congress to provide the executive branch expert advice in this area. Custom's actions have supplanted the multinational effort authorized by the CPIA with a unilateral ban. In place of the CPIA mandate that our officials make independent determinations of what is in our own national best interests, they merely enforce a foreign nation's bald declaration of ownership. Finally, the effective across-the-board embargo of all pre-Columbian objects, under current Customs policy, is entirely inconsistent with Congress' declaration that any U.S. import ban respond to problems of pillage of specific sites or objects. These glaring contradictions—and their absence of any proper foundation in the McClain decision—should be fully explored in hearings on this bill.

Mr. President, as part of the negotiations that led to passage of the CPIA,

all parties interested in the legislation agreed that the McClain decision should be overturned by statute. I considered that commitment an essential element of the understanding that led to uncontested passage of the act. Enactment of that law and repeal of McClain were a package.

The bill we are introducing today would reject the puzzling new judicial interpretation of the term "stolen." This bill, clarifying American law, goes hand in hand with, and is essential to, successful implementation of the CPIA. I urge its speedy passage, and I thank my good friend, Senator LAXALT, for agreeing to schedule early hearings.

I ask unanimous consent that the full text of the bill appear in the RECORD.

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

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2314 and 2315 of title 18, United States Code, are amended by adding at the end of each the following:

"This section shall not apply to any goods, wares, or merchandise which consists of archeological or ethnological materials taken from a foreign country where—

"(1) the claim of ownership is based only upon—

"(A) a declaration by the foreign country of national ownership of the material; or

"(B) other acts by the foreign country which are intended to establish ownership of the material and which amount only to a functional equivalent of a declaration of national ownership;

"(2) the alleged act of stealing, converting, or taking is based only upon an illegal export of the material from the foreign country; and

"(3) the defendant's knowledge that the material was allegedly stolen, converted, or taken is based only upon the defendant's knowledge of the illegal export and the defendant's knowledge of the claim of ownership described in clauses (1) (A) and (B)."

SEC. 2. Section 2311 of title 18, United States Code, is amended by adding at the end thereof the following paragraph:

"Archeological or ethnological material" means only object of archeological or ethnological interest, including any fragment or part of any such object, which was first discovered within a foreign country and which is subject to export control by that foreign country. For purposes of this definition no object shall be considered to be an object of archeological interest unless such object is of cultural significance, is at least two hundred and fifty years old, and was normally discovered as a result of scientific excavation, clandestine or accidental digging, or exploration on land or under water, and no object shall be considered to be an object of ethnological interest unless such object is the product of a tribal or nonindustrial society and is important to the cultural heritage of a people because of its distinctive characteristics, comparative rarity, or its contribution to the knowledge of the origins, development, or history of that people."●

By Mr. D'AMATO:

S. 606. A bill to provide for notification to a city or county of the presence of hazardous substances in or near such city or county; to the Committee on Environment and Public Works.

COMMUNITY RIGHT TO KNOW ACT OF 1985

● Mr. D'AMATO. Mr. President, I rise today to introduce the Community Right to Know Act of 1985, which will address an issue of vital importance to the safety of the people of this country.

The tragedy in Bhopal, India, has brought public attention to our need to be prepared for emergencies which may result from accidents during the manufacturing, processing, or storage of hazardous chemicals. Local officials in Bhopal claim they had no idea of the toxicity of the chemicals being used and the serious hazard which could result from an accident at the Union Carbide facility in their area. As a result, they were unprepared to deal with this emergency.

If they had been prepared, many lives could have been saved and many injuries prevented. Instead, the tragedy resulted in the loss of 2,500 lives, and 200,000 people were injured.

Mr. President, I believe we should all stop to think about what would happen if such an event occured in this country. Would local officials be familiar with the chemicals involved? Would they know what to tell the residents of their communities and the hospitals to do in response to such a disaster? Would we, like Bhopal, be unprepared for such an incident?

The Union Carbide plant in West Virginia is 10 times the size of the one in Bhopal. Although it is the only plant in the United States that manufactures the same chemical, MIC, there are other plants which use MIC in the manufacturing process, including an FMC Corp. plant in Middleport, NY. This plant is located 500 yards away from an elementary school. On November 15, 1984, 30 gallons of MIC spilled from this plant, resulting in eye irritation for 30 students and one teacher, and forcing evacuation of the 438 students in the school. The local fire department complained that they were not called for 20 minutes following the spill.

New Jersey recently passed a right-to-know law which will provide information on hazardous chemicals to State and local officials. However, if the winds are blowing to the east, as they usually are, that information will be needed in New York, not New Jersey. We need a national law to protect the citizens of New York and all States.

The Community Right to Know Act of 1985, which I am introducing today, will address these issues by providing the following:

The owner or operator of any facility involved in the generation, treatment, or storage of any hazardous substance will be required to notify the responsible local officials within a 10-mile radius. This notification will provide a description of the hazardous substance, the amount of the substance present, and the emergency procedures which should be taken in the event of a release, explosion, fire, or other accident. The notification will be made on an annual basis, as well as whenever a change in the use of chemicals occurs.

In the event of an emergency, the owner or operator will be required to contact the appropriate local official as soon as possible to report the incident.

This bill exempts small operators—those with less than 100 kilograms of a substance—except when the EPA determines that smaller levels could be dangerous. It also gives the EPA Administrator discretion in exempting certain retail establishments, such as dry cleaners, small paint stores, and printers.

Any person who fails to make notification, or provides false notification, will be subject to a fine of up to $25,000 or imprisonment for up to 1 year, or both.

In conclusion, Mr. President, I believe Congress must act swiftly to address this issue of vital importance to the well-being of citizens throughout the United States. I urge my colleagues to join in cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of this legislation be printed in its entirety at the conclusion of my remarks.

Thank you, Mr. President.

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

S. 606

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Right to Know Act of 1985".

FINDINGS

SEC. 2. The Congress finds that—

(1) hazardous substances are generated, treated, and stored in virtually all parts of the country, presenting the possibility of release, explosion, fire, or accidents which may threaten human life, health, and safety or the environment; and

(2) because such threat to human life, health, and safety or the environment involves interstate commerce and is not limited to the particular State or locality where the hazardous substance is located, the Federal government ought to provide some minimum uniform standards for notifying communities of the presence of such hazardous substances.

HAZARDOUS SUBSTANCE

SEC. 3. (a) DEFINITION.—For purposes of this Act, the term "hazardous substance" means—

(1) any element, compound, mixture, solution, or substance designated pursuant to

section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980;

(2) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress);

(3) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act;

(4) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act;

(5) any hazardous air pollutant listed under section 112 of the Clean Air Act;

(6) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act; and

(7) any two or more substances which have the potential when combined with one another to threaten human life, health, and safety or the environment, if such substances are generated, treated, or stored in such proximity to one another that a reasonable possibility exists of their being combined (accidently or otherwise), as determined by the Administrator.

(b) EXCLUSIONS.—Such term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under paragraphs (1) through (7) of subsection (a), and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

OTHER DEFINITIONS

SEC. 4. For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "appropriate local official" means the chief exective officer of a county or city;

(3) the term "city" means a city of 25,000 population or greater, or any independent city which is not part of a county;

(4) the term "county" means any county or other unit of general purpose local government which is the next lower unit below the State, other than a city;

(5) the term "facility" means—

(A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, or storage container, or

(B) any other site or area where a hazardous substance is generated, treated, or stored,

but does not include any consumer product in consumer use, or any motor vehicle, rolling stock, aircraft, or vessel in which a hazardous substance is being transported from one site to another; and

(6) the term "owner or operator" means—

(A) in the case of a facility, any person owning or operating such facility, and

(B) in the case of an abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment,

but such term does not include a person who, without participating in the management of the facility, holds indicia of ownership primarily to protect his security interest in the facility.

NOTIFICATION REQUIREMENT

SEC. 5. (a) GENERAL RULES.—

(1) ANNUAL NOTIFICATION.—The owner or operator of any facility involved in the generation, treatment, or storage of any hazardous substance shall provide notification in accordance with this Act to the appropriate local official of each city or county located within a 10-mile radius of the facility where such hazardous substance is located. Such notification shall provide a description of the hazardous substance, the amount of the substance present, and emergency procedures which should be taken in the event of a release, explosion, fire, or other accident involving such substance, based upon best available planning. Such notification shall be made on an annual basis, and at such other times as significant change occurs in the amount of a hazardous substance located at a facility (as defined by the Administrator), or a new hazardous substance is located at a facility.

(2) NOTIFICATION OF RELEASE, EXPLOSION, FIRE, OR ACCIDENT.—Any such owner or operator shall also provide notification to such official of any release, explosion, fire, or other accident involving such substance, which may threaten human life, health, and safety or the environment. Such notification shall be made as soon as possible after the owner or operator knows, or reasonably should know, of the existence of such release, explosion, fire, or other accident.

(b) EXCEPTION FOR SMALL QUANTITIES.—

(1) The requirements of subsection (a) shall not apply with respect to a hazardous substance present at a facility in quantities of less than 100 kilograms, unless the Administrator makes a determination with respect to such hazardous substance that the reporting of a smaller quantity is necessary in order to adequately protect human life, health, and safety and the environment.

(2) The Administrator may increase the 100 kilogram threshold amount under paragraph (1) with respect to categories of retail establishments which deal directly with the public.

CRIMINAL PENALTIES

SEC. 5. Any person subject to the requirements of this Act who knowingly fails to notify any appropriate local official in accordance with section 5, or knowingly makes a false statement or representation in any notification required under section 5, shall, upon conviction, be subject to a fine of not more than $25,000 or by imprisonment for not more than one year, or both, for each violation.

RETENTION OF STATE AUTHORITY

SEC. 7. Upon the effective date of regulations under this Act no State or political subdivision may impose any requirements less stringent than those authorized under this Act respecting the same matter as governed by such regulations, except that if application of a regulation with respect to any matter under this Act is postponed or enjoined by the action of any court, no State or political subdivision shall be prohibited from acting with respect to the same aspect of such matter until such time as such regulation takes effect. Nothing in this Act shall be construed to prohibit any State or political subdivision thereof from imposing any requirements which are more stringent than those imposed by such regulations.

RELATIONSHIP TO OTHER FEDERAL LAW

SEC. 8. The requirements of this Act are in addition to any requirements imposed under any other Federal law. The Administrator, in carrying out the provisions of this Act, shall coordinate, to the extent feasible, such requirements with similar requirements under other Federal laws in order to avoid any unnecessary duplication of reporting requirements.

EFFECTIVE DATE

SEC. 9. The Administrator shall promulgate final regulations necessary for carrying out this Act within six months after the date of the enactment of this Act. The requirements of this Act (other than this section) shall become effective six months after such regulations are promulgated.●

By Mr. SYMMS:

S. 608. A bill to amend the Internal Revenue Code of 1954 to exclude small transactions and to make certain clarifications relating to broker reporting requirements; to the Committee on Finance.

CLARIFICATIONS IN BROKER REPORTING REQUIREMENTS

● Mr. SYMMS. Mr. President, I am introducing a bill today which excludes certain small transactions from the broker reporting rules under the tax law. This bill also clarifies the definition of broker and indicates what property is excluded from the reporting requirements.

In Senate Report 98-562, the Committee on Appropriations reiterated in the strongest manner that the Internal Revenue Service [IRS] was incorrectly interpreting the scope of section 6045 of the tax law as amended by the Tax Equity and Fiscal Responsibility Act of 1982. The committee is concerned because the IRS is expending appropriated funds for the administration of an incorrect interpretation of law. My bill sets out further guidance to the IRS in this respect.

First, following the lead already well established in the cash-reporting area—last year we passed legislation mandating that retailers receiving more than $10,000 in cash must report that receipt to the IRS—and in the bank reporting area—where the rules require that reports of certain transactions exceeding $10,000 be made to the Treasury Department—my bill provides that the broker reporting rules only apply to transactions in which gross proceeds exceed $10,000. The information made available to the IRS without this exemption could be so voluminous as to render the entire reporting process meaningless while at the same time imposing unacceptable burdens on many businesses, which are often small and have few employees. By limiting reporting requirements to those transactions which exceed $10,000, Congress will allow the IRS to gather information on the large transactions which produce more tax revenue while at the same time reducing the burden on businesses seeking to comply with these rules.

The bill also clarifies that certain tangible personal property such as works of art, metal, coins, and guns

are not subject to the reporting requirements. Moreover, this bill clarifies the definition of broker in the following manner: the broker must be a dealer, barter exchange, or other person and such dealer, barter exchange, or other person must regularly act for a consideration as a middleman. In other words, if a dealer is merely a retailer buying for inventory, where there is a risk that the purchase may go up or down in value, the retailer is not in that case acting as a middleman and therefore would not be considered a broker under these reporting rules.

The provisions in my bill apply to transactions occurring after December 31, 1982, the general effective date of the amendments to the broker reporting rules adopted in TEFRA.●

By Mr. THURMOND:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February 1986 as "National Black (Afro-American) History Month"; to the Committee on the Judiciary.

NATIONAL BLACK (AFRO-AMERICAN) HISTORY MONTH

Mr. THURMOND. Mr. President, today, I am introducing a joint resolution to proclaim the month of February 1986 as "National Black (Afro-American) History Month."

In 1926, Dr. Carter Godwin Woodson, founder of the Association for the Study of Afro-American Life and History, Inc., launched the celebration of Negro History Week. This 1-week celebration evolved into a monthlong observance, Black History Month, in 1976. The month of February has traditionally been celebrated as Black History Month, and President Reagan has already issued a proclamation designating February of this year as "Afro-American (Black) History Month;" 1986 will mark the 60th annual salute to black Afro-American history, a celebration of the role of black Americans in all segments of life in this country and in black culture around the globe.

The theme for the 1985 celebration has been "The Afro-American Family: Historical Strengths for the New Century." A luncheon, sponsored by the National Black Heritage Observance Council, Inc., on February 1, 1985, here in Washington highlighted the theme by honoring the families of Dr. T.J. Jemison of the National Baptist Convention, USA, Inc.; Lena Santos Ferguson and Maurice A. Barboza; Gen. Daniel C. James, Jr., and Gen. Roscoe Robinson, Jr., both four-star generals; Henry Ossawa Tanner, one of the great 19th century American artists; Dr Lillie M. Jackson and Juanita Jackson Mitchell; John H. Johnson; "Sugar Ray" Leonard; and the Bill Cosby television program.

Mr. President, it is fitting that we continue to honor the contribution of black Americans and Afro-Americans to our heritage through this joint resolution, and I invite all of my colleagues in the Senate to join with me as cosponsors of National Black (Afro-American) History Month. Mr. President, I also ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 74

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas in 1926 Dr. Carter Godwin Woodson launched the celebration of Negro History Week:

Whereas this observance evolved into a month-long celebration in 1976;

Whereas February 1, 1986, will mark the beginning of the sixtieth annual public and private salute of Black History;

Whereas the observance of Black (Afro-American) History Month provides opportunities for our Nation's public schools, institutions of higher learning, and the public to gain a deeper understanding and knowledge of the many contributions of Black Americans to our country and the world: 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 February 1986 is designated as "National Black (Afro-American) History Month," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities to salute all that Black Americans have done to help build our country.

By Mr. STEVENS:

S.J. Res. 75. Joint resolution to further approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles; to the Committee on Appropriations.

FUNDING FOR THE PROCUREMENT OF MX MISSILES

Mr. STEVENS. Mr. President, I suppose you can call this resolution the second stage of a complicated congressional system for approval of second-year production on the MX, or Peacekeeper, ICBM program. Both stages have to work or the program won't fly.

To put it bluntly, Congress couldn't make a final decision last year on this issue, so we put it off until now. And we must vote twice on the issue in each House—four separate votes and, presumably, four separate debates. I question whether this legislative agonizing is necessary or prudent but it is the law. Now it is important that we get on with the task and deal with it as quickly and efficiently as possible.

The distinguished Senator from Arizona [Mr. GOLDWATER], as chairman of the Armed Services Committee, introduced the authorization version of the resolution yesterday. The resolution I am introducing now as chairman of the Defense Appropriation Subcommittee is the version that will be reviewed by the Committee on Appropriations. I deliberately waited until today to sponsor this measure so that there would be adequate time under the statutory timetable for full hearings and deliberation. We anticipate now that the Committee on Appropriations will take action to report a measure by Wednesday, March 20, within the 15-day deadline.

Mr. President, I feel certain there will be more than adequate opportunities to debate the MX issue in this Chamber—we are guaranteed at least 5 hours of debate on this resolution alone under the law—and I am not going to take much of the Senate's time now to revisit all of the controversial issues involved in this strategic system. However, I will say that I introduce this resolution today not only because of my position as chairman of the Defense Appropriations Subcommittee but because I am convinced that it is essential to the national security of the United States that we proceed with production of this modern and effective strategic missile system.

The resolution contains the general wording prescribed in the fiscal year 1985 Defense appropriations measure. Its specific effect is to release $1.5 billion in budget authority to finance production of 21 operational Peacekeeper missiles to complement the 21 already in production.

The interim basing of Peacekeeper in Minuteman silos leaves this deterrent weapon vulnerable to a Soviet first strike, and I am aware of the concern expressed by opponents that this vulnerability creates a launch-on-warning posture. But I am also aware that while we have been debating MX, the Soviet Union has been busy deploying its own modern version of heavy ICBM's, creating a dangerous strategic imbalance that threatens this country's deterrent capability—a capability that has effectively prevented a nuclear exchange for so many years.

Further, although it was not planned that way, we enter into this second round of MX debate less than 1 week before the United States and the Soviet Union undertake an historic round of comprehensive nuclear arms control negotiations. It seems painfully obvious to me that this is not the time for the Congress to falter in its support of a continuing, strong strategic triad.

Mr. President, in view of the tight schedule prescribed in the MX approval procedure, I have scheduled hearings on this resolution starting tomorrow at 2 p.m. The hearing process will resume on Friday morning at 10 a.m., and we will be taking testimony from the Secretary of Defense and other leading administration officials involved in national security and arms

control. Full committee action, as I stated earlier, is now targeted for March 20 or earlier, and it is my hope that final Senate action on this issue can be completed during that week.

ADDITIONAL COSPONSORS

S. 104

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 104, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing bullets.

S. 210

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 210, a bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of social security benefits.

S. 231

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 231, a bill to establish a National Commission on Neurofibromatosis.

S. 440

At the request of Mr. TRIBLE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 440, a bill to amend title 18, United States Code, to create an offense for the use, for fraudulent or other illegal purposes, of any computer owned or operated by certain financial institutions and entities affecting interstate commerce.

S. 472

At the request of Mr. DOLE, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 472, a bill to amend title V of the Social Security Act, and section 2192 of the Omnibus Budget Reconciliation Act of 1981, to modify the terminology relating to certain disabled children.

S. 490

At the request of Mr. PRYOR, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 490, a bill to limit the employment by Government contractors of certain former Government personnel.

SENATE JOINT RESOLUTION 22

At the request of Mr. HOLLINGS, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 22, a joint resolution designating March 1985 as "National Mental Retardation Awareness Month."

SENATE JOINT RESOLUTION 27

At the request of Mr. HATCH, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 27, a joint resolution to designate the week containing March 8, 1985 as "Women's History Week."

SENATE JOINT RESOLUTION 32

At the request of Mr. PRESSLER, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mr. DOLE], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 32, a joint resolution to authorize and request the President to designate September 15, 1985, as "Ethnic American Day."

SENATE JOINT RESOLUTION 35

At the request of Mr. GORTON, the names of the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from North Dakota [Mr. ANDREWS], were added as cosponsors of Senate Joint Resolution 35, a joint resolution to authorize and request the President to issue a proclamation designating April 21-27, 1985, as "National Organ Donation Awarneness Week."

SENATE JOINT RESOLUTION 46

At the request of Mr. MATSUNAGA, the name of the Senator from Maryland [Mr. MATHIAS] was added as a cosponsor of Senate Joint Resolution 46, a joint resolution relating to NASA and cooperative Mars exploration.

SENATE JOINT RESOLUTION 51

At the request of Mr. DENTON, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from California [Mr. CRANSTON], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Joint Resolution 51, a joint resolution to designate the week beginning November 24, 1985, as "National Adoption Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. ZORINSKY, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 70, a joint resolution to proclaim March 20, 1985, as "National Agriculture Day."

SENATE RESOLUTION 34

At the request of Mr. D'AMATO, the name of the Senator from South Carolina [Mr. HOLLINGS], was added as a cosponsor of Senate Resolution 34, a resolution condemning the Government of the Union of Soviet Socialist Republics for 5 years of forced and oppressive military occupation of Afghanistan in the face of popular resistance to Soviet imperialism.

SENATE RESOLUTION 66

At the request of Mr. COHEN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Georgia [Mr. NUNN], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. EVANS], the Senator from Virginia [Mr. TRIBLE], the Senator from Florida [Mr. CHILES], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Illinois [Mr. DIXON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Alabama [Mr. DENTON], the Senator from Nevada [Mr. HECHT], the Senator from North Carolina [Mr. HELMS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Idaho [Mr. MCCLURE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. EAST], and the Senator from Oklahoma [Mr. NICKLES], were added as cosponsors of Senate Resolution 66, a resolution expressing the sense of the Senate with respect to certain matters involving the Government of New Zealand and the United States.

SENATE RESOLUTION 82

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. LEVIN], was added as a cosponsor of Senate Resolution 82, a resolution to preserve the deduction for State and local taxes.

SENATE CONCURRENT RESOLUTION 25—RELATING TO NUCLEAR ARMS RESTRAINT

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, Mr. HEINZ, Mr. HART, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 25

Whereas it is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies; and

Whereas the President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint"; and

Whereas the President earlier this year called this policy "helpful" and pointed out that "we have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground"; and

Whereas the United States has legitimate concerns about certain Soviet actions and behavior relevant to limitations and other provisions of existing strategic arms agreements; and

Whereas the President has declared that "the United States will continue to press these compliance issues with the Soviet Union through diplomatic channels"; and

Whereas the President has also declared that "the United States is continuing to carry out its own obligations under relevant agreements"; and

Whereas it would be detrimental to the security interests of the United States and its allies, to prospects for the success of the nuclear arms negotiations between the United States and the Soviet Union, and to international peace and stability more generally, for the existing limitations on strategic offensive nuclear weapons to lapse before replacement by a new strategic arms control agreement between the United States and Soviet Union; and

Whereas both sides have to date remained within a number of the numerical and other limits on force levels contained in existing strategic arms agreements by dismantling operational launchers on missile-firing submarines and staying below the limits on multiple-warhead missile launchers and other related limits; and

Whereas it is in the interest of the United States and its allies to require the Soviet Union to remain at or below a level of 820 launchers of MIRVed ICBMs, and at or below other related limits contained in existing strategic arms agreements; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that: (a) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic arms control agreements and should seek corrective actions through confidential diplomatic channels, including, where appropriate, the Standing Consultative Commission and the renewed nuclear arms negotiations; and

(b) the Soviet Union should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement; and

(c) the United States should, through December 31, 1986, continue to refrain from undercutting the provisions of existing strategic offensive arms agreements so long as the Soviet Union refrains from under-cutting those same provisions, or until a new strategic offensive arms agreement is concluded; and

(d) the President shall by March 1, 1986 provide a report to Congress in both classified and unclassified forms reflecting additional findings regarding Soviet adherence to such a no-undercut policy, including identification of both limitations which are being observed and limitations where adherence is either in serious doubt or not taking place; and

(e) that the President shall provide to Congress on or before May 1, 1986, a report that—

(1) describes the implications of the deployment of additional strategic offensive weapons by the U.S., both with and without the concurrent dismantling of older weapons, for the current United States no-undercut policy on strategic arms and U.S. security interests more generally;

(2) assesses possible Soviet political, military, and negotiating responses to the termination of the United States' no-undercut policy;

(3) makes recommendations regarding the future of United States interim restraint policy, including possible modifications thereto that would permit stabilizing reductions to take place on both sides while negotiations for a more comprehensive reductions agreement are under way; and

(f) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long term security interests of the United States and its allies and should consult with the Congress before making any changes in current policy.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. BUMPERS. Mr. President, I rise to speak on behalf of the resolution which is being introduced today on behalf of Senators LEAHY, CHAFEE, HEINZ, and myself, which urges this administration not to violate the terms of existing strategic arms agreements, including the SALT II Treaty, what we commonly refer to as the no-undercut policy.

For the benefit of my colleagues, particularly those who have not been here before when this resolution has been debated, this point needs to be made initially: the SALT II Treaty was signed by the Soviets and it was signed by our then-President Jimmy Carter in 1979, but, as Senators know, it was never ratified by the U.S. Senate. So it is not binding on the United States, but it is not binding on the Soviet Union, either.

Most of you know that when President Reagan ran for President in 1980, he made much to do about the SALT II Treaty, which he called "fatally flawed." So when he was elected President, since he had run on the proposition that the SALT II Treaty was fatally flawed, obviously that treaty, so far as the possibility of it being ratified by the Senate, was dead.

Mr. President, I would not vote for anybody who did not have a sense of history, I would not vote for anybody who did not have a sense of humor, and I would not vote for anybody who did not change his mind on occasion. Since that time, specifically, in May 1982, the President did change his mind. He said, specifically:

As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint.

He has spoken on two or three occasions since then, even as recently as February 1 of this year, when he said that the United States is continuing to carry out its own obligations and commitments under relevant agreements.

I applaud the President for his statesmanship in saying that. I continue to think that the President's instincts on this issue are favorable. When he was asked during his January press conference about what he would do about his no-undercut policy when the seventh Trident goes out to sea trials, he responded, "We have been holding to that and thought that it would be helpful in now what we're planning and going forward with. We have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground * * * so, yes, we feel that we can live with it."

Unhappily, the President has surrounded himself with some people who do not share his thoughts on this, and there are some who say that they have "had to walk the President back on that one," referring to his statement on January 9, 1985, where he again endorsed the no-undercut policy.

However, we are getting to the point now where the President will have to speak out forcefully and clearly on whether or not we are going to continue our no-undercut policy, specifically, on not exceeding the limits on multiple-warhead (MIRV'd) ballistic missiles, above the 1,200 limit of the SALT II Treaty. Under the terms of that treaty, we can have 1,200 MIRV'd missiles and so can the Soviets. If we or the Soviets choose, we can make all 1,200 of those missiles submarine-based missiles, but we may only have 820 of those 1,200 on land.

Come September, maybe even as early as August, we are going to send our seventh Trident submarine to sea. It is the U.S.S. *Alaska.* The Trident submarine *Alaska* will have 24 missiles on it. Right now, we have 1,190 MIRV'd missiles, both on submarines and land-based; so when we send the Trident submarine *Alaska* to sea this fall with 24 missiles on it, unless we dismantle some other missiles—preferably Poseidon missiles—we will exceed the SALT II limits of 1,200 by 14. Once we do that, all bets are off.

I have no desire to stop or in any way delay the Trident Program. In fact, I am one of this Chamber's biggest boosters of the program. But it is essential for us to dismantle one Poseidon sub and stay within the 1,200. To ignore that limit would be to invite the Soviets to ignore similar limits. And then the arms race would really take off.

I know all the arguments, about how you cannot trust the Soviet Union, and they are already in violation, and so on. This resolution simply urges the President, if the Soviets are not in compliance, to resolve their noncompliance as quickly and as diplomatically as possible. The resolution also calls upon the Soviets to take positive steps to resolve these concerns. But I think we ought to know, and I think Congress ought to be told, not only where the Soviets are violating the treaty, if in fact they are, but also where they are staying in compliance.

I think people should know, for example, that the Soviets have dismantled several types of old missiles. They have dismantled 10 Yankee submarines since 1978, with 160 missiles, in order to stay in compliance with SALT I. They have dismantled 209 older ICBM's, and they will have to dismantle an 11th submarine this year in order to stay under the limits of SALT I.

Accordingly, this resolution also calls upon the administration to report to the Congress on Soviet adherence to such a policy, but this time to provide a real compliance report. Past administration reports have not been compliance reports; they have been violations reports. It is difficult for the Congress to make informed judgments about arms control policy without having the full picture of

Soviet compliance. There are areas where we have real concerns. At the same time, there are many other areas where the Soviets have been complying with existing agreements, but these get no mention in the administration's reports. Accordingly, this resolution calls for a balanced presentation of areas of compliance concern and areas where the Soviets are remaining within the limits.

The resolution also calls for a report on U.S. interim restraint policy options, as did last year's measure. In this report, the President is asked to assess modifications to the no-undercut policy that would allow stabilizing reductions to take place on both sides while the negotiations for a more comprehensive agreement take place. For example, a 10-percent cut in the SALT II ceilings, including the ceiling on Soviet heavy ICBM's would result in Soviet warhead reductions of 500–1,000, while our reductions could be as little as 360. Another possibility would be a warhead cap, and still other approaches are possible. Finally, the resolution calls upon the President to consult with the Congress before making any changes in his no-undercut policy.

The Soviets state, at least outwardly and publicly, that they want us to stay in compliance with SALT II, and the President has said that we will. But now a lot of people in this administration are saying, "We haven't made up our minds yet. We will do it later." Some others are saying that even if the SALT II Treaty had been ratified, it would come to an end this December anyway, and therefore there is no point in complying with it beyond December 31 of this year. What palpable nonsense that is! That is really hanging your hat in a technicality.

I used to be a lawyer, and I know how that is done. But that, even as a technicality, makes no sense, and I do not think it is going to make sense to people who are concerned about this issue.

The no-undercut policy is a sensible one that serves important U.S. security interests. Why else would it have been administration policy for over 4 years, despite their active and vocal opposition to past SALT agreements? It would be a major mistake to drop this policy.

It is interesting to me that just this week, the Pentagon has been saying exactly what I am saying. Here is an article from the Washington Post of yesterday morning, written by Walter Pincus, whom I know and whom I consider to be very knowledgeable on this subject—and I am going to insert this article in the RECORD later. He says:

Some Pentagon officials and military officers are urging the administration to seek an extension of some provisions of the unratified SALT II agreement at the Geneva arms control talks next week to provide interim limits on arms until substantial cuts can be negotiated, according to informed sources.

They say that it would be "an interim framework"; it "would be logical as a transition from where we've been to where we are going."

Nobody need be accused of being a dove for cosponsoring this resolution, when the Pentagon is saying precisely the same thing.

I will tell you another reason why the Pentagon is saying that. It is not altogether altruistic. It is because they know and I know—and everybody in this body who studies this issue at all knows—that the Soviets are in a much better position to break out of these SALT limits than we are. They have 308 of their big SS–18 missiles, and they can add 20 warheads to each of those missiles within the next 5 to 7 years.

The SS–18 carries 10 warheads, under the SALT II Treaty, and if we violate it, there is no reason for the Soviet Union not to put 30 warheads on that missile, and they can do it. In short, they can put 6,000 more warheads on that one missile system within 5 to 7 years. That is over 60 percent of their total strategic warhead inventory right now.

One of the hundreds of reasons why I am opposed to the so-called Star Wars Program of the President is that the Soviet Union can overwhelm the system.

I used to say the principal reason I was opposed to the so-called strategic defense initiative is that if we built it, the Soviet Union would build it and we would have each spent $1 trillion and the world would be infinitely less safe.

Now I am not so sure the Soviets will build another one because even the most ardent proponents, from the President on down, of the so-called star wars ballistic missile defense system will tell you that the maximum efficiency of that system is 90 percent.

The Soviets have close to 10,000 warheads right now. So if they launch all 10,000 of them and we already had this trillion-dollar system in place, 1,000 missiles or 1,000 warheads would still get through.

I can tell you 1,000 warheads dropped on the United States is enough to ruin your whole day.

And if they add 6,000 more warheads just to this one missile system, that is another 600 warheads that will come through.

Mr. President, I went to see a movie the other night that was about the most emotionally draining movie I ever think I saw in my life. It is called "The Killing Fields," a true story based on the life of a New York Times correspondent in Cambodia.

All I could think about as I looked at all the blood and gore in that movie, no medicine, no doctors, no water, no bandages, and literally millions of people being massacred by genocide, easily the biggest case of genocide in the history of the world, with the exception of the Jewish Holocaust, and they showed these hospitals in Cambodia with hundreds and hundreds of people who had been injured, bleeding, dying, limbs off and everything, and I thought, you know, that looks like a Sunday school picnic compared to what a nuclear exchange would create in this country and in the Soviet Union.

But back to the point: I have always argued that if we spent $1 trillion to build this one defense system—and incidentally $1 trillion is what the entire national debt was for the first 200 years of this country's history, now we talk about that as though we were going to a ball game some afternoon—I thought the Soviet Union would spend $1 trillion, but I am not convinced that the Soviets will do that. In my opinion, the Soviets will start building more and more missiles and more and more warheads because they know that they can overwhelm the star wars defensive system and they could probably do it for half the cost that we will spend on the system.

Now, why would the Pentagon be endorsing the very proposition that we are introducing here today? I will tell you why. It is because they know that not only can the Soviets add 20 warheads to the 308 SS–18's they have right now, but they are also going to deploy or can deploy their SS–24's this fall and the SS–25 is coming on. In short, they cannot only break out of the limits of SALT I and SALT II, but they can do it twice as fast with twice as many warheads as we can.

If we allow all restraints to lapse, the Soviets are fully capable of adding many thousands of nuclear warheads to their arsenal, as a recent Congressional Research Service study graphically illustrates. Certainly we could keep up, though for several years the Soviets would spurt ahead of us. The simple truth is that adding thousands of warheads on both sides would only diminish our security. We would spend many extra billions to keep up with the Soviets, only further building up the precarious nuclear mountain that we must surely 1 day dismantle if mankind is to make it through the 20th and 21st centuries. This buildup would also have a corrosive, if not fatal, impact on the Geneva talks.

I could go on and on, but I think the point is clear—we have much to gain by keeping limits on Soviet forces, and much to lose by dropping the no-undercut policy. That policy prevents the Soviets from deploying thousands more warheads than they otherwise would. And what will it cost us to continue this policy? Through the end of 1986, it would mean we would have to dismantle only 50 missiles, with fewer

than 400 warheads. Through the rest of the 1980's, it would mean we would retire only about 110 more missiles, with fewer than 700 warheads. At the same time we would be deploying in their place almost 1,600 new, survivable warheads.

Some of these dismantled missiles would be in Poseidon submarines, which we would be retiring for age reasons in the early 1990's anyway. Retiring two Poseidons would also free up almost $500 million over 8 years for other defense uses. Others could be older Minuteman III missiles with the lower-yield warheads.

Nothing in this resolution would conflict with the President's Strategic Modernization Program. All our current programs could proceed. The small ICBM will not be ready for flight testing until 1988, so continuing with the limit on new types of ICBM's will constrain the Soviets more than us. I would fully support changing or eliminating the new types limit when it becomes necessary to permit the small ICBM Program, which I support, to proceed.

So it is to our own interest to continue the so-called no-undercut policy which the President has endorsed and which I hope he will stand steadfastly for and not let some of that crowd change his mind about it.

The lapsing of all restraints on offensive nuclear weapons would have a dangerous effect on the NATO alliance. It would be difficult to imagine a step that would be more damaging to NATO than for us to tell our allies that we would no longer feel constrained by any offensive arms agreements, and that we didn't care if the Soviets were unconstrained, too.

Mr. President, our NATO allies are all in favor of abiding by the SALT agreements. There is not a single country in the NATO Alliance that does not strongly subscribe to the no-undercut policy.

In short, dropping the no-undercut policy would be one of the most damaging steps we could take for U.S. security interests in the months ahead. So the issue is not just academic. The issue is real.

We are going to Geneva next week—I am not—some of the Senators in this body are—to observe the beginning of the SALT talks and people in this country are optimistic and hopeful—they are not overwhelmingly optimistic, but certainly they hope that something will come of it.

No one wishes more fervently than I for the success of these talks. But let us not believe that the mere opening of these talks means that our worries are over for limiting the nuclear threat, as important as this step is. It doesn't.

As the administration rightly cautions us, these negotiations will be long and tough. President Reagan has said that he is not euphoric about getting an agreement during his second term, and that he wouldn't try to confine it to 4 years, because I know how long negotiations have taken with the Soviets. His national security adviser, Robert McFarlane, has said "we fully recognize that this is the beginning of a long and complicated process." Clearly, it may be years before we reach a new agreement.

As a result, the key arms control question facing us today, and for months to come, is: what do we do for the next several years about arms control, and, more specifically, what can we do to keep restraints on Soviet nuclear forces?

I believe that the President's no-undercut policy provides a sound basis to continue to preserve some limits on the Soviets while we pursue a new agreement. Accordingly, our resolution endorses its continuation through December 31, 1986. Next year we can evaluate where we should go from there. Under this policy, the United States can continue with every facet of the President's Strategic Modernization Program while placing important limits on Soviet strategic forces.

I had a group of soybean farmers in my office this morning, and I promise you they hope something will come of it because traditionally the better relations we have with the Soviet Union the more of our grain they buy.

When you talk about the Soviet Union it just depends on whose ox is being gored. You can call them an evil empire. You can call them anything you want to call them. But I promise you the farmers of this country want to sell them all the grain that they can afford to buy.

But my pont is simple: The earliest negotiations of the new talks ought to be that neither side will undercut the SALT I and SALT II treaties and that ought to be agreed to early on, to avoid another round in the arms race. It is to our benefit and it is to the Soviet Union's benefit, and I promise you it will make our allies happy.

Mr. President, this resolution is very similar, not identical, but similar to one that passed the Senate last year 82-to-17, and I hope it will pass that handily or even by a bigger margin this coming year.

It recognizes the problem of Soviet compliance. We recognize that there are serious questions, incidentally, not so much about their compliance with the SALT II Treaty, but with the antiballistic missile treaty.

But those violations, if in fact they are taking place, should be resolved early on in the new talks, and I hope they will be.

Mr. President, I ask unanimous consent to have printed in the RECORD a fact sheet which I prepared with various quotes from both President Reagan, Secretary Alexander Haig, and Secretary Shultz; a portion of the Department of Defense Authorization Act of 1985, which contains a text of the no-undercut language passed by Congress in 1984; an article from the January 28, 1985, edition of the Arkansas Gazette called "Holding to the SALT I Limits"; an article from the Washington Post, dated March 5, 1985, entitled "Administration Urged To Seek Extension of Some SALT II Curbs"; excerpts from the President's press conference of January 9, 1985, regarding a question and his answer regarding the no-undercut policy; an article from the National Journal by Michael Gordon called "Signals Mixed on SALT Compliance"; a question and answer from the State Department which is the State Department press guidance on the no-undercut policy, dated January 10, 1985; an article from the Washington Post, dated February 6, 1985, called "U.S. Could Breach SALT II Limits in '86, Force Projections Exceed Unratified Pact"; and an article from the Journal of the Federation of American Scientists, Public Interest Report, dated October 1985, called "Taunting Pandora: Abandoning SALT II and Pressing Star Wars."

The issue of what both sides should do during the interim period of several years when they are negotiating a new agreement is of major importance. I call upon the President to instruct his negotiators to raise this issue early on with the Soviets in Geneva, so that this matter can be settled quickly.

It is very important that the Congress take a clear stand on this issue, perhaps the most important arms control issue the 99th Congress will have to address. If we allow the Soviets to have no restraints on their nuclear weapons, we—and our grandchildren—will live to regret it.

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

FACT SHEET: CONTINUING THE NO-UNDERCUT POLICY

I. REAGAN ADMINISTRATION POLICY HAS BEEN, IN EFFECT, TO OBSERVE EXISTING STRATEGIC ARMS AGREEMENTS

"As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint."—President Reagan, May 31, 1982.

"We have been holding to that [no-undercut policy] and thought that it would be helpful in now what we're planning and going forward with. We have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground . . . we feel that we can live with it."—President Reagan, January 9, 1985.

"The United States is continuing to carry out its own obligations and commitments under relevant agreements."—President Reagan, February 1, 1985.

"We intend to comply by those provisions [of SALT], providing the Soviet Union does

likewise."—Alexander Haig, Secretary of State, May 11, 1982.

"We undertake to live by the provisions of SALT II in a general way and expect the Soviets to do likewise."—George Shultz, Secretary of State, March 28, 1984.

II. U.S. POLICY TOWARD EXISTING STRATEGIC ARMS AGREEMENTS HAS MAINTAINED IMPORTANT RESTRAINTS ON NUCLEAR FORCES

SALT I Treaty

Under the terms of the SALT I Interim Accord on Strategic Offensive Weapons, the Soviet Union has dismantled several hundred operational nuclear weapons which otherwise would have remained in the Soviet arsenal, including: 190 SS-7 ICBMs, 19 SS-8 ICBMs, and 160 SS-N-6 SLBMs on 10 Yankee I class submarines. The submarines have all been dismantled since 1978.

The Soviet dismantling began in the mid-1970s and continued during the Reagan Administration. According to the Congressional Research Service, the Soviets will launch a new Typhoon missile-firing submarine in 1985, which would require them to dismantle an eleventh Yankee I submarine with 16 SS-N-6 SLBMs. As the Soviet Union continues to introduce Typhoon class submarines, they will be forced by SALT I to dismantle older submarines and the missile launchers they carry. It is important to keep in mind that the submarines which SALT I forces the Soviets to dismantle are newer than all the missile-firing submarines the U.S. has except for our Trident subs.

As long as the policy of mutual observance of existing agreements continues, Soviet submarine dismantling to remain within SALT I limits must continue. In the absence of the restraint policy, no such dismantling would occur. The Soviet nuclear threat to the United States and our allies would be much greater if the current policy is abandoned.

The SALT I Interim Accord has had almost no impact on U.S. forces. The six Trident submarines (each with 24 Trident I C-4 missiles) launched so far have required us to dismantle nine older Polaris submarines, each capable of carrying 16 missiles. However, all 10 of our older Polaris submarines had already been withdrawn from our strategic forces several years ago for operational reasons.

SALT II Treaty

Although SALT II was not ratified, both the U.S. and the Soviet Union have not exceeded any of the treaty ceilings on multiple warhead missiles. The Soviets were above the overall ceiling of 2400 on missile launchers and bombers when the treaty was signed. They are not obliged under law to reduce to this level.

The MIRV subceilings of SALT II have appreciably constrained Soviet force deployment since 1979, when SALT II was signed. Specifically, the Soviets have built up to, but not exceeded, the SALT II limit of 820 MIRVed ICBM launchers, as shown in Table 1. The Soviets also remain below the MIRVed missile and MIRVed missile/ALCM bomber limits.

TABLE 1.—SALT II MIRV LIMITS AND UNITED STATES/SOVIET DEPLOYMENTS: EARLY 1985

	SALT II limit	Soviet deployments	U.S. deployments
Category:			
Launchers of MIRV'ed missiles	820	818	550
Launchers of MIRV'ed ICBM's and SLBM's	1,200	1,098	1,190
Launchers of MIRV'ed ICBM's and SLBM's and ALCM-equipped bombers	1,320	1,121	1,290

TABLE 2.—UNITED STATES/SOVIET MIRV BALANCE: EARLY 1985

U.S.S.R.		U.S.	
	ICBM's		
SS-18 (10 RV's)	308	Minuteman III (3 RV's)	550
SS-19 (6 RV's)	360		
SS-17 (4 RV's)	150		
MIRV'd ICBM's	818	MIRV'd ICBM's	550
	SLBM's		
SS-N-18 (3-7 RV's) on 15 Delta III subs.	240	Poseidon (10 RV's on 19 Poseidon subs.	304
SS-N-20 (MIRV'd) on 2 Typhoon subs.	40	Trident I (8 RV's) on 12 Poseidon subs.	192
		Trident I (8 RV's) on 6 Trident subs.	144
MIRV'd SLBM's	280	MIRV'd SLBM's	640
	ALCM-Equipment Bombers		
Bear H	23	B-52G	99
		B-52H	1
ALCM bombers	23	ALCM bombers	100

TOTALS

	U.S.S.R.	U.S.
MIRV'd ICBM's	818	550
MIRV'd ICBM's and SLBM's	1,098	1,190
MIRV'd ICBM's and SLBM's and ALCM-equipped bombers	1,121	1,290

III. THE U.S. WILL SOON EXCEED THE 1,200 CEILING ON LAUNCHERS OF MIRVED MISSILES UNLESS OFFSETTING ACTIONS ARE TAKEN

As Table 2 shows, the U.S. currently has 1,190 deployed MIRVed missiles, 144 of which are on our first six Trident submarines. When the seventh Trident goes out to sea trials in August or September, it will put us over the 1200 limit, as shown below in Table 3.

TABLE 3.—U.S. MIRV'ed MISSILE LEVEL, 1984–89

Approximate sea trials date	MIRV'ed missile level	Comment
April 1984	1,142	Counts 4 Trident subs.
May 1984	1,116	U.S.S. "Jackson" (5th Trident sub) goes out on sea trials.
February 1985	1,190	U.S.S. "Alabama" (6th Trident sub) goes out on sea trials.
September 1985	1,214	U.S.S. "Alaska" (7th Trident sub) goes out on sea trials.
June 1986	1,238	U.S.S. "Nevada" (8th Trident sub) goes out on sea trials.
September 1988	1,262	SSBN 734 (9th Trident sub) goes out on sea trials.
May 1989	1,286	SSBN 735 (10th Trident sub) goes out on sea trials.

Note: MX is scheduled for deployment in Minuteman III silos. Thus, MX deployment will not increase our MIRV'ed ICBM launcher level.

The 820 limit on launchers of MIRVed ICBMs constrains the Soviets in several ways. For one, it keeps the Soviets from converting more of their single warhead SS-11 silos to 6 warhead SS-19 or 4 warhead SS-17 silos (all existing SS-19 and SS-17 silos are modified SS-11 silos). In addition, when the Soviets deploy their 10-RV SS-X-24 ICBM, currently being flight-tested, the 820 limit will again constrain them. This limit will force the Soviets to take out existing MIRVed missiles, such as the SS-17 or SS-19, instead of single warhead missiles such as the SS-11.

IV. U.S. SECURITY INTERESTS WOULD BE ENDANGERED BY CHANGING OUR POLICY OF OBSERVING EXISTING STRATEGIC ARMS AGREEMENTS

If the U.S. chooses to ignore the 1200 limit, we would add relatively little to our strategic force capabilities. The seventh Trident submarine would put us only 14 missiles over the 1200 limit. Additional Trident submarines are being built at a rate of less than one per year, so that from Trident production alone we would be less than 100 over the limit for the remainder of the 1980's.

Presently, the U.S. has deployed 100 ALCM-equipped B-52s. The program of equipping B-52s with ALCM will not begin to reach the 1320 ceiling (1200 MIRVed missile launchers plus 120 ALCM-carrying heavy bombers) until mid-1986. The United States will not complete the planned 195 ALCM-equipped heavy bomber program until about 1990.

Under current plans, the U.S. deployment of MX will not affect our levels of deployed MIRVed ICBMs. MX will be deployed in existing Minuteman III silos, which is permitted. We could deploy additional Minuteman III missiles, each with three warheads, in silos currently containing single-warhead Minuteman II missiles, but we would only gain a net of two warheads per additional missile. Deployment of the remaining spare Minuteman IIIs would deprive U.S. of missiles for essential operational testing purposes. With only about 120 Minuteman IIIs currently in storage and 100 freed up by the deployment of MX, and keeping at least 70 for testing, we would be able to add at most only 150 Minuteman III, or 300 warheads (450 less than 150 dismantled Minuteman II) by the full operational capability of MX in 1990.

V. THE SOVIETS, ON THE OTHER HAND, COULD FAR EXCEED THE MIRVED MISSILE CEILINGS BY 1990 IF THEY CHOOSE TO

If the Soviets saw the U.S. ignoring the 1200 limit on numbers of MIRVed missiles, it is unlikely that they would feel constrained by the other numerical limits of SALT II. Given the fact that they are right next to the 820 limit on MIRVed ICBMs (with 818), they could far exceed this limit in a no-holds-barred arms race environment in several ways.

SS-24 Deployment. If the Soviets chose to, they could deploy their new 10 warheads ICMB in modified single-RV SS-11 or SS-13 silos instead of MIRVed SS-17 or SS-19 silos, as the 820 limit would require. *The Soviets could add over 5,000 more accurate warheads in this manner than currently permitted:* (520 + 60) × (10 − 1) = 5,200 extra warheads.

Add warheads to the SS-18. The giant SS-18 ICBM currently is credited with carrying 10 large warheads, the maximum number permitted under SALT II. Without constraints, the Soviets could change the SS-18 payload to 20, 30, or more warheads. This could add over 6,000 more highly accurate warheads to their arsenal: 308 SS-18s × (30 − 10) = 6,160 extra warheads.

Build more silos. Both the SALT I Interim Accord and SALT II ban on the construction of new fixed launchers, i.e., silos. But in an unconstrained environment, the Soviets could construct new hardened silos and deploy additional MIRVed ICBMs. The possibilities here are endless, but even assuming the Soviets build silos no faster than they did in the late 1960s (about 300 per year) they could have the launch capability

for thousands of additional warheads by 1990.

TEXT OF NO-UNDERCUT LANGUAGE PASSED BY CONGRESS IN 1984; FROM DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

SENSE OF CONGRESS EXPRESSING SUPPORT FOR UNITED STATES TO PURSUE OUTSTANDING ARMS CONTROL COMPLIANCE

SEC. 1110. (a) The Congress makes the following findings:

(1) It is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies.

(2) The President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint".

(3) The United States has legitimate concerns about certain Soviet actions and behavior relevant to limitations and other provisions of existing strategic arms agreements.

(4) The President has declared that "the United States will continue to press compliance issues with the Soviet Union through diplomatic channels, and to insist upon explanations, clarifications, and corrective actions".

(5) The President has also declared that "the United States is continuing to carry out its obligations under relevant agreements".

(6) It would be detrimental to the security interests of the United States and its allies and to international peace and stability for the last remaining limitations on strategic offensive nuclear weapons to break down or lapse before replacement by a new strategic arms control agreement between the United States and the Soviet Union.

(7) The continuation of existing restraints on strategic offensive nuclear arms would provide an atmosphere more conducive to achieving an agreement significantly reducing the levels of nuclear arms.

(8) The Soviet Union has not agreed to a date for resumption of the nuclear arms talks in Geneva, and it is incumbent on the Soviet Union to return to the negotiating table.

(9) A termination of existing restraints on strategic offensive nuclear weapons could make the resumption of negotiations more difficult.

(10) Both sides have, to date, abided by important numerical and other limits contained in existing strategic offensive arms agreements, including dismantling operational missile-firing submarines and remaining within the ceilings on multiple-warhead missile launchers and other related limits.

(11) It is in the interest of the United States and its allies for the Soviet Union to continue to dismantle older missile-firing submarines as new one are deployed and to continue to remain at or below a level of 820 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles, 1,200 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles, and 1,320 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles and heavy bombers equipped with air launched cruise missiles, and other related limits in existing strategic offensive arms agreements.

(b) In view of these findings, it is the sense of Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic and other arms control agreements and should seek corrective actions, where appropriate, through the Standing Consultative Commission and other available diplomatic channels;

(2) the United States should, through December 31, 1985, continue to pursue its stated policy to refrain from undercutting the provisions of existing strategic offensive arms agreements so long as the Soviet Union refrains from undercutting the provisions of those agreements, or until a new strategic offensive arms agreement is concluded;

(3) the President should provide a report to the Congress in both classified and unclassified forms reflecting additional findings regarding Soviet adherence to such a no-undercut policy, by February 15, 1985;

(4) the President shall provide to Congress on or before June 1, 1985, a report that—

(A) describes the implications of the United States Ship Alaska's sea trials, both with and without the concurrent dismantling of older launchers of missiles with multiple independently targeted reentry vehicles, for the current United States no-undercut policy on strategic arms and United States security interests more generally;

(B) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy;

(C) reviews and assesses Soviet activities with respect to existing strategic offensive arms agreements; and

(D) makes recommendations regarding the future of United States interim restraint policy; and

(5) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long-term security interests of the United States and its allies and should consult with the Congress before making any change in current policy.

HOLDING TO THE SALT II LIMITS

One of the most important unanswered questions in Washington these days is whether the United States will continue to honor provisions of the second Strategic Arms Limitation Treaty, and one of the persons asking it most frequently is Senator Dale Bumpers of Arkansas.

In his most recent expression of concern, Senator Bumpers has joined with three Senate colleagues, John Heinz of Pennsylvania, John H. Chafee of Rhode Island and Patrick J. Leahy of Vermont, in a letter to President Reagan. They asked Mr. Reagan to urge the Soviet Union to join the United States in a fomal declaration that both nations will honor SALT II as long as the new round of negotiations in Geneva is in progress.

What has raised the concerns of these senators as well as others, including Representative Les Aspin of Wisconsin, new chairman of the House Armed Services Committee, is the danger that the United States will exceed SALT II limits later this year when the Alaska, which is the seventh of the submarines carrying 24 Trident launchers each, begins sea trials. In order to stay within the limits the United States will have to dismantle some other nuclear missiles or decommission some older nuclear-armed submarines.

Mr. Bumpers has noted that while Mr. Reagan, in his January 9 news conference, said the United States "can live with" the SALT II ceilings, statements issued separately after the news conference by the State Department and the Defense Department seemed to contradict the president's declaration, indicating that "some of his underlings in the bureaucracy do not appear to have gotten the message."

It should be recalled that the Senate has never ratified SALT II and that President Reagan based part of his 1980 presidential campaign on his opposition to the treaty. Mr. Reagan, however, has pledged to continue the policy of President Jimmy Carter of honoring SALT II provisions as long as the Soviet Union reciprocates. It is known that the Soviets have dismantled at least 10 missile-firing submarines to stay within the SALT II limits, indicating they are serious about honoring the joint understanding.

Senator Bumpers is saying much the same thing this winter that he and Senator Leahy were saying last fall, when they released a study by the Federation of American Scientists. The central conclusion of this study is that if the United States exceeds SALT II, all nuclear arms restraints would be removed, and the race to build more nuclear weapons would accelerate, with no end in sight.

Should this happen, the federation says, the Soviet Union is "in a much better position to exploit any lapse in the SALT II limits" because it is geared up to produce massive quantities of nuclear weapons, while the American emphasis is on more sophisticated weapons. The federation calculates that without SALT II restraints "by 1995 the Soviets could deploy as many as 30,000 ballistic missile warheads and 8,000 bomber-launched cruise missiles." For the United States to match the Soviet buildup, says the study, would require 1,000 MX missiles, 60 additional nuclear submarines, and 400 to 600 B-1 bombers. Without restraints such as those imposed by SALT II it is easy to see how the superpowers could be caught in a whirlwind of weaponry with diminishing opportunities to escape.

The importance of both sides continuing to honor SALT II is obvious. The treaty formally expires at the end of this year, but even if new arms agreements are not reached by that time, Washington and Moscow would be foolish not to continue their informal arrangement on SALT II limits until new agreements are reached. Judging from his January 9 news conference statement Mr. Reagan seems to understand this imperative, although everyone would sleep a little better if he would come right out and renew the pledge to honor SALT II, as long as the Soviets reciprocated, and dispel the mist rising on this issue from the Pentagon and Foggy Bottom.

[From the Washington Post, Mar. 5, 1985]

ADMINISTRATION URGED TO SEEK EXTENSION OF SOME SALT II CURBS

(By Walter Pincus)

Some Pentagon officials and military officers are urging the administration to seek an extension of some provisions of the unratified SALT II agreement at the Geneva arms control talks next week to provide interim limits on arms until substantial cuts can be negotiated, according to informed sources.

Both nuclear superpowers have pledged not to undercut the 1979 treaty, which is due to expire at the end of this year, but there have been charges on both sides that

some provisions of the treaty are being violated.

The United States will have more to lose than the Soviet Union if the treaty limits are allowed to expire with no replacement, these officials argue. This is because the Soviets are ready for mass production of many more new missiles than the United States.

An unrestrained and immediate offensive arms spurt, moreover, would diminish the administration's hopes that deep cuts in offensive weapons and a meeting of minds on defensive weapons could emerge from the new arms negotiations starting next Tuesday.

President Reagan met with the National Security Council yesterday morning to review options for the upcoming negotiations. One official said later a final presidential decision on instructions for the delegation is not expected until Thursday, when Reagan meets with the U.S. negotiators.

At the Capitol, Soviet Politburo member Vladimir V. Shcherbitsky, leader of a parliamentary delegation that arrived here Sunday, told the House Foreign Affairs Committee that the Soviet Union hopes the Geneva talks will make "a major contribution" to removing the threat of nuclear war.

Up to now U.S. preparations for the strategic weapons part of the Geneva negotiations have dealt primarily with updating the most recent U.S. proposals for deep reductions before the last round of U.S.-Soviet talks ended in December 1983.

One Pentagon official said last week that given planned new missile deployments by both sides, "an interim framework" for strategic system limits based on the existing SALT II limits "would be logical as a transition from where we've been to where we are going." But as of yesterday, sources said, no decision on this point has been made.

The Soviets are expected to propose extension of the SALT II limits at Geneva, an informed diplomatic source said last week. He added that Soviet negotiators may argue that the United States should offer to restrain its space-weapons development in return for Moscow's agreement on continuing the SALT II limits.

SALT II permits each nation an overall limit of 2,250 strategic nuclear missiles or bombers and set a sublimit of 1,200 on intercontinental land-based missiles carrying more than one warhead.

According to U.S. data, the Soviet Union already exceeds the overall limits of SALT II because of failure to make reductions in 1981 as called for in the treaty. Soviet deployments of the new single-warhead mobile SS25, expected to begin late this year, will add to the Soviet totals. This missile is to be followed by the 10-warhead SS24, the test phase for which is being completed, with deployment expected to begin in late 1986.

The practice on both sides has been to retire older missiles when deploying new missiles. "It is important for us that they swap these new missiles for old ones," a senior U.S. military officer said, adding that such an exchange would be made only if some kind of limits were in effect. Without it, he said, "they will only add on and expand their lead in warheads."

For its part, the United States will go above the sublimit on multiwarhead missiles if the new Trident submarine, the Alaska, with its 24 missiles is sent on sea trials this September as now scheduled. There is no decision on whether to retire old U.S. missiles to make up for this deployment.

These officials would also like to retain in modified form the SALT II limitation on "new types" of strategic missiles. Each side is now limited to one new type but both are working on two. A possible U.S. proposal is to increase the limit to two new types, with a requirement that one of them be a single-warhead missile.

The United States has charged that the Soviet SS25 is a violation of the new-type rule, but the Soviets maintain it is a permissible modernization of a missile, the SS13.

Meanwhile, the United States is planning a second new type of its own, the Midgetman. Testing is to begin in the late 1980s with deployment scheduled for 1992.

One provision these officials would like to make stricter is the prohibition on encoding of missile test data, or telemetry, when it bears on the verification of the SALT II treaty. In recent months the Soviets have been encoding nearly everything, according to U.S. statements.

[From Press Conference, Jan. 9, 1985]

QUESTION TO PRESIDENT REAGAN ON NO-UNDERCUT POLICY AND HIS RESPONSE, JANUARY 9, 1985

STRATEGIC MISSILES

Q. Thank you, Mr. President. By the end of the year, if the United States continues to deploy its strategic submarines, as planned, it will exceed the limits for strategic missiles under SALT II, Mr. President. What is your intention with respect to that agreement? Are you going to decrease the number of ICBM's and outmoded submarine missiles in order to keep that SALT II agreement alive, even though it's not ratified?

A. Well, we have been holding to that and thought that it would be helpful in now what we're planning and going forward with. We have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground. The development of the Trident is not so much in the sense of adding to the nuclear force as it is in modernizing it—replacing older, less accurate missiles and submarines with not quite the capacity of the Trident. So, yes, we feel that we can live within it.

Remember that SALT II is nothing but a limitation on how fast you increase weapons, which is one of the reasons why I was in support of a Senate—even though I wasn't here at the time—that refused to ratify it. And that's why my belief is that the type of negotiations we're suggesting are the only ones that make sense. Don't just limit the rate of increase—reduce the number of weapons.

Q. Mr. President, your aides have said that they have some innovative, interesting ideas if the negotiations are resumed. What are your ideas—defensive weapons aside—what are your ideas for reducing offensive systems—ideas that were not put forward in the negotiations that were aborted and that could offer some hope for progress in this new round of negotiations now?

A. Well, I don't want to give away anything in advance the things that belong at the negotiating table. But, yes, one of the things that we've made clear to the Soviets is that we recognize there may be differences with regard to the mix of weapons on both sides and we're prepared to deal with that problem, and where perhaps we have something that is an advantage to us, they have something that's an advantage to them, to discuss tradeoffs in that area. It is true that when we first went into the strategic missile negotiations we believed that the top priority should be land-based missiles. But the Soviets made it plain that they weren't following our pattern, the mix of missiles, that they placed more reliance than we did on the land-based and they didn't wait for us when we told them that we were willing that, O.K., to deal with them on that problem. They went home anyway and didn't come back.

But these are new negotiations. Both sides rule that they're new negotiations.

Q. Mr. President, you started the week with a number of surprises and changes in your staff. I'm wondering now that you have the opportunity if you wouldn't like to get any other personnel changes off your chest, such as the change in a replacement for Mr. Clark. Is it true, for example, that Mr. Hodel is going to replace him?

A. I ain't talking. I'll tell you when we've made a decision.

[From National Journal, Jan. 19, 1985]

SIGNALS MIXED ON SALT COMPLIANCE

(By Michael R. Gordon)

Arms control supporters were heartened by President Reagan's Jan. 9 press conference in which he seemed to signal that the Administration had finally decided to stick by the Strategic Arms Limitation Treaty (SALT II). Asked whether the Administration would keep to its current policy of not undercutting the unratified agreement, Reagan said that abiding by the treaty would be helpful in "what we're planning and going forward with. . . . So, yes, we feel that we can live within it."

But reports of Administration commitment to the treaty appear to have been premature. Administration officials now say that Reagan misspoke at the press conference and that the matter has not been formally decided. "The President had to be walked back on that one," said an Administration official.

Unless the United States retires a Poseidon submarine or 14 land-based missiles with multiple warheads, it will exceed the SALT II limits on multiple-warhead missiles when the *Alaska*, a Trident submarine, begins sea trials next fall.

A Jan. 10 State Department statement said the decision to take "compensating" actions to stay within the boundaries of the agreement will be made "at the appropriate time" and may turn on whether the Soviet Union takes "corrective" actions that alleviate U.S. concerns about alleged Soviet arms control violations. Nor is it clear what the United States will do after next December, when the treaty would have expired had it been ratified.

STATE PRESS GUIDANCE ON NO-UNDERCUT POLICY, JANUARY 10, 1985

Question: What is the Administration's policy on interim restraints? Have decisions been made on dismantling Poseidon submarines in order to remain consistent with SALT II of SALT I as implied by the President in his press conference?

Answer: The President was reiterating U.S. policy and that is that U.S. policy has been and will continue to be one of not undercutting existing agreements as long as the Soviet Union exercises equal restraint. The intent of this policy has been and remains to provide a positive atmosphere for negotiations.

As for specific actions to compensate for new Trident submarine construction, these will be addressed at the appropriate time. When the time comes for specific actions, account will be taken of the international

situation and U.S. national security requirements. We will continue to raise our compliance concerns with the Soviet Union in diplomatic channels and insist on clarifications and corrective actions in areas where questions of Soviet arms control compliance have arisen. Clearly any decisions about our no-undercut policy would take fully into account the actions of the Soviet Union in this regard.

U.S. COULD BREACH SALT II LIMITS IN 1986—FORCE PROJECTIONS EXCEED UNRATIFIED PACT

(By Walter Pincus)

The United States, in fiscal 1986, will exceed the limits of the unratified SALT II treaty, according to projected force levels contained in Defense Secretary Caspar W. Weinberger's annual defense posture statement.

The treaty, which was signed but never ratified by the Senate, would have limited both the United States and the Soviet Union to 1,200 strategic missiles carrying more than one warhead. A chart included in the Weinberger statement, which was released Monday, said that the United States would have 1,238 such missiles in fiscal 1986, 550 of them based on land and 688 installed on submarines.

"The chart was not designed to reflect arms control decisions not yet made," a Defense Department spokesman said yesterday. "The president has a variety of options" that would keep the United States within the treaty's provisions, the spokesman said. "This was not meant to be an arms control chart."

Since 1981, the Reagan administration has said that it would not undercut the SALT II treaty provisions as long as the Soviets followed suit.

The United States would breach the treaty's missile limit in October, when the submarine USS Alaska begins its sea trials with the capability of carrying 24 Trident ballistic missiles.

If the administration wanted to remain under the treaty limit, it could retire a Poseidon submarine, which carries 16 missiles, or eliminate eight land-based Minuteman II ICBMs.

On Jan. 10, President Reagan told a news conference that the administration was planning on replacing older, less accurate missiles and submarines" as the new Trident submarines are launched.

Over the past 10 days, however, the president and some of his top advisers have said the United States may exceed the SALT II limit when the Alaska goes to sea because the Soviet Union has not been complying with its SALT II commitments.

On Jan. 26, for example, Reagan said he would "discuss whether we actually go above [the SALT II limits when the next Trident goes to sea] and in that regard, we have to take into consideration that the Soviet Union has, we believe, not stayed within the limits."

Last week, a senior Pentagon official said that "the administration had not faced the question" of whether to trade in missiles to remain in compliance with SALT II. He added that "it may not be faced" because the treaty runs out on Dec. 31.

In a meeting with reporters last Thursday, Kenneth L. Adelman, director of the Arms Control and Disarmament Agency, said the president's advisers would make recommendations in October on whether the United States should continue to adhere to the treaty. He said the Soviets were complying with some, but not all, of the treaty's provisions.

[From the Journal of the Federation of American Scientists (FAS), October 1984]

TAUNTING PANDORA: ABANDONING SALT II AND PRESSING STAR WARS

With only fourteen months to go before SALT II expires, the Administration has shown no particular interest in maintaining the SALT II limits thereafter—as was done with SALT I when it expired in 1977.

On the contrary, with its Star Wars program of defensive systems, the Administration is giving the Soviet Union every incentive to build new offensive nuclear weapons in an era of offensive overkill that would otherwise provide no such incentive.

This is obviously the wrong thing to do for those who want to end the arms race. Less obviously, but shown clearly by this study, it would prove a military miscalculation for those who wish to continue the arms competition with the Soviet Union.

The reason is simple. The Soviet Union is in a much better position to exploit any lapse in the SALT II limits. It is the Soviet Union which is stressing quantitative factors which, on the whole, are the essence of what SALT II limits. By contrast, it is the United States which stresses those qualitative and technological innovations which are the loopholes of SALT II. Moreover, it is the Soviet Union that is most closely bumping up against the SALT II limits already.

The enclosed study shows that, in the absense of these limits, the Soviet Union is relatively better positioned: to build more new types of ICBM—and greater numbers of them; to more substantially expand its bomber force; and to more substantially upgrade its submarine missile force.

By comparison, little of lasting value is provided the United States program by edging slightly over the SALT II limits in those sea-based missiles and air-launched cruise missiles which are at issue.

Ronald Reagan has gone from calling SALT II "fatally flawed" to recognizing the utility of SALT II and deciding, once in office, to do nothing that would "undercut it". We predict that in the Administration's next moment of strategic lucidity—when and if it has one—it will recognize that the United States has an urgent interest in hanging onto these limits.

America always has a tendency to overplay its strategic hand. Because we are Americans, we tend to assume that America can win any competition. But in a quantitative arms race, which is what SALT II controls, there is every reason to think that America will lose.

After all, the United States has trouble siting a few hundred MX missiles while the Soviet Union enjoys civic passivity. We reject overkill while they traditionally favor it—out of an historical experience that relies upon numbers to offset technological inferiority. They need military power to be influential abroad and see a certain value in numbers; we have, happily, other drawing cards to win influence. In the end, with strategic weapons which are not in the overall defense budget that expensive, the more determined is likely to win out over the merely richer. And while the U.S. cannot afford Star Wars, the Soviet Union can afford the enhanced offensive strategic weapons program which Star Wars will seem to have provoked.

All things considered, it is therefore strategic lunacy to let the SALT II limits lapse if it can possibly be avoided. And it is especially foolish to do it while threatening to build a defense against Soviet strategic weapons.

Accordingly, even more important than which candidate would, and which would not, raise taxes is the question: which of these candidates is going to do what about the SALT II limits? This is the question posed by the study within.

Mr. LEAHY. Mr. President, in a few days U.S. and Soviet delegations will sit down together in Geneva to begin negotiations on nuclear and space weapons. This renews hope for agreements that reduce the risk of nuclear war. President Reagan, Secretary Shultz, and our negotiators have my strong support and encouragement.

The President says we should not be too optimistic about immediate progress, and he is right. The subjects are enormously complex and important. It may take years before the Senate is presented with a treaty to consider.

Therefore, one of the most pressing questions the Congress and the administration must deal with this year is whether continuing some form of our interim restraint policy is possible pending a follow-on treaty. The alternative to continued restraint is an uncontrolled arms race.

Fortunately, we have a framework for mutual restraint as these talks proceed. Even though the SALT I Interim Agreement has expired, and the SALT II Treaty was never ratified, certain limitations in those agreements—above all the numerical ceilings—have been informally observed by both sides.

In his first administration, President Reagan decided that he would follow a policy of not undercutting existing strategic arms agreements so long as the Soviets follow suit.

This policy has maintained limitations important to U.S. security, in particular the subceilings of SALT II: The 1,320 limit on multiple warhead strategic nuclear delivery vehicles, the 1,200 limit on launchers of MIRV'd ballistic missiles, and especially the limit of 820 on launchers of land-based MIRV'd ballistic missiles. This last ceiling has prevented the Soviet Union from exploiting its capacity for rapidly expanding its force of MIRV'd ICBM's—the very force the administration has singled out as a key threat to our national security.

Last year, Senators BUMPERS, HEINZ, CHAFEE, and I cosponsored a successful amendment to the Defense authorization bill urging the President to maintain his no-undercut policy at least through December 31, 1985, the date the SALT II Treaty would have expired had it been ratified. It provided an additional year for negotiations toward a new treaty. Our amendment was adopted by a vote of 82–17 in the Senate.

This year, my colleagues and I are introducing a similar resolution, though with some important differences. Let me briefly explain them.

First, the resolution we are offering today would call on the President to continue the no-undercut policy until December 31, 1986, so long as the Soviet Union does likewise. This is to preserve the SALT numerical limits for yet another year. This is critical in light of the resumption of negotiations in Geneva.

Second, this resolution recognizes the interrelationship between U.S. concerns about Soviet compliance with arms agreements and the ability of the United States to continue adhering to those agreements. This will send a forceful message to the Soviet Union that its conduct is endangering both present restraint and the atmosphere for the new negotiations.

Third, the resolution requests that the President pursue a resolution of U.S. questions about Soviet compliance not only through the customary diplomatic and other channels, but also in the negotiations about to begin in Geneva. The United States must take account of the Soviet compliance record in all aspects of the Geneva talks.

This is not an academic exercise. Both sides are nearing actions which will destroy the numerical limitations on strategic missile launchers unless corrective actions are taken.

This summer the United States will surpass the 1,200 MIRV'd missile subceiling with the entry on sea trials of the seventh Trident submarine, the U.S.S. *Alaska*. Unless we either dismantle the launch tubes on an old Poseidon submarine or destroy 14 Minuteman III silos, we can expect the Soviets to disregard the other numerical ceilings, including the limit of 820 on launchers of MIRV'd ICBM's.

Mr. President, here is the key issue we, as a nation, must confront: Should the United States continue the no-undercut policy at the same time President Reagan is charging the Soviets with violating arms agreements, including the SALT II Treaty?

Let us first clarify what we know: The Soviet Union is remaining at or below the SALT numerical limits of 1,320, 1,200, and 820. It is observing the warhead fractionating limit. It is observing the SALT I Interim Agreement constraints on ICBM and SLBM launchers.

The elements of SALT that the President charges the Soviets are violating are: Telemetry encryption, the new ICBM types provision, and deployment of the mobile SS-16.

These are most serious charges. As a member of the Select Committee on Intelligence, I am especially concerned about telemetry encryption. Our resolution declares forcefully that the Congress supports firm action by the President to resolve these issues.

It is clear, however, that none of the violations the President is charging presents a near term threat to the United States beyond that which would exist if we were not following the no-undercut policy.

In fact, I think it is quite obvious that the President would not be sending our negotiators to Geneva if he thought otherwise, about this matter.

The United States should feel free to encrypt telemetry on our own missile tests if we wish to do so. We should feel under no constraints in the development of our own mobile ICBM, the so-called Midgetman.

At the same time, it is equally clear that the United States derives important military advantages from the current numerical limits being observed by the Soviets. If the 820 ceiling is breached, the Soviets can rapidly expand their MIRV'd ICBM force—and their ICBM warhead totals. We would be able to do next to nothing for at least 2 or 3 years.

The Poseidon scheduled for dismantlement this fall is, I understand, old and no longer cost effective for the Navy to operate. Retaining it in service merely to add 14 MIRV'd missile launchers to our inventory is not worth losing that cap of 820 on Soviet MIRV'd ICBM's.

But what of the signal we send to the Soviets if, in the face of the President's charges of violations, we continue the no-undercut policy?

General Brent Scowcroft, head of the President's Commission on Strategic Forces, states it best:

> There are restraints in the treaty on the Soviets which, however modest, are better than having no restraints at all. It seems to me that we receive slightly more than we give in continuing to observe those restraints.

The signal we give is that the United States is capable of understanding its own interests and acting upon them. These limits bind the Soviets more than we, and scrapping them while they do makes no sense.

Mr. President, I recognize debate on this resolution, which we again intend to offer as an amendment to the defense authorization, could be protracted and intense. The administration no doubt wants a free hand in this matter. We will be told that Congress should stay out of this issue, and let the President make the right decision months from now, when the *Alaska* is ready to glide out to sea.

I cannot agree to that course. The Senate has a responsibility—a special responsibility—to share in this Nation's arms control policy. We must play a role in the momentous decision which will be made later this year: Shall the world confront a nuclear arms competition completely without limits for the first time in more than a decade, or shall we maintain the limits that exist, however modest, until something more meaningful can be negotiated?

Mr. President, I said that the Senate has a special responsibility to share in the Nation's arms control policy. I think it is fair to say that virtually all Americans agree that we must have nuclear arms control. Certainly the President has stated that, members of his Cabinet have stated that, as well as most Members of Congress.

But no matter how we feel about arms control in this country, if a treaty comes back from Geneva initialed by the President, there are only 100 Americans who ever get a chance to vote on that arms control treaty. Of a country of nearly 230 million Americans, only 100 men and women in this country get to vote on it—the 100 Members of this body. That is a responsibility that each of us should find overwhelming in our daily consideration of these matters. Certainly it is a responsibility, more critical than any of our other responsibilities, that we owe to our constituents within our own States and in the Nation as a whole.

I think that because of that responsibility, it is the responsibility of the Senate to move forward with this resolution.

Mr. President, I am proud to join my distinguished colleagues and friends from Arkansas, Rhode Island, and Pennsylvania in introducing this important bipartisan resolution. I invite and urge all Senators to join us as cosponsors so that it will be clear to the President that Congress does not wish to see a collapse of the last restraints on strategic offensive armaments.

Mr. President, I ask unanimous consent that various articles and letters be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, December 10, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We strongly endorse your decision to send Secretary Shultz to Geneva to search for ways to renew the U.S.-Soviet dialogue on limiting and reducing nuclear weapons. We are hopeful that full-scale negotiations will begin soon after the meeting.

Of continuing importance to the success of your effort will be the policy of "interim Restraint," your decision not to undercut existing offensive arms agreements provided the Soviets act in a similar fashion. As cosponsors of the amendment endorsing this policy, adopted by the Senate by a vote of 82-17 on June 19, 1984, we feel that the policy can continue to serve U.S. interests by placing restraints on Soviet force developments during the renewed talks. An early commitment by both sides to continue to refrain from undercutting existing agree-

ments could provide a positive atmosphere for subsequent talks.

We recognize, of course, that Interim Restraint is not an open-ended unilateral commitment by the United States, and that serious questions concerning Soviet compliance need to be resolved in the context of the negotiating process. If the two sides remain committed to observing existing limits, negotiations on these compliance questions may proceed more smoothly.

Support for the negotiating effort is strongly shared on a bipartisan basis in the Senate. We stand ready to work with you to contribute to the success of future talks.

Sincerely,

JOHN HEINZ,
DALE BUMPERS,
JOHN H. CHAFEE,
PATRICK J. LEAHY,
U.S. Senators.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 4, 1985.

Hon. PATRICK J. LEAHY,
U.S. Senate.

DEAR SENATOR LEAHY: I am replying to the letter you and your colleagues sent to the President on December 10, 1984, regarding the upcoming Geneva meetings between Secretary Shultz and Soviet Foreign Minister Gromyko and our interim restraint policy.

We sincerely appreciate your support for these meetings. The President is determined to work toward resolving problems with the Soviets and to put our relations on a more stable and constructive basis. We are hopeful that Secretary Shultz's meeting will launch a process of negotiations leading to agreements that will substantially reduce nuclear arsenals and enhance stability.

On the matter of our interim restraint policy, it remains our policy not to undercut existing agreements so long as the Soviet Union exercises equal restraint. As you have observed, the intent of this policy has been to promote an atmosphere of mutual restraint which is conducive to strategic nuclear arms negotiations.

We also appreciate your understanding of the compliance issues that currently concern us, as well as the imprudence of an open-ended unilateral commitment to observe existing arms control agreements. We will continue to raise our compliance concerns with the USSR in diplomatic channels and insist on clarification and corrective actions in areas where questions have arisen. Clearly, any decisions about our own no-undercut policy would take fully into account the actions of the USSR in this regard. In the meantime, we are preserving the flexibility required by our policy.

Thank you for your support for our efforts to reestablish a constructive dialogue with the Soviet Union.

Sincerely,

W. TAPLEY BENNETT, Jr.,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

U.S. SENATE,
Washington, DC, January 17, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The positive results of the meeting in Geneva between Secretary of State Shultz and Soviet Foreign Minister Gromyko were gratifying. You, Secretary Shultz, and the entire negotiating team are to be commended for your efforts.

We were equally pleased by your response during your news conference on January 9 concerning the question of continuing your policy of Interim Restraint, not undercutting existing arms control agreements so long as the Soviets show equal restraint. With respect to the SALT II ceilings, your statement that "we feel that we can live with it" was an important reaffirmation of your policy.

When, prior to the Geneva meeting, we wrote expressing support for that policy and urging its continuation, we suggested that the two sides commit themselves to a continuing adherence to existing arms control agreements during the renewed talking. This could provide a positive atmosphere conducive to success in resolving other difficult issues. We are writing today to renew our suggestion. An early commitment by both sides to this policy could set the stage for the subsequent comprehensive agreements which we all desire.

Mr. President, the signs are more favorable than they have been for some time that serious progress in arms control may be attainable. We continue to be ready to assist you in this endeavor in the coming months.

Respectfully,

PATRICK J. LEAHY,
DALE BUMPERS,
JOHN H. CHAFEE,
John Heinz,
U.S. Senators.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 15, 1985.

Hon. PATRICK J. LEAHY,
U.S. Senate.

DEAR SENATOR LEAHY: I am replying to the letter you and your colleagues sent to the President on January 17, 1985 regarding our interim restraint policy.

The policy of not undercutting existing arms control agreements was established to serve on an interim basis in the hopes of promoting a positive atmosphere for arms control negotiations and was, of course, made contingent upon Soviet adherence to a comparable policy. We have serious concerns about Soviet compliance with existing arms control agreements, which were the subject of the Administration's February 1 unclassified report and the February 7 classified report. We will continue to pursue our compliance concerns with the Soviet Union to seek clarification and corrective actions in areas where questions have arisen. Clearly, any decisions about our own no-undercut policy would take fully into account the actions of the Soviet Union in this regard.

As you know from the letter of January 4 that you received from W. Tapley Bennett, we have made no decisions regarding our interim restraint policy. We are currently studying our strategic arms negotiating position and formulating our negotiating strategy in preparations for the beginning of talks in Geneva on March 12. Consequently, we are not now in a position to respond to your suggestion that the U.S. and the USSR commit themselves to indefinitely abide by existing arms control agreements. We do, however, continue to believe that our current policy is conducive to a positive negotiating atmosphere, as well as to seeking clarification and corrective actions in areas where Soviet compliance is of concern to us.

I again thank you for your support and continued interest in our efforts to achieve progress in arms control.

Sincerely,

ROBERT E. TURNER,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

FOUR SENATORS REQUEST THAT REAGAN ABIDE BY ARMS PACT TERMS

(By Steven V. Roberts)

WASHINGTON, Dec. 11.—Four influential Senators representing both parties urged President Reagan today to ignore conservative complaints and continue to abide by arms control agreements with the Soviet Union.

In a letter to the President, the four lawmakers said that by adhering to the strategic arms pact of 1979, Mr. Reagan would help "provide a better atmosphere" for talks between Secretary of State George P. Shultz and Foreign Minister Andrei A. Gromyko that are to begin in Geneva next month.

The Senators were John H. Chafee of Rhode Island and John Heinz of Pennsylvania, both Republicans, and Patrick J. Leahy of Vermont and Dale Bumpers of Arkansas, both Democrats. Both Republicans were recently elected to party leadership posts, and Senator Leahy is due to become ranking Democrat on the Select Committee on Intelligence in the next Congress.

Their letter came a week after two conservative Republicans, Steven D. Symms of Idaho and John P. East of North Carolina, threatened to vote against deployment of the MX missile next year unless the Administration ended its policy of complying with the strategic arms agreeement, which was never approved by the Senate and never ratified.

One Senate aide said the letter today was written partly to counterbalance the threat by the conservatives. "We don't want that to be the only input down there," he said.

In another development on the arms control front, Senator Robert C. Byrd of West Virginia, the Democratic leader, said he had proposed to President Reagan that a bipartisan group of senators go to Geneva.

EXTENSION SEEN AS POSSIBLE FOR UNRATIFIED SALT II PACT

Although President Reagan says he might decide to violate the SALT II arms-control treaty later this year, administration officials said yesterday there is a chance that the unratified accord will be extended beyond its scheduled expiration in December.

The officials said the decision depends largely on Soviet willingness to negotiate reasonably when a new round of arms talks begins in Geneva March 12.

"It has to do with the Soviet attitude in Geneva," said one arms control expert at the State Department. "Surely, if the Soviets are not forthcoming in the Geneva negotiations, if they show no indication of flexibility and compromise, we would be damn fools to hold to something they are not showing any respect for."

But this official and others said if the Soviets do show a willingness to negotiate seriously, and if Moscow does not take any new actions that would violate the accord, the administration might "continue its no-undercut policy" toward SALT II.

"The officials, who spoke on condition that they not be identified, also said Reagan misspoke in declaring at his news conference Thursday night that the Soviets had violated the SALT II treaty by converting ballistic-missile firing submarines into cruise-missile firing submarines to circumvent treaty limits on ballistic missiles.

The officials said the conversion was a violation of the "spirit" of the agreement, but

not technically a violation. Cruise missiles are not covered by the SALT accords.

Reagan said at his news conference that he might have to join Moscow "in violating" the SALT II agreement when a new Trident-missile firing submarine, the USS Alaska, begins sea trials in October. It could cause the United States to go over the 1,200 limit on multiwarhead strategic missiles, which is fixed by SALT II.

[From the Wall Street Journal, Jan. 23, 1985]

NEWEST TRIDENT TOUCHES OFF FEUD OVER ARMS CONTROL

(By Tim Carrington)

WASHINGTON.—The Navy's launching of the U.S.S. Alaska earlier this month in Connecticut touched off a new arms control feud within the Reagan administration.

The Alaska, the Navy's seventh Trident submarine, is scheduled to begin sea trials in the fall with 24 nuclear missile launchers, which would push the U.S. beyond the limits imposed by the 1979 SALT II agreement with the Soviet Union. Just what action the navy will take has been the subject of contradictory statements from within the administration. And yesterday, a Pentagon spokesman said that one option under consideration is to abandon the voluntary compliance with SALT II and leave all the missile launchers in place.

That statement is confusing because on Jan. 9, President Reagan said of the SALT II treaty at a news conference, "We feel we can live within it." Moreover, he indicated that, as the U.S. had done in the past, it would retire a number of older Poseidon nuclear missiles in order to remain in compliance with the agreement.

After the president's statement, officials from both the Defense and State departments treated the question of continued SALT compliance ambiguously. A State Department spokesman declared that decisions on the matter "would be taken at the appropriate time," namely, when the Alaska begins sea trials in the fall. Around the same time, Navy Secretary John Lehman said, the Pentagon would "begin dismantling perfectly good Poseidon submarines" only "when the president makes that decision."

Yesterday, Sen. Dale Bumpers (D., Ark.) expressed concern that "despite the president's clear statement of policy on this matter, some of his underlings in the bureaucracy don't appear to have gotten the message." In an effort to make it harder for the administration to back off the president's earlier statement, Sen. Bumpers and three other senators wrote President Reagan praising his statement as "an important reaffirmation of your policy."

Four years ago, the Reagan administration took the position that until the SALT II treaty is ratified, the U.S. wouldn't undercut the substance of the agreement by exceeding the limits on nuclear weapons. Several conservative legislators, led by Sen. Steven Symms (R., Idaho), have urged President Reagan to ignore the treaty. Although arms control advocates vigorously oppose such a step, Sen. Symms and hardliners in Washington cite dozens of alleged treaty violations by the Soviets. In March, the administration plans to make a report to Congress on Soviet compliance with arms treaties.

Both sides are watching closely the administration's handing of the SALT II treaty because it may influence the tenor of arms negotiations between the superpowers. As in the past, the president appears to be torn between his desire to appear as a peacemaker, and his sympathy with hardliners who are wary of arms control agreements in general.

[From the USA Today, January 1985]

ARMS CONTROL AT THE CROSSROADS

(By Dale Bumpers)

The meetings between Secretary of State George Shultz and Foreign Minister Andrei Gromyko to set an agenda for future arms talks revive hope for a breakthrough in U.S.-U.S.S.R. bilateral negotiations on nuclear weapons. Nevertheless, it is improbable that very much will be accomplished until the middle of 1985 at the earliest. The only legally binding strategic arms agreement now in force between the U.S. and U.S.S.R. is the Anti-Ballistic Missile Treaty. Even there, senior U.S. defense officials have indicated in Congressional testimony that continued U.S. adherence is being reassessed, and there is genuine cause for concern as to whether the Reagan Administration will support this treaty in the future.

Fortunately, this delay in concluding a new nuclear arms agreement has not led to a total collapse of all restraints on nuclear arms. Pres. Reagan's policy to date has been that the U.S. will not undercut existing strategic arms agreements (i.e., SALT) so long as the Soviet Union shows equal restraint. This policy has been reiterated by the Secretary of State Shultz and other Administration officials in recent months and was formally endorsed by the Senate in June, 1984, by a vote of 82 to 17 on an amendment to the Defense Authorization bill which Sen. Patrick Leahy (D.-Vt.) and I offered, along with 24 other senators. This policy has served U.S. interests well over the last three and one-half years by providing real restraints during the interim period until a new and comprehensive nuclear arms accord can be negotiated.

While the Administration has continued its no-undercut policy, it has also made a number of worrisome statements about whether it will continue this policy. Secretary Shultz has refused to affirm the Administration's intention to maintain this no-undercut policy in 1985. As a result, the Administration has intentionally left open the option of abandoning the only remaining constraints on offensive nuclear weapons in the near future.

Concern over this issue is not just academic, because 1985 is shaping up as an extremely crucial year for arms control. For example, the U.S. will, for the first time, break through one of the key numerical ceilings of SALT II when the seventh Trident submarine goes out to sea trials later in the year. Unless offsetting reductions are made, we will exceed the SALT II ceiling of 1,200 launchers of multiple-warhead missiles; the 24 missiles on the Trident (each missile with eight nuclear warheads) will push us from 1,190 to 1,214 multiple-warhead MIRVed missiles—14 over the limit. So, if the President decides to continue the no-undercut policy, we must dismantle 14 Minuteman III ICBM's (we currently have 550) or one 16-missile Poseidon submarine (we currently have 31 Poseidons and five Tridents).

Despite repeated inquiries, the Reagan Administration has refused to say whether they would dismantle older missiles in order to stay within the 1,200 ceiling. Not only does the Administration's attitude contribute to the existing impasse over arms control, but, more importantly, it threatens U.S. security interests. If we exceed the 1,200 limit, it will be an open invitation for the Soviets to follow suit and exceed the SALT II limit of 820 for multiple-warhead ICBM launchers. (The Soviets have been at 818 for several years.) If we, and then the U.S.S.R., exceed these limits, the arms race will really take off.

Interestingly, the current policy of mutual restraint probably serves our security interests more than the Soviets'. According to Administration officials, the Soviet Union is observing the SALT II ceilings: 820 on launchers of MIRVed ICBM's; 1,200 on launchers of MIRVed missiles (ICBM's plus SLBM's); and 1,320 on launchers of MIRVed missiles plus heavy bombers equipped to carry air-launched cruise missiles. These ceilings prevent the Soviet Union from surging forward in deployment of MIRVed missiles, especially MIRVed ICBM's. With Soviet missile production lines in operation, an Administration policy of ignoring SALT would put the Soviets in a far better position than the U.S. to break through the MIRV limits and rapidly expand its arsenal of deployed MIRVed missiles. In addition, continuation of the SALT I limits is forcing the Soviets to dismantle operational missile-firing submarines as new ones are produced. These submarines the Soviets have been dismantling are newer than most of our strategic submarine force now in operation.

Notwithstanding the big lie approach pursued by the foes of arms control, current U.S. policy of not undercutting existing strategic arms agreements has constrained Soviet nuclear forces.

SALT I AND II

Under the terms of the SALT I Interim Accord on Strategic Offensive Weapons, the Soviet Union has dismantled several hundred operational nuclear weapons which otherwise would have remained in the Soviet arsenal, including 190 SS-7 ICBM's, 19 SS-8 ICBM's, and 160 SS-N-6 sea-launched ballistic missiles (SLBM's) on 10 Yankee I missile-firing submarines. Amid all the allegations about Soviet cheating, this has somehow been overlooked. It is extremely significant that the Soviets have dismantled 10 missile-firing submarines, with 160 missiles, to comply with the SALT I Interim Accord, just since 1978.

The Soviet submarine dismantling began in the 1970's and has continued during the Reagan Administration. As the Soviet Union continues to introduce Typhoon class submarines, they will be forced to dismantle older submarines and the missile launchers they carry.

The SALT I Interim Accord has had almost no impact on U.S. forces. The four Trident submarines (each with 24 missiles) launched to date have required us to dismantle six older Polaris submarines, each capable of carrying 16 missiles. However, all 10 of our Polaris submarines have already been withdrawn from our strategic forces and none have been armed with missiles for several years. Deployment of the fifth and sixth Tridents will require the U.S. to reduce additional launchers. The Administration will meet this reduction through deactivation of old Titan II ICBM launchers. However, this deactivation has already been decided on safety and other grounds.

Although SALT II was not ratified, both the U.S. and the Soviet Union have not exceeded any of the treaty ceilings on multiple-warhead missiles. The Soviets were above the over-all ceiling of 2,400 on missile launchers and bombers when the treaty was

signed. They are not obligated to reduce to this level unless the treaty is formally ratified.

The MIRV subceilings of SALT II have appreciably constrained Soviet force deployment since 1979. Specifically, the Soviets have built up to, but have not exceeded, the SALT II limit of 820 MIRVed (818 deployed) ICBM launchers. The Soviets also remain below the MIRVed missile (1,200 allowed; 1,082 deployed) and MIRVed missile/ALCM (air-launched cruise missiles) bomber (1,320 allowed; 1,082 deployed) limits.

The 820 limit on launchers of MIRVed ICBM's constrains the Soviets in several ways. For one, it keeps the Soviets from converting more of their single-warhead SS-11 silos to six-warhead SS-19 or four-warhead SS-17 silos (all existing SS-19 and SS-17 silos are modified SS-11 silos). In addition, when the Soviets deploy their 10-warhead SS-X-24 ICBM, currently being flight-tested, the 820 limit will again constrain them. This limit will force the Soviets to take out existing MIRVed missiles, such as the SS-17 or SS-19, instead of single-warhead missiles such as the SS-11.

NOTHING TO GAIN, MUCH TO LOSE

If the U.S. chooses to ignore the 1,200 limit, we would add relatively little to our strategic force capabilities. The seventh Trident submarine would put us only 14 missiles over the 1,200 limit. Additional Trident submarines are being built at a rate of less than one per year, so that, from Trident production alone, we would be less than 100 over the limit for the remainder of the 1980's.

Presently, the U.S. has deployed 74 ALCM-equipped B-52's. The program of equipping B-52's with ALCM will not begin to reach the 1,320 ceiling (1,200 MIRVed missile launchers plus 120 ALCM-carrying heavy bombers) until mid-to-late 1986. The U.S. will not complete the planned 195 ALCM-equipped heavy bomber program until about 1990.

Under current plans, the U.S. deployment of MX will not affect our present level of deployed MIRVed ICBM's. MX will be deployed in existing Minuteman III silos, which is permitted.

If the Soviets saw the U.S. ignoring the 1,200 limit on numbers of MIRVed missiles, it is unlikely that they would feel constrained by the other numerical limits of SALT II. Given the fact that they are right next to the 820 limit on MIRVed ICBM's (with 818), they could far exceed this limit in a no-holds-barred arms race environment in several ways:

SS-24 deployment. If the Soviets chose to, they could deploy their new 10-war-head ICBM's in modified single-warhead SS-11 or SS-13 silos instead of MIRVed SS-17 or SS-19 silos, as the 820 limit would require. In short, the Soviets could add over 5,000 more accurate warheads in this manner than currently permitted.

Add warheads to the SS-18. The giant SS-8 ICBM, of which the Soviets have 308, currently is credited with carrying 10 large warheads, the maximum number permitted under SALT II. Without constraints, the Soviets could change the SS-18 payload to 20, 30, or more warheads. This would add between 3,000 and 6,000 more accurate warheads to their arsenal.

Build more silos. Both the SALT I Interim Accord and Salt II ban the construction of new fixed launchers—i.e., silos. In an unconstrained environment, however, the Soviets could construct new hardened silos and deploy additional MIRVed ICBM's. The possibilities here are endless, but, even assuming the Soviets build silos no faster than they did in the late 1960's (about 300 per year), they could have the launch capability for thousands of additional warheads by 1990.

In short, the continuation of our no-undercut policy will prevent a major increase in the number of accurate, high-yield Soviet nuclear warheads aimed at us and clearly serves U.S. and allied security interests. Conversely, a renunciation of our no-undercut policy toward SALT agreements, or conduct obviously in violation of them, would trigger a major escalation of the nuclear arms race, as the U.S. would have no choice but to match the increased Soviet threat. Such a dangerous step would weaken, not strengthen, our security.

In January, 1984, the President submitted a classified report and a public statement to the Congress on the question of Soviet compliance with SALT and a number of other existing arms agreements. It is clear there are serious issues which must be resolved, and the Soviets have an obligation to respond satisfactorily to legitimate American concerns. Despite the calls of some to abandon all arms control agreements, the President declared that he intends to continue to observe U.S. arms control obligations and commitments while pursuing these compliance matters in confidential channels. Soviet cooperation in addressing American concerns is more likely, in my judgment, if they have a stake in an ongoing arms control process. Continuation of the policy of not undercutting existing strategic arms agreements, as well as serious progress toward a new treaty, will give the Soviet Union such an important stake.

It is one of the great ironies in the history of arms control that, despite all the criticism of the SALT II Treaty up through the 1980 election campaign (as a candidate, Ronald Reagan declared the treaty "fatally flawed"), the U.S. has abided by it for over five years. However, our failure to ratify this treaty, which we have been abiding by, has cost us plenty. For starters, there are over 250 Soviet nuclear bombers and missiles—10% of their strategic arsenal—pointed at the U.S. today that would have been dismantled had SALT II been ratified.

Second, our failure to ratify a treaty negotiated by one Democratic and two Republican presidents was a major jolt to our NATO allies, who had overwhelmingly endorsed SALT II. This heightened European doubts over U.S. reliability and was a major ingredient in the development of the European anti-nuclear movement that has shaken the very foundations of the NATO Alliance.

Third, we lost extremely valuable time in negotiating a successor SALT III agreement. It took three years after the signing of SALT II in June, 1979, to get new strategic arms talks under way. This left only 18 months for the new START negotiations, begun in June, 1982, to try to achieve an agreement before the NATO deployment of the Pershing II and cruise missile. I condemn the Soviet walk-out from both the START and Intermediate-Range Nuclear Forces (INF) talks. However, I also condemn the mentality that led the U.S. to squander that precious 18-month period by making a proposal that even then-Secretary of State Alexander Haig called unrealistic at the same time that the Soviets tabled a position that, though far from perfect, even Pres. Reagan characterized as serious.

Our failure to ratify SALT II has actually aggravated our concerns about Soviet compliance with its terms. It is hard to overlook the irony of the Reagan Administration accusing the Soviets of violating a treaty that never went into effect because we refused to ratify it. Were it ratified, and were we more dedicated to the SALT process, we would have a stronger leg to pursue our legitimate compliance concerns and the Soviets would be under far greater obligation to comply.

The Joint Chiefs of Staff under both the Carter and Reagan Administrations have endorsed SALT II as a "modest but useful step" for U.S. security interests. This endorsement springs not from a sentimental attachment to arms control for its own sake, but, rather, from a hardheaded appreciation for how SALT II, and arms control more generally, can enhance U.S. security.

The proper way to deal with the question of arms control compliance is to pursue matters of concern through appropriate diplomatic channels, especially the Standing Consultative Commission established under SALT I to deal with such concerns. This approach has worked quite well in the past in resolving the concerns of both sides over questionable or ambiguous activities.

In making judgments about Soviet arms control compliance, it is important to remember that the Soviets have abided by SALT's numerical limits, even to the point of dismantling 10 missile-firing submarines. The Soviet threat today is thousands of warheads less than it would have been without SALT. We must pursue our compliance concerns, but we should be careful not to throw the baby out with the bath water.

STEPS FOR NUCLEAR ARMS CONTROL

In the crucial arms control year of 1985, there are a number of essential steps that must be taken by the U.S. and the Soviet Union to avert a total breakdown in 1986 of limits on strategic offensive nuclear weapons and a quantum leap in the arms race.

First, the Administration, the Congress, and the nation must squarely deal with the issue of interim restraint on nuclear arms. If we do not adequately address this issue, the SALT II expiration date of Dec. 31, 1985, and the momentum of current programs will ensure the collapse of existing restraints.

Out of this debate there should emerge a consensus for continuation of at least the numerical ceilings contained in SALT II. A percentage reduction in those ceilings might also be considered. Special provision would need to be made to allow us the option of testing and deploying the new small ICBM, which otherwise would be banned if SALT II were extended with no changes at all.

There also should emerge agreement that the U.S. should dismantle enough missiles when the seventh Trident submarine goes out on sea trials in 1985 that we do not exceed the SALT II limits of 1,200. As already shown, exceeding this limit would be an open invitation for the Soviets to follow suit, which would have the most dangerous military and international implications.

Second, the Soviets must return to the negotiating tables in Geneva. There is no substitute for negotiations to resolve the arms control dilemma. Unlike 1984, the world of 1985 faces very real arms control deadlines that will not make exceptions for sulking holdouts. This return to negotiations by both sides should be accompanied by greater efforts through other channels as well, which history has shown is an indispensable ingredient to the success of negotiations on arms control.

Third, interim restraint policy should be the priority topic of these renewed START negotiations. Some may object to temporarily laying aside the Administration's larger START agenda, but the realities are that the question of an interim restraint framework cannot wait. Unless we nail down an interim agreement to bridge the gap until we reach a more comprehensive START agreement, it will be far more difficult to reach any comprehensive agreement at all. We must not let the best become the enemy of the good.

Fourth, a new interim restraint agreement should be given more formal status than our current policy. It is frightening to realize that the only limits on offensive nuclear weapons are completely informal, consisting of unilateral statements made at different times by both sides, with neither statement having the force, or obligation, of international law. Accordingly, an interim restraint agreement should be in the form of either a treaty or an executive agreement, thereby providing a more solid foundation in which both sides, and the world can have greater confidence.

To some, this four-point agenda may seem much too tame. At a time when arms control proposals of grand scope have seized center stage in public discussion, talk of simply firming up the accomplishments of the past, perhaps with modest improvements, seems distinctly unglamorous. Yet, if arms control is ever to transcend trendiness and become a permanent part of our security—as it surely must if civilization is to survive—it will be precisely through a process that secures limited, but significant, advances one step at a time. Each of our last two presidents discarded the arms control accomplishments of his predecessor, believing he could do far better. Both ran aground on the shoals of the political reality that real gains in the highly controversial area of arms control can only be made in a step-by-step fashion, building on past accomplishments.

The choice is not between modest accomplishment or major advance. In the crucial year of 1985, the choice will be between modest accomplishment or no accomplishment at all. If we can moderate our expectations just enough, we can put together a series of agreements which, taken together, will constitute an arms control breakthrough that will serve our interests for decades to come.

[From the Washington Post, Mar. 5, 1985]

ADMINISTRATION URGED TO SEEK EXTENSION OF SOME SALT II CURBS

PENTAGON OFFICIALS ASK ACTION AT GENEVA TALKS

(By Walter Pincus)

Some Pentagon officials and military officers are urging the administration to seek an extension of some provisions of the unratified SALT II agreement at the Geneva arms control talks next week to provide interim limits on arms until substantial cuts can be negotiated, according to informed sources.

Both nuclear superpowers have pledged not to undercut the 1979 treaty, which is due to expire at the end of this year, but there have been charges on both sides that some provisions of the treaty are being violated.

The United States will have more to lose than the Soviet Union if the treaty limits are allowed to expire with no replacement, these officials argue. This is because the Soviets are ready for mass production of many more new missiles than the United States.

An unrestrained and immediate offensive arms spurt, moreover, would diminish the administration's hopes that deep cuts in offensive weapons and a meeting of minds on defensive weapons would emerge for the new arms negotiations starting next Tuesday.

President Reagan met with the National Security Council yesterday morning to review options for the upcoming negotiations. One official said later a final presidential decision on instructions for the delegation is not expected until Thursday, when Reagan meets with the U.S. negotiators.

At the Capitol, Soviet Politburo member Vladimir V. Shcherbitsky, leader of a parliamentary delegation that arrived here Sunday, told the House Foreign Affairs Committee that the Soviet Union hopes the Geneva talks will make "a major contribution" to removing the threat of nuclear war.

Up to now U.S. preparations for the strategic weapons part of the Geneva negotiations have dealt primarily with updating the most recent U.S. proposals for deep reductions before the last round of U.S.-Soviet talks ended in December 1983.

One Pentagon official said last week that given planned new missile deployments by both sides, "an interim framework" for strategic system limits based on the existing SALT II limits "would be logical as a transition from where we've been to where we are going." But as of yesterday, sources said, no decision on this point has been made.

The Soviets are expected to propose extension of the SALT II limits at Geneva, an informed diplomatic source said last week. He added that Soviet negotiators may argue that the United States should offer to restrain its space-weapons development in return for Moscow's agreement on continuing the SALT II limits.

SALT II permits each nation an overall limit of 2,250 strategic nuclear missiles or bombers and set a sublimit of 1,200 on intercontinental land-based missiles carrying more than one warhead.

According to U.S. data, the Soviet Union already exceeds the overall limits of SALT II because of failure to make reductions in 1981 as called for in the treaty. Soviet deployments of the new single-warhead mobile SS25, expected to begin late this year, will add to the Soviet totals. This missile is to be followed by the 10-warhead SS24, the test phase for which is being completed, with deployment expected to begin in late 1986.

The practice on both sides has been to retire older missiles when deploying new missiles. "It is important for us that they swap these new missiles for old one," a senior U.S. military officer said, adding that such an exchange could be made only if some kind of limits were in effect. Without it, he said, "they will only add on and expand their lead in warheads."

For its part, the United States will go above the sublimit on multiwarhead missiles if the new Trident submarine, the Alaska, with its 24 missiles is sent on sea trials this September as now scheduled. There is no decision on whether to retire old U.S. missiles to make up for this deployment.

These officials would also like to retain in modified form the SALT II limitation on "new types" of strategic missiles. Each side is now limited to one new type but both are working on two. A possible U.S. proposal is to increase the limit to two new types, with a requirement that one of them be a single-warhead missile.

The United States has charged that the Soviet SS25 is a violation of the new-type rule, but the Soviets maintain it is a permissible modernization of a missile, the SS13.

Meanwhile, the United Sttes is planning a second new type of its own, the Midgetman. Testing is to begin in the late 1980s with deployment scheduled for 1992.

One provision these officials would like to make stricter is the prohibition on encoding of missile test data, or telemetry, when it bears on the verification of the SALT II treaty. In recent months the Soviets have been encoding nearly everything, according to U.S. statements.

Mr. HEINZ. Mr. President, in the coming days Soviet and American negotiators will reconvene the long-stalled arms control negotiations in Geneva. While we all must remain optimistic with regard to the outcome, it is clear that negotiations will be long and difficult. If agreements are to be concluded and ultimately ratified, both the Soviet Union and the United States must exhibit reason and patience, not only at the negotiating table in Geneva, but in the conduct of their competitive relationship in many parts of the world.

That is why the concurrent resolution I am submitting today, along with my distinguished colleagues, Senators CHAFEE, BUMPERS, and LEAHY, is so important. Its message is simple. We must be willing to avert a new arms race through the negotiation of a new arms control agreement by continuing to abide by provisions of existing offensive strategic arms agreements, as long as the Soviets do the same.

This resolution represents a reaffirmation of what we know to be the policy of the United States with regard to existing offensive strategic arms agreements and what we believe should remain our policy through this year and next.

Mr. President, this concurrent resolution is a further reaffirmation of action taken by the Senate last June, when by a vote of 82 to 17 we passed an amendment to the fiscal year 1985 defense authorization bill endorsing the very same principle of interim restraint.

It remains my belief that an early commitment by both sides to this policy could set the stage for subsequent comprehensive agreements which we all desire.

At the same time, Mr. President, let me make it clear that because both superpowers derive significant benefits from the policy of interim restraint, the Soviets must be expected to be far more forthcoming than they thus far have been in explaining and correcting their noncompliance with specific provisions of existing treaties.

Our resolution explicitly states that it is the sense of the Congress that the Soviets—

should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms

agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement.

The Soviet Union cannot expect that the Congress will ignore actions it has taken in violation of the spirit of existing agreements. The Soviets must understand that our commitment to the policy of interim restraint will not be open-ended if they continue to erode the environment of trust, so essential to the conclusion of a new agreement.

The construction of the Krasnoyarsk radar, the encryption of telemetry so essential to the verification of existing strategic arms agreements, and the testing of a second new type of ICBM as defined by the SALT II Treaty all represent serious breaches of faith with an arms control regime which it would be better to preserve than cast away.

By failing to honestly come to terms with these violations at the Standing Consultative Commission, the Soviet are poisoning the arms control environment and playing into the hands of those in this country who believe that no arms control is worth pursuing at any price.

Mr. President, we believe, and so state in this resolution, that our negotiators should use the renewed arms negotiations as a forum to seek corrective actions with regard to our concerns over Soviet compliance with existing strategic arms agreements. At the same time we believe that an early affirmative commitment by both superpowers to the policy of interim restraint could provide a positive atmosphere conducive to success in resolving some of these difficult compliance questions.

Let me take a moment to express my views on how we should assess the importance of compliance issues. There can be no doubt that many of the compliance issues raised by the President's report are very important. At the same time we must assess the value of taking unilateral corrective action with regard to these violations, such as abandoning the policy of interim restraint against a number of considerations.

First, the military significance of the violations must be assessed; that is whether they have an operational character which in the near term could undermine the security of the United States. We must assess the ability of ongoing U.S. strategic modernization program and research and development programs to counter these Soviet violations. Third, we must assess whether the consequences of any unilateral corrective action are worth the price. On the whole, in assessing the answers to these questions, I must conclude that in the near term continuing to adhere to the policy of interim restraint remains in our national security interest. This Nation is currently well poised to counter the current range of Soviet violations. In large part this is true because of President Reagan's leadership in rebuilding the strategic and conventional capabilities of our Nation. At the same time, prudent policy in the near term must focus on continuing the policy of interim restraint while our negotiators seek to resolve our outstanding differences with the Soviets.

In practical terms, this concurrent resolution is important because both the Soviet Union and the United States have continued to adhere to the strategic launcher ceilings established by SALT II, specifically 820 ICBM's, 1,200 ICBM's and SLBM's, and 1,320 ICBM-, SLBM-, and ALCM-carrying bombers. Despite engaging in significant strategic modernization programs, both superpowers have continued to dismantle older weapons systems as newer ones have been deployed in order to stay within the SALT II ceilings. As strained as relations have been between the superpowers, this basic discipline has not been abandoned.

However, when the seventh Trident submarine the U.S.S. *Alaska* goes to sea trials in the late summer or fall of 1985, the United States will exceed the SALT II ceilings of 1,200 for ICBM's and SLBM's unless the United States takes compensating action by either dismantling an older Poseidon submarine or 14 Minuteman III ICBM's.

Should the United States fail to take compensating action, we must ask ourselves the following questions: What will the consequences be to our national security from allowing the SALT II ceilings to unravel? How will such action facilitate the negotiation of a new arms control agreement with the Soviet Union or the resolution of existing compliance issues? How will the Soviet Union respond? More important, how will the stability of the strategic nuclear environment be enhanced?

Mr. President, some of the answers to these difficult questions are evident today. While the SALT II ceilings have done very little to stop the proliferation of strategic warheads, they have at the very least restrained the ability of the Soviet Union to enhance its already sizable force of large land-based ICBM's. The fractionation limits in place have further denied the Soviet Union the ability to take advantage of the superior throw-weight embodied in their large SS 18's and SS 19's by limiting the number of warheads which can be deployed on these large ICBM's.

More important, adherence to the SALT II ceilings has reinforced the important principle of sacrifice required of strategic modernization programs—the retirement of older weapons systems as newer ones come on line—which is the very principle at the heart of President Reagan's START/build-down proposal.

Mr. President, despite the many flaws of the unratified SALT II agreement, we must ask ourselves whether we would be better or worse off without the discipline it imposes on both superpowers.

First, in very general terms, a recent study, concluded by the Congressional Research Service, concluded that the unraveling of the SALT II ceilings, with all of the potential fallout and superpower paranoia such action would entail could lead to a tremendous proliferation of strategic warheads. In a worst-case scenario, according to the CRS study, both superpowers would increase the number of strategic warheads in their respective arsenals from 10,000 today, to approximately 27,000 by 1994.

Second, and perhaps most important, failure to compensate for the deployment of the U.S.S. *Alaska* would in the near term work to the advantage of the Soviet Union.

Mr. President, a quick look at the strategic balance reveals that the Soviets with 818 ICBM launchers are right up against the 820 SALT II ceilings, the Soviets can quickly take advantage of their superior throw-weight by proliferating additional warheads on their large ICBM's and accelerating their efforts to deploy a greater number of large ICBM's in a totally unconstrained environment.

In effect, we would force the Soviets to continue to emphasize the development and deployment of the first-strike weapons they have the most confidence in, large ICBM's, the very weapons system which President Reagan has targeted for significant reduction in our arms control negotiations. Rather than deemphasizing MIRV technology as called for by the Scowcroft Commission and proponents of the mutual guaranteed build down, abandoning the policy of interim restraint prematurely will lead to a spiraling arms race in MIRV'd warheads—an arms race this Nation simply may not win.

Finally, Mr. President, let me say a word about how continuing the policy of interim restraint relates to the President's vision of a world in which the technologies being developed by the strategic defense initiative will render offensive strategic warheads obsolete. Rather than debate the wisdom of the so-called star wars approach, lets assume for a moment that strategic defense is both possible and desirable. The simple fact is that in order for a strategic defense to ever have a change to succeed the number of strategic warheads currently possessed by both superpowers will have to be sharply reduced. Otherwise not only will defensive systems be vulnera-

ble to attack but they will also be easily overwhelmed by large numbers of strategic warheads.

As Ambassador Paul Nitze, the President's senior arms control adviser recently stated, one of the criteria which star wars weapons will have to meet is that they must be cost effective at the margin meaning that it would have to be easier and cheaper to add defensive capability at the margin. Otherwise the existence of defensive weapons would create an incentive for all offensive arms race to swamp them.

If, by abandoning the policy of interim restraint, the superpowers enter into a new strategic arms race, the President's vision of what a strategic defense might achieve will never be realized. In an unconstrained offensive strategic environment, countering defensive systems with additional offensive systems will be extremely cost effective. The defense will never be able to catch up without a massive expenditure of funds, thereby failing to meet one of the very important criteria for strategic defense established by Ambassador Nitze.

Finally, Mr. President, let me close by saying that this Nation is a strong and confident superpower. The patience and prudence called for by this resolution is a reflection of that strength. It remains in our national security interest to continue to adhere to the policy of enter restraint.

Mr. President, I ask unanimous consent that three articles on this subject be printed in the RECORD.

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

[From the New York Times, May 30, 1984]

CONTINUE TO HONOR SALT ACCORDS

(By Dale L. Bumpers and Patrick J. Leahy)

WASHINGTON.—If the Administration plans to undercut its policy of "not undercutting" the strategic arms agreements with the Soviet Union, it can expect to undercut our national security as well.

To try to discourage an Administration change of mind, a bipartisan resolution now before the Senate makes it clear that Congress expects to be consulted before any Presidential decision to alter current policy. Adopted, it would signal Moscow that Washington wants arms control to continue.

With nuclear arms talks in limbo, a new Soviet leadership installed and our Presidential campaign in full swing, there is little prospect of a new strategic arms agreement before 1985. Fortunately, the negotiating stalemate has not meant the collapse of all restraints on nuclear weapons. Although the SALT I interim accord expired in 1977 and the SALT II treaty was never ratified, each superpower has said it will observe these agreements if the other does. Importantly, neither side has broken through the numerical ceilings of either agreement since they were signed. While this situation is not ideal, it has maintained important limitations on Soviet forces. For example, to comply with SALT I Moscow retired 209 intercontinental ballistic missiles in the 1970's, and, since 1978, has dismantled 160 missiles on 10 modern missile-firing submarines. Those submarines were newer than all but four of our operational missile-firing submarines. Under SALT I, Moscow must dismantle at least one missile-firing sub when it builds a new one.

Soviet forces have also been constrained by the unratified SALT II treaty, especially its ceiling of 820 intercontinental ballistic-missile launchers with multiple warheads. The Russians have respected this limit even though, with 818 ICBM's with multiple warheads and ongoing missile-production lines, they could easily have exceeded it. When they soon begin deploying new 10 warhead ICBM's, SALT II will force them to remove an equivalent number of existing multiple-warhead ICBM's—as long as SALT is not scrapped. SALT II also limits the giant Soviet SS-18 ICBM to 10 warheads, even though it could carry many more.

The informal arrangement of abiding by—or, to use the Administration's phrase, "Not undercutting"—SALT agreements strengthens our security by maintaining valuable limits on Soviet forces while we seek a new strategic arms agreement. Recently, however, senior Administration officials have refused to say whether we will continue observing the SALT limits in 1985. The Administration seems to want the option of terminating the "no undercut" policy even if a new strategic arms treaty has not been reached by then. In our judgment, unwillingness to clarify America's intentions heightens political and negotiating uncertainties and jeopardizes continuation of important constraints on Soviet forces.

The Administration faces a crucial decision on this "no undercut" policy. When the seventh missile-firing Trident submarine is completed and begins sea trials in 1985, America will exceed the SALT II ceiling of 1,200 launchers of multiple-warhead missiles—unless we make offsetting reductions in older forces. If the President decides to continue the "no undercut" policy, we must dismantle 14 Minuteman III ICBM's or one 16-missile Poseidon submarine.

If he chose to ignore SALT by exceeding the limits on multiple-war-head launchers, the Kremlin would certainly follow our lead. All the SALT ceilings would probably go by the boards and there would be no limits left on strategic missiles and bombers.

It is difficult to see how in such an atmosphere both sides could negotiate a new agreement for deep reductions. In addition, the North Atlantic Treaty Organization, uneasy about lack of progress toward a new treaty, would see abandonment of SALT as confirmation that President Reagan seeks confrontation. A break-down in arms restraint would endanger the NATO consensus on responding to Soviet deployments of SS-20 missiles and severely strain the political unity of the alliance.

With an end to SALT numerical limitations, the Russians could quickly add more warheads to each of their 308 giant SS-18 ICBM's, break through the SALT II limit of 820 multiple-warhead launchers and thus add thousands of warheads to their arsenal before we could gear up to match them. Eventually, we could catch up—after spending untold billions—but the far greater levels of warheads on both sides would make us less secure than we are today.

Until both sides reach new agreements that enhance stability and achieve real cuts in nuclear arms, it is crucial to keep existing limits firm.

[From the Philadelphia Inquirer, Dec. 14, 1984]

REAGAN SHOULD RESIST MOVE TO ABANDON ARMS TREATIES

Four influential senators from both parties, including Pennsylvania Republican John Heinz, have urged President Reagan not to give in to conservative demands that America abandon past arms control agreements, just as the stalled U.S.-Soviet arms negotiations are about to be renewed.

The senators' warning could not be more timely. Some Senate conservatives, in a move akin to cutting off their noses to spite their faces, have threatened to vote against deployment of the MX missile, which President Reagan dearly wants, if the President doesn't reverse U.S. policy of continuing to adhere to the second Strategic Arms Limitation Treaty (1979) even though the United States has not ratified it. The agreement, which limits different categories of strategic missiles, has a 1985 expiration date.

The conservatives contend that SALT II benefits the Soviets more than the United States. They argue that the Soviets violate it and President Reagan doesn't like it. They profess particular anger that in 1985, when the United States deploys its seventh missile-carrying Trident submarine, the USS Alaska, it will have to dismantle other missiles, perhaps those carried by one older Poseidon sub, in order to stay within SALT II's numerical limits.

What the anti-SALT senators don't say is that SALT II, however imperfect, is widely credited with restraining Soviet weapons deployment. That's why President Reagan, despite his criticisms, has chosen to abide by the pact so long as the Soviets do the same. A recent congressional report predicted that abandonment of SALT II would provoke a major new arms race in which the Soviets would exceed the United States in building nuclear warheads.

The demise of SALT II prior to a successor treaty also would spur the Soviets to enhance their strongest weapons—heavy land-based intercontinental ballistic missiles. This is exactly the category of weapons that the Reagan administration considers the most dangerous and destabilizing and wants to negotiate down.

Moreover, the principle of sacrificing old weapons when new ones are deployed is one that the Reagan administration has said it supports. Such tradeoffs are aimed at encouraging both sides to mothball older, more destabilizing weapons systems in favor of newer weapons less likely to tempt the other side to strike first.

U.S. security isn't threatened by, say, the loss of one Poseidon: the Navy has 36 nuclear subs and one Poseidon carries enough weapons to destroy every major Soviet city. Nor has SALT II, despite its demonization by opponents, stopped the United States from developing a host of sophisticated new weapons like the Trident submarine. The real flaw in SALT II is that its limits on offensive weapons are insufficient.

The hidden agenda of those who now call for scrapping SALT II may be to head off any arms control agreements, as the superpowers are on the brink of dialogue that at best will be slow and arduous. This agenda threatens U.S. security more than SALT compliance. The administration should build on past treaties, however imperfect, and work to improve them, not dismantle them. President Reagan should continue to respect the terms of SALT II until something better is negotiated.

[From the Washington Post, February 23, 1985]

EXTENSION SEEN AS POSSIBLE FOR UNRATIFIED SALT II PACT

Although President Reagan says he might decide to violate the SALT II arms-control treaty later this year, administration officials said yesterday there is a chance that the unratified accord will be extended beyond its scheduled expiration in December.

The officials said the decision depends largely on Soviet willingness to negotiate reasonably when a new round of arms talks begins in Geneva March 12.

"It has to do with the Soviet attitude in Geneva," said one arms control expert at the State Department. "Surely, if the Soviets are not forthcoming in the Geneva negotiations, if they show no indication of flexibility and compromise, we would be damn fools to hold to something they are not showing any respect for."

But this official and others said if the Soviets do show a willingness to negotiate seriously, and if Moscow does not take any new actions that would violate the accord, the administration might "continue its no-undercut policy" toward SALT II.

The officials, who spoke on condition that they not be identified, also said Reagan misspoke in declaring at his news conference Thursday night that the Soviets had violated the SALT II treaty by converting ballistic-missile firing submarines into cruise-missile firing submarines to circumvent treaty limits on ballistic missiles.

The officials said the conversion was a violation of the "spirit" of the agreement, but not technically a violation. Cruise missiles are not covered by the SALT accords.

Reagan said at his news conference that he might have to join Moscow "in violating" the SALT II agreement when a new Trident-missile firing submarine, the USS Alaska, begins sea trials in October. It could cause the United States to go over the 1,200 limit on multiwarhead strategic missiles, which is fixed by SALT II.

Mr. LEVIN. Mr. President, relative to this particular resolution, an interesting thing happened this morning in a meeting of the Strategic Subcommittee of the Armed Services Committee. I am a member of that subcommittee. We had before us Gen. Bennie Davis who is the commander of the Strategic Air Command. I happened to ask him about a no-undercut policy relative to the SALT II limits. The way we got into the subject was that I asked him whether or not he concurred with the feelings of General Scowcroft.

I am quoting from an interview with General Scowcroft.

The Soviets have been abiding by the SALT II limits and it seems to me that it is in our interest to do so as well.

I asked General Davis whether or not he agreed with General Scowcroft, and his answer was that in his own professional opinion General Scowcroft was correct and that we should abide by the SALT II limits. He had not yet made a formal recommendation to the President. He had not yet been asked for that recommendation but I pressed him as to his personal view on that issue. And in testimony which I think is very significant in terms of the future of this concurrent resolution of Senator BUMPERS, General Davis did acknowledge that his own personal view was that it is in our national security interest to abide by the SALT II limits.

I want to, having said that, just simply commend my friend from Arkansas for again leading the way toward adoption of a resolution which is extraordinarily important if we are ever going to bring this spiraling nuclear arms to some kind of halt and then ultimately reverse it so that we can eliminate these weapons from the face of the Earth.

Mr. CHAFEE. Mr. President, I am pleased to join with my colleagues, Senators BUMPERS, HEINZ, and LEAHY, in submitting a concurrent resolution to recommend continued adherence to strategic arms agreements.

This resolution calls for the reaffirmation of the administration's current policy of adhering to existing arms control agreements so long as the Soviets behave in a similar fashion. This policy of interim restraint has served us well during the past several years, and I believe it should be continued for as long as it serves our national security interests.

Our Nation is about to enter a new round of negotiations with the Soviet Union which could lead to major changes in the system of arms control which has governed both countries for the past two decades. These talks will address complex and diverse issues, ranging from the intermediate-range nuclear forces we deploy abroad, to possible future weapons deployed in space. It is unlikely that progress will be easy or rapid. Nevertheless, it is my judgment that the prospects for success in these talks is significantly enhanced if we do not abandon the existing limitations.

Last year we submitted a similar concurrent resolution, and a form of that effort was adopted by the Senate as an amendment to the defense authorization bill. Since that time, my colleagues and I have written to the President on two occasions recommending that the policy of interim restraint be continued. We have suggested that an early commitment to such a policy by both sides would enhance the prospects for success in the upcoming negotiations in Geneva.

The concurrent resolution we are submitting today is timely for two reasons. First, there appears to be some debate within the administration as to whether the United States should continue to observe the limits of the unratified SALT II Treaty later this year when the Trident submarine *Alaska* begins sea trials. I believe the United States should make corresponding dismantlements of existing systems in order to stay within the limits of the treaty. This resolution affords the Senate the opportunity to go on record on that issue. I believe there should be no confusion surrounding U.S. policy in this matter.

The second reason for the timeliness of this concurrent resolution lies in the resumption of the arms control talks in Geneva and the desire which we all share to see early success in those talks. I believe that the existing arms control restraints should be kept in place until they are replaced by new restraints. Not only does this serve our national security interest, but I believe it makes the successful negotiation of new agreements more likely.

This concurrent resolution also addresses the importance of continued compliance with the ABM Treaty. Serious questions have been raised about Soviet activities with respect to some aspects of the ABM Treaty. This concurrent resolution acknowledges that the United States has legitimate concerns about treaty compliance both with respect to the ABM Treaty and to other arms limitation agreements. These questions should be pursued in negotiations with the Soviets until they are satisfactorily resolved. However, the existence of such concerns should not lead us to abandon all existing restraints.

Mr. President, all of us hope that the new round of talks which begin soon in Geneva will be successful and that they will produce agreements which lead to reductions in nuclear weapons and a reduced threat of war. Such an outcome would enhance our own security and that of the world as a whole. I believe it is in our interest to preserve the existing arms control agreements while we search for more effective measures for restraining the arms race.

SENATE RESOLUTION 92—RELATING TO THE IMPOSITION OF COUNTERVAILING DUTIES ON IMPORTS OF CANADIAN PORK

Mr. KASTEN submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 92

Whereas rapidly increasingly imports of Canadian hogs and fresh, chilled, and frozen pork have been found to injure the domestic pork industry by the International Trade Commission; and

Whereas the damage to the domestic industry caused by said imports is variously estimated at between $381 and $940 million; and

Whereas said imports increased over 14 percent for frozen pork, 33 percent for fresh and chilled pork, and 195 percent for live hogs from 1983 to 1984; and

Whereas Canadian pork producers are paid the equivalent of $6.54 (Canadian) per head by the Canadian federal government, and even greater sums by some provincial governments, thereby encouraging the additional production which has damaged the American pork industry; Now, therefore, be it

Resolved, that it is the sense of the Senate that countervailing duties ought to be imposed on imports of pork from Canada until such time as the Canadian federal and provincial governments cease the subsidization of pork production.

Mr. KASTEN. Mr. President, today I am submitting a resolution calling for the imposition of countervailing duties on imports of Canadian pork.

The dramatic increase in imports of live hogs and fresh, chilled, and frozen pork from Canada has caused increasing concern among American pork producers, who have always competed without the benefit of Government subsidies. In 1984 alone, imports of frozen Canadian pork rose by 14 percent, fresh and chilled pork by 33 percent, and imports of live hogs by a staggering 195 percent.

Clearly, something is wrong here, something that cannot be adequately explained by unfavorable exchange rates or strikes in Canadian packing plants. The root of the problem is that both the Canadian Federal Government and several of the major provincial governments decided some time ago that the market does not provide pork producers with a high enough income. Their answer: Taxpayer subsidies under the guise of "price stabilization" programs. These subsidies have indeed increased the income of Canadian hog farmers, but since hog farming is a business like any other, the subsidized Canadian industry has used the extra money to expand output well beyond what the Canadian domestic market can absorb. The surplus, inevitably, has spilled over into this country.

The National Pork Producer's Council has estimated that Canadian Federal Government subsidies amount to the equivalent of $6.54 per hog. In Quebec, where the provincial government guarantees producers returns equal to their cost of production plus 70 percent of the average wages of a skilled laborer, subsidies reach the level of $16 (Canadian) per hog—an enormous artificial trade advantage that the American pork industry cannot match.

Canadian imports now amount to about 5 percent of domestic production, and their impact is variously estimated at from $381 to $940 million. It is no wonder that the International Trade Commission has issued a preliminary finding that Canadian imports are doing substantial injury to the American pork industry. The injury already done will become more serious unless action is taken now.

Mr. President, I do not count myself among those who maintain that American business in general and American agriculture in particular would be better off if we closed our borders and ports to world trade. A free and open trading environment is the lifeblood of much of American agriculture; even with unfavorable exchange rates, our trade surplus in agriculture was about $19 billion in 1983. We maintain a favorable trade balance with most countries, including Canada.

I do not intend with this resolution to act against free trade. My objective is instead to signal the Canadians that their insistence on artificially raising the income of their pork producers is itself jeopardizing the free trade environment which has benefited both our countries for so long. I am hopeful that the Canadian Government will realize this, and cease the subsidization of their pork industry. If they do not, we must be prepared to do what is necessary to protect our pork industry.

Again, Mr. President, I urge support for this resolution.

SENATE RESOLUTION 93—MAKING AN APPOINTMENT TO THE COMMITTEE ON SMALL BUSINESS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 93

Resolved, That the Senator from Virginia (Mr. TRIBLE) is hereby appointed to serve as a majority member on the Committee on Small Business for the 99th Congress.

SENATE RESOLUTION 94—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration.

S. RES. 94

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rules XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1985, through February 28, 1986, in its descretion (1) to make expenditures from the contingent fund of the Senate (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,678,305, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1986.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has scheduled 4 days of thematic hearings beginning on Tuesday, March 12, 1985.

The hearings will examine the issues surrounding the structure of agriculture and the economic impact of the various policy instruments in farm programs, such as loan rates, target prices, and production controls.

Also, these hearings will focus on the impact that past, present, and future developments in research and technology have and are likely to have on agriculture production and profitability.

A hearing on the way in which agricultural production in the United States is financed will focus on agricultural investment, debt, credit, and taxation for the purpose of examining the impact of these issues as they relate to 1985 farm policy considerations.

This series of thematic hearings is designed for Senators to gain a better understanding of just how the various tools or instruments of farm programs impact farmers in the real world of supply and demand, profit and loss, and in the structure of the agricultural industry.

Following the thematic hearings will be a conventional series of hearings at which time we will hear from myriad farm and commodity organizations and other interested parties. Those hearings and their respective subjects, dates, times, and places will be announced at a later date.

The thematic hearings will be held in 328-A Russell Senate Office Building. The schedule follows:

Tuesday, March 12, 1985—10 a.m. Structure of agriculture.

Thursday, March 14, 1985—10 a.m. Loan rates, target prices, supply management, and production controls in agriculture policy.

Tuesday, March 19, 1985—10 a.m. Impact of technology and research on agriculture policy.

Wednesday, March 20, 1985—10 a.m. Capital investment, debt, credit, and taxes in agriculture policy.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Wednesday, March 6, to conduct a hearing on the nomination of Edward Philbin to the Federal Maritime Commission.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 6, 1985, to conduct a hearing on the Indian Health Care Improvement Act reauthorization.

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

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces, of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 6, to hold an open hearing followed by a closed session on ICBM Modernization Program, in relation to the fiscal year 1986 DOD authorization request.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 6, 1985, in order to receive testimony on the nominations of Melvin T. Brunetti, of Nevada, to be U.S. circuit judge for the ninth circuit, and Alice M. Batchelder, of Ohio, to be U.S. district judge for the northern district of Ohio.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, when the distinguished majority leader referred to a nomination to be considered, the request was for the committee to meet and consider that nomination?

Mr. DOLE. That is correct.

Mr. BYRD. I withdraw my reservation.

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

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 6, 1985, to receive testimony concerning S. 172, and S. 298, professional sports antitrust immunity.

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

ADDITIONAL STATEMENTS

VIETNAM RULES OF ENGAGEMENT DECLASSIFIED

● Mr. GOLDWATER. Mr. President, U.S. military forces have been much maligned by some people in this country who blame the military for what they call the loss of the war in Vietnam. However, the Armed Forces did not suffer a military defeat in any sense of that term. Rather, it was civilian managers of the U.S. Government who denied our military forces a victory by imposing a complex and lengthy set of restrictions on what the military could and could not do in South Vietnam, Cambodia, Laos, and North Vietnam.

These layers of restrictions, which were constantly changing and were almost impossible to memorize or understand, although it was required of our pilots, granted huge sanctuary areas to the enemy. When certain limits would at last be removed after repeated appeals by the Joint Chiefs, the reductions were made only in gradual steps and seldom were strong enough to serve our strategic ends. Numerous partial and total bombing halts interrupted the effectiveness of earlier bombing campaigns. Often, when limited extensions of target areas were granted, they were unexpectedly canceled and withdrawn shortly afterward.

Mr. President, in the interest of informing the American people and any journalists who are interested in the truth of what really prevented a military victory in Southeast Asia, I have asked several Secretaries of Defense to declassify the pertinent records, the actual text of the rules which restrained military conduct in the Vietnam war. I am delighted to inform my colleagues that Secretary Weinberger has now agreed with me that it would be useful to declassify the remaining Vietnam rules of engagement. He and Assistant Secretary Defense Armitage recently provided me with several volumes of papers which were formerly classified top secret but have now been declassified.

These newly public documents clearly reveal the excessive retraints our military units had to operate under in Vietnam. For example, one rule told American pilots they were not permitted to attack a North Vietnam Mig sitting on the runway. The only time it could be attacked was after it was in flight, was identified and showed hostile intentions. Even then, its base could not be bombed. The same hostile intention rule applied to truck convoys driving on highways in Laos and North Vietnam. In some regions, enemy trucks could evade attack by simply driving off the road. Military truck parks located just over 200 yards away from a road could not be destroyed. Another rule provided that SAM missile sites could not be struck while they were under construction, but only after they became operational.

Mr. President, the declassified material I have received is too lengthy to make available all at one time in the CONGRESSIONAL RECORD. Therefore, I plan to insert these documents as a series of publications over the next few weeks. I will begin today with the first of three studies prepared by the Air Force examining the rules of engagement governing USAF combat operations in Southeast Asia from their beginnings in 1960–65. I think it is very important for the Members of this body, the public, the press, and media to understand fully the restrictions that were placed upon all of our forces in Southeast Asia. It is unbelievable that any Secretary of Defense would ever place such restraints on our forces, as Secretary McNamara did, or that any President would have allowed this to happen, and I hope that if civilian officials ever decide again that it is necessary to have to engage in war, and I pray that we will never have to do so, that such damaging restrictions will never be applied to our forces.

Mr. President, I ask that the document entitled "Project Checko Report," covering the years 1960–65, shall appear at this point in the RECORD.

The document follows:

PROJECT CONTEMPORARY HISTORICAL EVALUATION FOR COMBAT OPERATIONS REPORT

EVOLUTION OF THE RULES OF ENGAGEMENT FOR SOUTHEAST ASIA

In a futile attempt to reverse the course of events engulfing the French in Indochina, the U.S. Air Force contributed 1,800 airlift sorties, comprising 13,000 flying hours, during the first six months of 1954. On 7 May 1954, Dien Bien Phu fell to the Communist Viet Minh, followed on 20 July by the Geneva Convention on the partition of Vietnam. The U.S. decision to pledge increased aid to the government in South Vietnam was made by Presidential announcement of 24 October 1954. Thus began the role which the U.S. Air Force was to play in counter-insurgency within the overall framework of U.S. foreign policy as supplemented by the policies of the Department of Defense.

By spring of 1960, the counter-insurgency situation in RVN had obviously deteriorated. With the arrival of the first of the U.S. Special Forces Teams on May 30, RVN resistance stiffened. This month also marked the delivery of the first full squadron of 25 A-1H aircraft to the RVN. Later, on 1 October 1961, PACAF deployed a Control and Reporting Post (CRP) to Tan Son Nhut Air Base:

"Its purpose was to provide radar coverage for the southern area of SVN and to train the Vietnamese Air Force in controlling air traffic, both civil and military. Within four months, 63 Vietnamese personnel had been trained, the CRP was expanded into a CRC, and it became part of the Tactical Air Con-

trol System which was established in mid-January."

The JCS, on 14 November 1961, directed Jungle Jim forces to be deployed to the RVN. This deployment consisted of the 1st Air Commando Group (formerly the 4400th CCTS), four SC-47's four RB-26's, and eight T-28's—all carrying RVN Air Force (VNAF) markings. Within 48 hours, President Kennedy announced the decision to bolster RVN strength but not to commit U.S. combat forces. On 11 December, two U.S. Army helicopter companies arrived in RVN.

The commitment, by the United States, to a policy of unlimited support of the RVN, short of actual combat forces, was subject to many restraining influences. In addition to the provisions of the Geneva Accords of 1954, which the U.S., although not a signatory, had undertaken to support, there were other considerations—the possible alienation of the Vietnamese people; relations with Cambodia, Laos, and Thailand; and vulnerability to charges, by the NVN and Communist China, of aggression in Southeast Asia. Further, and of particular significance to the U.S. Army and Air Force, was the opinion of Mr. McNamara (December 1961) that the war in South Vietnam should be considered a ground war and that although "naval and air support operations are desirable, they won't be too effective." The U.S. military structure in the RVN and the ensuing intra-command relationships reflected an awareness of McNamara's views.

Two short quotations from the Geneva Accords of 1954 serve to illustrate the nature and scope of the constraints imposed. Chapter III, Article 16 (quoted in part): "With effect from the date of entry into force of the present Agreement, the introduction into Vietnam of any Chapter III, Article 17(a): 'With effect from the date of entry into force of the present Agreement, the introduction into Vietnam of any reinforcements in the form of all types of arms, munitions and other war material, such as combat aircraft, naval craft, pieces or ordnance, jet engines and jet weapons and armored vehicles, is prohibited.'"

Thus, the U.S. decision to increase substantially its aid to the RVN ran head on into the Geneva Accords and the International Control Committee (ICC) established to oversee its provisions.

On October 28, 1961, Secretary of State Rusk sent a message to the American Embassy in Saigon requesting concurrence on ground rules for the introduction of the USAF Jungle Jim unit into the RVN. Mr. Rusk proposed that the aircraft have Vietnamese markings painted on them before being flown in or being brought in by surface transportation. Military personnel, other than aircrews, were to arrive in the RVN in civilian clothes but could then wear their uniforms. Such were some of the efforts to circumvent the provisions of the Geneva Accords and the ICC.

This issue was finally settled on November 16, 1961 when President Kennedy formally announced the U.S. decision to aid the Government of Vietnam—short of introducing U.S. combat forces. The position that U.S. combat forces were not involved in the war was to be maintained for the ensuing two years (until December 31, 1963).

By the close of 1961, the Communist insurgency in South Vietnam had grown to proportions where immediate response was required to contain and then defeat the threat. This situation resulted in a modification of our policy position to provide for U.S. armed and manned helicopters to "defend themselves" and to return fire from the ground. (Subsequently, authority was granted to initiate fire on known Viet Cong targets posing a threat.)

The immediate U.S. objectives, at this time, was to provide the VNAF with such training as would eventually enable the Vietnamese to perform all required missions. Determined to meet this goal and to realize the "immediate response" requirement, PACAF conceived the covert Farm Gate operation. Following CINCPAC approval, the first of these missions was flown in December 1961.

The concept of employment of Farm Gate (previously Jungle Jim) was to utilize the function of training the VNAF as a cover. The aircraft and personnel of Detachment 2, 4400th CCTS to actually be used in support of RVNAF actions against the Viet Cong within the borders of the RVN. The concept envisioned, "all feasible operational activity," overt and covert, and would be in addition to the advisory and training functions.

In agreeing with the Farm Gate concept, CINCPAC said:

"* * * In addition (to operational tests and combat support fighters previously authorized by JCS and CINCPAC to train the VNAF), as decided at the SecDef meeting 16 December, all kinds of conventional combat and combat support flights can be flown in SVN by Detachment 2, 4400th CCTS provided a Vietnamese is on board for purpose of receiving combat support training."

This was amplified on 26 December when the JCS said that Farm Gate aircraft could be employed on combat missions only when the VNAF did not have the capability. This latest instruction also said that combat training missions with joint crews would be conducted so the Vietnamese crews could take over the missions at the earliest possible time. The rules dictated that the aircraft be based in-country and be of the same type as the host country, if the effort was to be plausibly deniable. These latter dictates had been a continuing limiting factor on Farm Gate operations in the RVN.

The issue of U.S. pilots flying Farm Gate missions in the RVN came to the fore early in 1962. Admiral Felt's opinion of the State Department release of 9 March 1962 was that it evaded the issue. He recommended instead, a "factual" statement:

"USAF pilots are flying in two-seator T-28's and RB-26's with VNAF pilots. The purpose of these missions is to train VNAF pilots in tactical air strikes. On some of these training sorties, the aircraft deliver ordinance on actual Viet Cong targets. No USAF pilot has ever flown on a tactical mission except in the role of tactical instructor, and VNAF pilots flying single-seater AD-6's (A-1H's) continue to perform most of the combat air sorties."

In a message to the Embassy in Saigon in February 1963, State expressed the obvious and unequivocal position that the Farm Gate activity in the RVN was a "clear violation of the Geneva Accords."

The VNAF had no rules of engagement in late 1961 except to avoid overflying the boundaries of neighboring countries. Once an air strike was approved by the AOC or higher authority, the pilot was free to strike the target. Neither were there rules of engagement for air defense. Upon being advised of this, CINCPAC suggested to CHMAAG-V that the VNAF be assisted, if they so desired, in developing rules of engagement—initially for air defense. Admiral Felt then proposed guidelines for the interception, identification, and destruction of hostile aircraft intruding into the airspace of the RVN. VNAF accepted the suggestion and drafted rules of engagement. By late April 1962, the Joint General Staff (JGS) had approved them and was in the process of coordinating them with other governmental agencies.

MACV Directive Number 62, 24 November 1962, established operational restrictions on U.S. aircraft to be employed on combat support missions which read, in extract, as follows:

"4. General policy:

"a. In South Vietnam all operational missions flown by U.S. personnel and/or aircraft are classfied as combat support. As a general policy, no missions will be undertaken utilizing U.S. personnel and/or aircraft unless it is beyond the capability of the Vietnamese Air Force (because of lack of training, equipment, etc.) to perform the mission. Efforts will be intensified to provide the necessary training for GVN personnel so that the VNAF can perform all required missions at the earliest possible time.

"b. U.S. aircrew personnel operating under the terms of this and other applicable directives are reminded that nothing shall infringe upon the inherent right of the individual to protect himself against hostile attack. In event of such an attack, the individual concerned will take immediate aggressive action against the attacking force with any means available.

"5. Specific restrictions: The following specific restrictions are applicable and strict compliance therewith is directed:

"a. Farmgate: Utilization of Farmgate aircraft for operational (combat support) missions will be only with a combined U.S. and Vietnamese crew. Farmgate U-10 aircraft will not be employed on armed reconnaissance missions. Farmgate aircraft will carry VNAF markings.

"b. Waterglass: 2d Air Division will prepare regulations applicable to U.S. aircraft conducting air defense orientation training under the Waterglass concept. Waterglass restrictions are not included in this directive due to classification.

"c. Mule Train/Ranch Hand: C-123's will be U.S. marked. They will be manned with a combined U.S. and Vietnamese crew on applicable combat missions as defined * * * above.

"d. U.S. Army CH-21C's (Shawnee) and USMC UH-34D's (HUS): Armament may be installed in and utilized from transport helicopters for defensive purposes only. Armament in such aircraft will not be utilized to initiate fires upon any target; however, if the aircraft is fired upon, it may return the fire. Aircraft will be U.S. marked and manned.

"e. U.S. Army UH-1's (Iroquois): The U.S. Army armed UH-1 may be used defensively only. It may not be utilized to initiate fires upon any target; however, if the aircraft or any aircraft which it is escorting is fire[d] upon, it may return the fire. Such aircraft, when employed on combat support missions, will be U.S. marked and manned with a combined U.S. and Vietnamese crew.

"f. U.S. Army OV-1's (Mohawk): The OV-1's may be utilized in an armed configuration (only as specifically directed by COMUSMACV) for combat support missions; however, such armament will be utilized only defensively. These aircraft will not be utilized as strike aircraft. When utilized in a combat support role, they will be U.S. marked and manned with a combined U.S. and Vietnamese crew.

"g. Cambodian/SVN/DMZ Border: MACV Letter, subject: Air Operations, dated 23 October 1962, applies to operations of all U.S. aircraft. However, the general content of this letter is repeated in this directive and is applicable to all U.S. aircraft operating in SVN. Day: Normally no U.S. aircraft will operate closer than three miles to the Cambodian border and then only when the ceiling is at least 1500 feet and visibility is three miles or better. When the border is clearly defined by physical landmarks, operational missions may be conducted to a point no closer than one mile to the border; nonoperational flights are restricted to five miles from the border and at least 2000 feet altitude. Night: U.S. aircraft will operate closer than three miles to the Cambodian border during periods of reduced visibility and only then when under positive radar control. Unless specifically authorized by this headquarters, no U.S. aircraft will conduct combat missions more than two miles off the coast of Vietnam. Waivers to these border restrictions (paragraph 3c, above cited letter) will be granted with the utmost discretion and then only when the border can be unmistakably defined by visual reference."

Thus, there were aircraft operating within the Republic of Vietnam which had VNAF markings and Vietnamese crews: VNAF markings and U.S.-Vietnamese crews; U.S. markings and U.S.-Vietnamese crews; and U.S. markings with U.S. crews.

Admiral Felt pointed out to General Harkins that JCS message Number 5972 of 6 September 1962 had authorized the initiation of fires by armed aircraft engaged in escort:

"By definition (JCS 5972) suppressive fires resulting from escort missions are considered defensive fire. You should amend paragraphs 5D and E of (MACV Directive 62) in such manner as to indicate armament on UH-1's and CH-21's/UH-34's may be used to initiate fire provided enemy target is clearly identified and is threat to the safety of the helicopter and passengers."

Moreover, JCS message 8678 of February 1963 [had] authorized an amendment to the rules of engagement, pertaining specifically to U.S. helicopters in the RVN, to allow them to engage clearly identified Viet Cong forces considered a threat to the safety of the aircraft and their passengers. JCS stated that, during a visit of their team to the RVN, it was found that the JCS message of September 1962 concerning rules of engagement for armed Army helicopters had been erroneously interpreted to mean that the helicopter must wait to be fired upon before initiating return fire. "Such interpretation is more restrictive than was the intent . . . " COMUSMACV amended his rules of engagement accordingly.

The jet question, along with the determination of the purpose and scope of Farm Gate appeared to remain essentially moot. The problem of jet engines and aircraft did not seem relevant in regard to the introduction of U.S. Army helicopters. UH-1A's and UH-1B's were both introduced into the RVN. The first five of the turbo-jet UH-1A Iroquois arriving in the RVN aboard the USNC Croatan on 20 April 1962.

Certain violations (of the Geneva Accords) had evidently been deemed acceptable in view of U.S. objectives—others were not. The bases of the value judgments involved were not always deductible.

From the inception of Jungle Jim (Farm Gate) activities in the RVN in late 1961, the State Department evidenced growing concern that air operations might become counter-productive by alienating the noncombatant population. Early in 1962, the Vietnam Task Force had proposed suspending air operations until the subject could be thoroughly discussed at the next SecDef meeting scheduled for 19 February at Headquarters CINCPAC.

Although the DOD had not been in favor of suspending air operations, the issue was placed on the February SecDef conference agenda. Headquarters USAF requested Headquarters PACAF to prepare a thorough briefing on the "concept of employment of air units and methods used for target selection and identification to include measures taken to insure minimum impact on civilian population."

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During his visit, these procedures and the control structure which had been established were closely examined. The conclusion reached was that, considering the political and operational problems involved, a "solid control structure" existed. Targets were selected by the VN and closely checked by the Joint Operations Center (JOC) and the Air Support Operations Center (ASOC). Targets were marked by the VN forward air controllers (FAC) flying in liaison aircraft. The report illustrated the degree of care exercised by citing a mission in which the VN airborne controller did not arrive to mark the target. The USAF instructor pilots in the aircraft observed that a fire fight was taking place, and saw an officer in a jeep pointing to the location of the enemy; "nevertheless, the bombs were salvoed in the ocean."

In December 1962, Secretary of State Rusk indicated, in a message to the Embassy in Saigon, his views regarding border restrictions on U.S. aircraft. Leading to a discussion concerning the proper military tactics to defeat the Viet Cong, the Secretary stated:

"It remains that political significance at present of another RKG (Cambodian) border incident certainly outweighs probable military advantages of air operations in border area. . . Politically, count against us now two and three-quarter strikes. Militarily, there is general agreement that success lies not in drawing tight Cordon Sanitaire in Maginot manner. . . ."

The implicit concern reflected in these messages was prompted by many charges of border violations lodged by Cambodia. The Cambodian (and Laotian) border was unmarked, ill-defined, and hotly in dispute. In response to this concern, on 25 January 1963, the commander of the 2nd ADVON restricted Farm Gate aircraft from conducting operations within five miles of international borders during daylight and ten miles during darkness. The VNAF did not have this restriction.

On 15 November 1962, the VN JGS published a memorandum entitled 'Limitation of Air and Artillery Supports Along Vietnam Republic Border Corridor." Whereas the 2nd ADVON restriction of 25 January provided for a five mile buffer during daylight hours, which was increased to ten miles at night, the JGS memorandum placed a constant 10 KM restriction on air support and 15 KM along the south bank of the Ben-Hai River. Under emergency conditions, according to the JGS, requests for waiver of the restriction would be considered. With regard to the waiver authority which JGS had reserved to itself, CINCPAC advised COMUSMACV, in January 1963, that he also be prepared to waive, with discretion, restrictions on U.S. aircraft. "I expect you to exercise the same (JGS) waiver authority for U.S. operations on case by case basis when deemed necessary and when expected 'take' is worth risk (of border violation) involved."

At this time, and to the normal Farm Gate restrictions imposed by the JCS, another was added by the 2d Air Division. The crews could only conduct strikes under a VNAF forward air controller. An exception was established for night strikes permitting Farm Gate crews to strike under a C-47 flareship which established radio relay between VN personnel under attack on the ground and the strike aircrew.

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These restrictive measures created many problems, one example of which is illustrated by the Viet Cong attack on the Soc Trang Airfield on 10 September 1963. Within five minutes after the first 81mm mortar hits, four USAF pilots were airborne. In the air, they notified the AOC of the attack and asked for a flareship and additional fighters. They then expended ordnance on what they believed to be the Viet Cong mortar positions identified by what appeared to be muzzle flashes. This was done during ARVN retaliation with mortar and other fire. Immediately following the air attack the Viet Cong withdrew.

The commander of the 34th Tactical Group, whose T-28's were involved, commended the aggressive action of the USAF pilots in defending a base under attack. He pointed out, however, that such an action was in violation of the rules of engagement since there were no VNAF crew members on board, no FAC, no flareship, and no way of positively identifying the target which was in an allegedly friendly area. In making this point, the 34th's commander noted that it was difficult to understand why certain rules had to be observed. In a COIN environment, he said, the rules of engagement are necessarily sensitive since there are usually no clearly defined battle lines. He added that the winner of a COIN war would probably be the side which wins over the people and it was possible that victory over a thousand of the enemy could be offset by the unintentional death of one of the friendly forces. The commander also stated:

". . . We must exercise our most mature judgment and restraint at all times and abide by the rules of the game. This is vital, even though in certain situations, such as this case, it might appear that the proper course of action lies elsewhere. . . . Take pride in accomplishing a difficult job under adverse conditions in a sane and professional manner."

Another case occurred on 5 December 1963, when Army helicopters supporting a II Corps outpost at night were reported to have fired on friendly forces in an attack made without positive identification of the Viet Cong target. The commander, MACV, directed that corrective action be taken. He added:

". . . It is also of concern that a possibility exists in which U.S. pilots conducted indiscreet firing against ground targets without adequate knowledge of the ground force disposition, without communications with ground forces or the air control system, and without prior arrangement or briefing. . . ."

These general conditions prevailed to the end of 1963, at which time a test plan involving the arming of OV-1's (Mohawks) was proposed. To permit such testing, General Harkins advised Admiral Felt that the

rules of engagement would have to be changed. (MACV directive permitted the Mohawk to be used offensively only after being fired upon.) The OV-1 test (in the role of an armed escort for transport aircraft) was approved and the rules subsequently modified.

Defoliation (Ranch Hand) and crop destruction operations came in for their share of discussion. In mid-1963, control of crop destruction was tightly held at the Washington level. On 19 June, the Embassy Saigon proposed an operation which involved about 3000 acres. "We (General Harkins and Minister Truehart) urgently requesting this discretionary authority in order to minimize delays so that greatest possible crop area could be hit before conclusion overall military operation toward mid-July." Both Truehart and Harkins were "satisfied that this area is Viet Cong controlled, and that Viet Cong do not repeat do not have nearby alternative sources of food."

The use of napalm was also the center of controversy; however, it was somewhat more loosely controlled than was crop destruction. State felt that "political considerations would suggest limiting use napalm to high priority targets which (are) clearly Viet Cong installations."

In response to a query from the Embassy Saigon, State responded:

"Concur discretion in use napalm. To extent control can be exercised, (it) should be left with Task Force Saigon. However, as you are well aware there are special political aspects in its use.

"Request State and Defense be advised in time to approve in advance any operations which in your judgment are of size or type likely (to) have significant political repercussions."

The VNAF had observed the results which could be obtained from napalm and had arrived at the conclusion that it was an effective weapon. While some elements in the U.S. remained unconvinced as to the desirability and essentiality of its use vis-a-vis U.S. political interests, the VNAF officially ". . . requested that this type of weapon be fully used whenever it seems to be necessary for the purpose of operational missions."

The continuing and ever-changing restraints continued to plague the USAF/VNAF efforts to achieve operational effectiveness. Particularly, the various events within the RVN, and the attitudes of its government and its people influenced the prosecution of the war against the Communist insurgents. Such incidents as the bombing of the Presidential Palace in February 1962; the maturing of the Buddhist unrest in the late summer of 1963; and the coup of 1 November 1963, which deposed the Diem government, brought the joint air operations to a temporary but disruptive halt.

Immediately following the bombing of the Presidential Palace, (27 February 1962) in what was eventually interpreted as an attempt to assassinate President Diem, the VNAF was grounded. Only FARM GATE aircraft were available to respond to calls for help against Viet Cong attack. Two days later the VNAF A-1H squadrons were released for operations but were allowed to carry ordnance no heavier than 20mm. Subsequently, Colonel Vinh informed General Anthis that all restriction on VNAF strike aircraft would probably be removed by 5 March.

The alleged repression and persecution of the Buddhists during August of 1963 further confused the issues and detracted the RVN military efforts. The U.S. Embassy reported a conversation with General Khiem, Chief of Staff of the General Staff of 21 August. "In answer to a specific question, Khiem said that all general officers, in unison, had lately become convinced that if situation (Buddhist problem) were to continue few weeks longer, morale of Army would seriously deteriorate. . . ."

Adding religious objectives to the military objective—progress toward which was, at best, not going well—increased the scope and complexities of the joint RVN/US problem and, in effect, opened a "second front" for the GVN. The GVN was then faced with an internal political conflict as well as an external military conflict.

The coup of 1 November directly resulted from the preceding events. The VNAF, under Colonel Ky who had assumed command, fully supported the coup. The U.S. Air Attache noted, "Most VNAF pilots now bedded down in Alert Room. T-28's at Tan Son Nhut bombed and ready to go. FARM GATE standing by for Viet Cong outpost attacks. . . ."

Plans written in 1962 to saturate the countryside with air-ground actions to seek, destroy and fragment the Viet Cong effort, were approved by the Diem government in February 1963. These plans were initiated 1 July and built up to approximately 15,000 actions during August. With the deterioration of the RVN political situation, emphasis was turned from offensive military action to the maintenance of the government's own existence. The coup wrote "finis" to these plans. This complete and dangerous diversion of VNAF/USAF objectives was accentuated by the potential exploitation of the situation by the DRV.

At the start of the coup, the VNAF had assumed control of all aircraft including USAF aircraft. However, as of 0900L, on 2 November, the Air Attache learned that the VNAF "had relinquished control of all USAF aircraft and had, in fact, asked USAF to maintain and support the battle against the Viet Cong to maximum of their capability as they were all on alert status in support of coup operation." At 1655L, on 1 November, AOC (joint VN/USAF manned) advised the COC, 2d Air Division, of instruction from Colonel Ky that U.S. aircraft would not be permitted to takeoff unless on approved rescue or operational necessity missions. Forty minutes later, at 1735L, grounding of USAF aircraft was lifted.

With the fall of the Diem regime, General Harkins, in a message to JCS, stated:

". . . The big job now, and the entire interest of my people and me, is to get the new team focused on the Viet Cong immediately. We buckle down to this at once."

The crucial question remained unanswered at the end of 1963. Would this radical procedure for effecting governmental change correct the debilitating disease which had afflicted RVN's prosecution of the war—or would it merely exchange one syndrome for another, leaving the disease unchecked?

The beginning of 1964 saw the stage set for further restrictions, relaxations, additions, and changes to the rules of engagement in efforts to meet the exigencies of changing political and military policies. Compliance with these policies and rules was not enhanced by activities of the Fourth Estate.

While violation of the Geneva Accords did not become a serious Press issue, the issue of the USAF flying combat missions was raised—many times. The official U.S. position stipulated that a Vietnamese crew member had to be aboard; that all flights were conducted for the purpose of training the VNAF; and, that comprehensive training sometimes involved combat missions—with the USAF airman in an instructional role.

Certain reporters had received information, allegedly from a U.S. military source (and subsequently confirmed by VN armed forces sources) that FARM GATE aircraft, in many cases, spearheaded ground operations with bombing missions against the Viet Cong. Also, it had been reported to them that there were now two air forces operating in the RVN against the Viet Cong., "the GVN Air Force and, secondly, American units (FARM GATE) controlled and operated by USAF." [48] Ambassador Nolting replied that it was incorrect to say the U.S. was "spearheading" the grand assault. "In training the VN Air Force in operation of T-28's, a new plane to them, we are giving on-the-spot training which often involves training under combat conditions, but that in no case do U.S. pilots operate alone; purpose and objectives being the training of GVN pilots in combat operations." Nolting labeled as "fake" the charge that there were two Air Forces in the RVN. The reporters indicated that they were satisfied with these responses and the discussion made the reports considerably less "sensational."

Countering the Communist insurgency in the RVN had proven to be extremely difficult, complex and vexing. A composite of diverse influences existed—political, psychological, sociological and military. The interaction of these variables had determined the relative effectiveness—or ineffectiveness—of joint RVN/U.S. efforts. However, change—an immutable characteristic of progress—continued.

On 5 March 1964, the Chief of Staff, USAF, directed TAC to deploy four T-28's and necessary personnel to Udorn for a period of six months, on TDY basis. Prior to their arrival, Ambassador Unger had recommended that the restraints imposed by the United States on the use of aircraft and bombs by the RLAF be relaxed and greater discretionary authority given. He proposed their use for reprisal against aggressive actions and for interdiction of build-ups for attack. The JCS supported Ambassador Unger's proposals and recommended even stronger action. They recommended that:

1. Missions assigned should be offensive as well as defensive.

2. Restrictions on the use of napalm should be removed.

3. First priority on interdiction missions should be inbound convoys.

4. Considerations should be given to use of United States and third country forces to provide air support in Laos.

5. U.S. aerial reconnaissance could contribute much in view of the limited capability of the RLAF.

6. The SAW detachment being deployed to SEA could provide substantial assistance in training and advice to the RLAF.

These views were forwarded to the State Department. On 20 March, the State Department advised Ambassador Unger that a limited number of bomb fuses could be released to the RLAF, since the proposed use of bombs could be considered in support of "responsive counter-attacks to regain ground lost to the Pathet Lao and as reprisal in response to Pathet Lao attack." This was the first time the RLAF had been permitted to maintain custody of any bomb fuses.

In March 1964, several modifications were made to the MACV Directive 62. Vietnamese crews were no longer required on missions flown by U.S. marked, unarmed reconnaissance aircraft, although they could be used on any mission which might be facilitated by the use of VN observers.

With reference to border flights, aircraft were not authorized to cross RVN borders "without diplomatic clearance obtained through the Air Attache, American Embassy, or the Embassy of the country concerned," and even then aircraft were not authorized to fire on or across the borders. Air support activities for border outposts (fire support, reconnaissance, transportation evaluation, supply, etc.) was authorized under the same conditions.

The distances from the borders at which aircraft could normally operate were also changed. Where the border was determined by a river or vehicle route, or if a river or vehicle route was inside and along the border and located within 1000 meters of the border, the maximum operating limit of the aircraft was the river or vehicle route. In other areas, aircraft were limited to 2000 meters from the border when aircraft were directed by a forward air controller (FAC) and 5000 meters when not so directed. All aircraft were required to remain south of an imaginary line parallel with and 5000 meters south of the Ben Hai River separating North and South Vietnam. Restrictions on visual and photographic mission aircraft could be waived under certain MACV provisions. However, the JCS authorized the Air Force to fly armed F-100 missions up to and along the Mekong River where it constituted the Thai-Laotian border. Authority was not granted to make incursions into Laos.

F-100 pilots were instructed that aircraft would be armed during all operations except air refueling training, but that a safety pin would be retained in the trigger and the trigger safety switch kept off to prevent inadvertent firing. Although specific rules of engagement had not yet been approved for these operations, pilots were instructed that they retained their inherent right of self-defense and were authorized to take such measures as were necessary to protect themselves should they be subjected to hostile action.

On 17 May 1964, Communist forces turned against the Neutralists who were co-located on the Plaine des Jarres (PDJ). An overt intervention decision was made by the United States to bolster the Neutralist forces and to serve notice to the Communists that the United States was determined to back the legal government. It was decided that a reconnaissance effort might provide a means of proving that Viet Minh and Chinese Communists were assisting the indigenous Pathet Lao. Such evidence could be presented to the International Control Commission.

The first action in the buildup of this U.S. reconnaissance effort was a CINCPAC alert to Carrier Task Group (CTG) 77.4 on 18 May, to be prepared to conduct a show of force and reconnaissance over Laos. Air Force elements were already present in Southeast Asia. A reconnaissance task force (RTF), nicknamed Able Mable, was in place at Tan Son Nhut AB, Vietnam. F-100 Supersabres were located at Clark AB, Philippines, * * *

On 18 May, the JCS authorized the first missions, which were flown by USN aircraft. The USAF flew its first mission "during the daylight hours" of the next day. The proposal that low-level reconnaissance flights be initiated with two daylight and one night mission to be flown each week was made by MACV. A further recommendation was that strikes against any targets discovered as a result of these reconnaissance missions would be made by unmarked VNAF or RLAF T-28's. The next option was strikes by marked USAF and Farm Gate aircraft, followed by a final option of USAF/USN strikes. The reconnaissance effort was formally christened on 22 May 1964 when JCS assigned the nickname Yankee Team to it.

Until the May attack against the Neutralists, the RLAF possessed only four T-28's, plus a few non-tactical aircraft, and its aircraft were restricted to the use of rockets and guns. On 17 May, with the PDJ attack in its second day, American Ambassador Leonard Unger (then Ambassador to Laos) authorized the use of 100 and 500-pound bombs against the attacking forces.

The initial efforts of T-28 or other aircraft operating over Laos were confined to preplanned missions, based on the best intelligence and a system which would allow the Air Froce to react to field requests. Rules of engagement and authority to strike had to be resolved at the earliest point if the Air Force effort was to be effective.

A continuous program of reconnaissance in Laos was authorized by the JCS in a message to CINCPAC on 25 May. The Joint Chiefs also made it clear that overflight of the Democratic Republic of Vietnam was absolutely not authorized. CINCPAC added that the Yankee Team program had to be responsive to the requirements of the U.S. team in Laos, COMUSMACV, CINCPAC, the JCS and higher authority. Thai bases were not to be used under any circumstances and coordination between the operating forces was to be effected locally. COMUSMACV designated the Commander, 2d Air Division (Major General Joseph Moore), as coordinator between the Air Force and Navy. General Moore was given the authority to suggest but not to compel Navy actions. He assigned the Navy all targets on the MACV target list located north of 18 degrees 30 minutes for planning purposes.

The question of joint US/VN crews on Farm Gate aircraft was raised in May 1964, when 2d Air Division was asked by the Chief of Staff, USAF, to explain its use of VNAF pilots on Farm Gate missions. The 2d Air Division replied that, since November 1962, VNAF pilots had not flown on Farm Gate aircraft but that basic VNAF airmen were used for the task. A VNAF non-commissioned officer had the job of scheduling and controlling basic airmen who stood alert in the ready room adjacent to the 1st Air Commando Squadron operations room. There were "infrequent" occasions when the nonavailability of VNAF airmen required the cancellation or delay of a mission. The 2d Air Division pointed out that the presence of the 1st Air Commando Squadron had contributed significantly to VNAF effectiveness by setting an example for the VNAF in the number of sorties flown, flying hours, and in the professionalism of the squadron itself.

On 20 May 1964, the JCS, in a message to CINCPAC, reaffirmed that the U.S. policy in Vietnam was that the U.S. military would not take part in combat. An exception was made in the case of Farm Gate aircraft, although these could only be used to fly bonafide operational training missions against hostile targets in order to prepare VNAF personnel for an eventual "take over" from the USAF.

The JCS also stated that helicopters in the theater were for use as transport only and their weapons were for the protection of vehicles or passengers. U.S. Army helicopters would not be used as a substitute for close support air strikes. U.S. military personnel assigned as advisors would be exposed to combat conditions only as required in the execution of their advisory duties. This statement of the JCS on the employment of Farm Gate aircraft and U.S. Army helicopters was one of several actions during 1964 which helped resolve the question of a proper mix of U.S. Army and USAF aircraft in the theater. During 1962-63, the absence of clear-cut directives in this area served as a limitation upon USAF activities in Vietnam.

On the 29th of May, General Moore sent a message to PACAF requesting that he be given authority to employ U.S. aircraft and crews for search and rescue (SAR) as he "deemed necessary in the event U.S. aircraft were downed over Laos (Yankee Team missions)." He did not receive a reply until 6 June when a Navy aircraft was shot down. The pilot ejected successfully. According to Colonel Robert F. Tyrell, the Air Attache in Vientiane, three requests were forwarded to the Ambassador asking the U.S. pilots be sent in to provide close support for the rescue helicopters. By the time authorization came through, the rescue helicopters had both been shot up and Navy Lieutenant Charles Klussman was a prisoner of the Pathet Lao.

On 4 June, the Secretary of State requested that the frequency of Yankee Team flights be cut back to one or two days per week, supplemented by demand flights related to specific objectives. CINCPAC agreed with this request but added that, in his estimation, the main purpose of Yankee Team was to provide the intelligence vital to decision making. In the South, reconnaissance flights were needed to keep tabs on Communist supply routes from the DRV into South Vietnam through Laos.

Scoring higher in the world's attention that this undercurrent of debate was the harsh reality of Lt. Klussman's mishap and, on the following day, the loss of another Navy aircraft. On 6 June, the day before the mishap, the JCS directed CINCPAC to:

". . . Be prepared to fly two low-level reconnaissance sorties as a single flight over Laos on the Plaine des Jarres area on 7 June. Schedule eight fighter bomber aircraft as escort with optimum mix of weapons for AAA suppression. Escort aircraft are authorized to employ appropriate retaliatory fire against any source of anti-aircraft fire against recce or escort aircraft. Reference AMEMB Vientiane 061121Z, coordinate timing of operation and area to be covered by recce operation underway 7 June. Suggest Kitty Hawk resources be employed if operationally feasible. Mission should not overfly Khang Khay or Xieng Khouang . . ." It was one of these escort aircraft which was shot down. This pilot was recovered.

Later that day, the JCS told CINCPAC that it was necessary that the Communists be taught that the United States was going to conduct this reconnaissance program, and use force if necessary. Therefore, a strike force of eight F-100's staging from Tan Son Nhut was to strike the antiaircraft installations at Xieng Khouang on 9 June. After the strike, pilots reported direct hits on the target.

CINCPACFLT reinforced this determination with a message to units under his command directing that there be a minimum of two escorts per recce aircraft. CINCPAC

was still not able under the prevailing rule to go all the way in deterring the enemy. He directed, on 18 June, that there be no use of either napalm or cluster bomb units (CBU).

Yankee Team flights were an "on again, off again" proposition during these early days. On 12 June, Ambassador Unger reported to the State Department that Prime Minister Souvanna Phouma had agreed to the continuation of the flights. Souvanna requested that nothing be said to the press about this or the fact that escorts were being used. Ambassador Unger presented two "compelling" arguments for publicly acknowledging use of escorts: (1) to assure congressional and public opinion that recon planes be adequately protected and (2) by public mention of escorts to forcefully signal Hanoi and Peking which would not be nearly as effective if we appeared to be trying to suppress this information. Souvanna then volunteered that he wanted maximum use made of the RLAF T-28's to interdict supply routes and destroy, on the ground, those supplies already in place. The Ambassador reported, "there is no question in the Prime Minister's mind that violations by Pathet Lao/Viet Minh justify actions already underway and perhaps more, but he insists, for political reasons, that we must avoid going on record acknowledging action and thus giving Communists both propaganda fuel and pretense." He concluded the message by stating: "We have to assume always that RLG forces incapable of standing up to PL/VM if latter really meant to push through, conceivably with air support (there is, of course, always risk that Communists will also introduce aircraft).

Five messages concerning escorts, during this period, were significant. First was a 16 June JCS message which authorized weather reconnaissance flights prior to the actual Yankee Team photo mission. It also authorized flak suppression by the fighters, low level only, in advance of the reconnaissance aircraft. Commander of TFG 77.6 asked CINCPAC on 18 June if he was right in the assumption that "escort" included any available attack on fighter aircraft. CINCPAC replied that he was correct. General Moore sent a directive to the 33d Tactical Fighter Wing element at Da Nang on 18 June ordering that two F-100's be maintained on alert at all times and to be prepared to put two more on 15 minute and four on one hour alert. The final of the five messages was a CINCPACFLT decision to allow Navy forces to use the "Snake Eye" bomb.

PACAF announced on 20 June that Thailand based USAF assets could be used for SAR. Two days later the Pacific Air Rescue Center at Tan Son Nhut informed PACAF that the procedures for coordinating rescue resources had been established. The H-34's could be scrambled through the Air Attache's office in Vientiane or by the HU-16 aircraft that was always in the area whenever U.S. aircraft were operating in Loas.

The Navy had EA-3B aircraft available for electronic intelligence gathering (ELINT) missions. CINCPACFLT put a hold on their use on 26 June until intelligence sources could verify whether fire control radar was present in Laos. JCS finally gave the execute order on their use on 30 June.

A few days later, CINCPAC spelled out the JCS policy on rules of engagement:

a. When weather permits, reconnaissance aircraft will utilize medium altitude levels above effective hostile ground fire.

b. Route reconnaissance will normally be conducted at medium altitude.

c. Low level reconnaissance will be authorized when medium level reconnaissance will not give satisfactory results. Areas of known strong antiaircraft will be avoided.

d. Low level reconnaissance against areas of strong antiaircraft will be authorized only for specific cogent reasons, on a case by case basis when the requirements are of sufficient priority to warrant the risks involved.

e. In cases of missions flown at medium altitudes, retaliatory fire is authorized if the reconnaissance or escort aircraft are endangered by ground fire.

f. In cases of missions flown at low level and the reconnaissance or escort are fired upon, retaliatory fire is authorized either on the first pass with the reconnaissance aircraft or by circling back and conducting subsequent passes.

g. In cases of missions flown at low level against areas of strong antiaircraft, flights will be escorted and escorts are authorized to employ best operational techniques to minimize risk, which, when authorized by JCS, may include attack of known antiaircraft positions in advance of the reconnaissance aircraft where suppression of ground fire is considered essential for the safety of the reconnaissance aircraft.

Using the policy set forth by JCS, CINCPAC went on to provide further guidance:

a. Operational missions should be planned and conducted to emphasize minimum risk to planes and crews consistent with the achievements of desired objectives.

b. As a general rule, reconnaissance missions should be conducted at medium level. Medium level is defined as an altitude above the level of expected hostile ground fire.

c. A differentiation must be made between routine and priority requirements. The determination of priority should be made by Ambassador Vientiane or by COMUSMACV based on intelligence requirements. COMUSMACV must evaluate the urgency of the requirement against the known risks of weather, terrain and hostile fire that must be accepted in accomplishment of the missions. This urgency or lack of urgency should be indicated for each requirement submitted to CINCPAC and will also dictate the operational commanders for the conduct of the mission.

d. In Laos there are areas that are free of hostile ground fire and other areas where hostile ground fire will be expected. Most of these areas are known to you. In scheduling missions over areas where hostile ground fire is not expected, low-level coverage can be conducted if weather precludes coverage at medium levels and if risks involved with the hazards of weather and terrain at low altitude are acceptable. However, when missions are to fly over areas where effective hostile ground fire can be expected, schedule the mission at medium level. In those cases due consideration should be given to requesting use of presuppressive fire if considered essential to the safety of the mission.

The Air Force wanted greater freedom to schedule low-level flights, as required. CINCPACAF recommended the removal of restrictions to permit such flights. Although CINCPAC agreed with CINCPACAF as to the need for low-level missions, he did not feel the time was right to ask for full authority to fly them. He believed overall authority could be won in time, but not until authorities at higher levels were convinced of the advantage of low-level reconnaissance. Until then, permission to fly at low-level would have to be obtained separately for each mission.

The continued success of the Viet Cong in South Vietnam, the successful Pathet Lao/Viet Minh offensive on the Plaine des Jarres, and the critical political conditions which existed in both the RVN and Laos painted a grim picture of the U.S. effort in Southeast Asia in mid-1964. The U.S. COIN effort in South Vietnam was not achieving its objectives. The insurgents increased in numbers and capability and extended their control of the South Vietnam countryside, largely due to successful infiltration from NVN into the RVN. In Laos, the enemy had taken over practically all of the PDJ by the end of May and threatened Muong Soui, where the bulk of the Neutralist forces were located with no avenue for orderly withdrawal. The Royal Laotian Government had little popular support and owed its existence, primarily, to U.S. backing. The government of Vietnam was faced with popular discontent, stemming mainly from Buddhist dissidents and a people tired of years of war.

Despite U.S. military efforts, the continuing influx of Communist personnel and materiel into Laos and South Vietnam brought conditions in these two countries to a dangerous imbalance. Since 1959, an estimated 20,000 officers, men and technicians were known to have infiltrated into South Vietnam and another 17,000 probably came in according to the U.S. State Department.

The Communist forces in Laos were stopped from expanding their area of control beyond what it was in May 1964. Yankee team reconnaissance flights over Laos and air strikes by RLAF T-28's (and, later, by USAF jet aircraft) were the major contributing factors in curbing enemy activities.

In South Vietnam, the mid-1964 situation was also grim. Fighting under practically the same rules as were in effect when the United States stepped up its assistance in 1961, the government was making little progress against the Viet Cong. The Diem coup in November 1963, and the Khanh coup in January 1964, left an aftermath of political instability that practically stopped pursuit of pacification programs elaborately drawn early in the year. The USAF, which, in the spring had grounded its B-26's and T-28's, was in the progress of receiving A-1E aircraft and only a handful were available for combat in June and July. the month of July was the worst and bloodiest of the war—for both U.S. and Vietnamese forces—as the Viet Cong pushed their campaign to peak intensity, apparently to coincide with the 10th anniversary of the signing of the Geneva accords.

The Honolulu high level strategy meeting, in early June, to line up a new approach to the war, the change in command of both military and political leadership of the U.S. effort, and tough diplomatic warnings to North Vietnam all signified the opening of a new phase of U.S. participation in the war.

Plans for the stepping up of U.S. efforts dominated MACV activity during July to the point where the MACV staff was significantly detracted from its vital pacification mission in the RVN. General Westmoreland, on 12 July, urgently requested a TDY augmentation which would permit manning of an operations war room 24 hours a day.

Yankee Team missions in the Muong Soui and PDJ areas, in support of Operation Triangle were authorized by the JCS on 20 July. The aircraft could fly at medium level, with the exception of one which could go at low altitude if weather permitted. The escort aircraft could retaliate if either the recce or escort aircraft were endangered by hostile fire. On the low-level flight, the air-

craft could retaliate on the first pass, if fired upon, and then circle and strike again.

Toward the end of the month, PACAF and CINCPACFLT both expressed concern to CINCPAC about suppressive fire. PACAF considered use of suppressive fire by Yankee Team aircraft most desirable. The message suggested that a combination of counterbattery and preplanned interdiction strikes be used against the "improving" Communist antiaircraft fire. CINCPACFLT said that suppressive fire was needed for low altitude missions, and while not 100 percent effective, it would keep gun crews from firing with impunity. It was also felt that the authority to order suppressive fire should be left with the "on-the-scene" commander.

Although Yankee Team operations over Laos and USAF support of the RLAF T-28 operations signified an escalation of the conflict in Southeast Asia, the events of early August, in the Gulf of Tonkin, triggered a sudden upsurge in air activity. The attack on the U.S. destroyers Maddux and Turner Joy (August 2 and 4) and the subsequent U.S. Navy strikes on four NVN installations (August 5) helped a lot of pieces fall into place in the complex plans for defending Southeast Asia. First, the movement of USAF jets into the RVN was carried out with justification.

A system for U.S. control of air defense and the employment of air in out-of-country operations got approval from the RVN government.

For the U.S. Air Force, the Tonkin Gulf incidents were the start of a new emphasis on air power in the counterinsurgency struggle.

More significant, perhaps, than the retaliatory strikes, was the deployment of USAF strength to Southeast Asia following the Tonkin attacks. PACAF was alerted to dispatch two squadrons of B-57's from Clark to Bien Hoa on August 5. At the same time, it was to alert one F-105 squadron to move from Yokota.

It was also told to alert one RTF of six F-101's to deploy from WestPac to Tan Son Nhut. Deployment alert orders went out also to other CINCPAC units, involving the Marines and the 173d Airborne Brigade.

On the morning of the 5th, General Khanh, in a meeting with General Westmoreland, agreed to allow the B-57's and F-102's into the RVN. He also said that the VNAF, along with all Vietnamese armed forces, was on alert status. He said that 25 percent could be off the ground in 30 minutes and the rest in 45 minutes. The RVNAF was ready to attack North Vietnam if they attacked the south, and they would also attack Cambodia under similar conditions.

Actions were taken in several other areas to prepare for the new situation. With the increased possibility that a retaliatory attack by NVN in South Vietnam might follow. CINCPAC asked its commands to study the air defense needs. It noted that the rules of engagement had two voids: (1) No rules for intercept, pursuit, or destruction of hostile aircraft over Thailand and, (2) no rule for allowing aircraft intercepted over Vietnam to be followed outside the RVN.

To prepare for a possible movement of Communist troops across the 17th Parallel, or into Laos, COMUSMACV recommended, on 6 August, that medium-level and low-level photo recce flights begin over NVN.

CINCPAC amplified his rules of engagement in mid-August 1964. He said:

1. In view of fighters in North Vietnam, you are authorized to arm Yankee Team escort aircraft for air-to-air combat, especially in areas where DRV aircraft could be expected to cross the Laotian border.

2. Number, type, ordinance load and tactics of escort aircraft will continue to be determined on individual mission basis. This information will continue to be included in OP-00 reports for long-range plans and OP-1 reports for individual mission approval. The following rules of engagement apply for Yankee Team operations in Laos.

a. If the reconnaissance or escort aircraft are fired upon by ground fire, retaliatory fire is authorized either on the first pass with the reconnaissance aircraft or by circling subsequent passes by escorts.

b. If the reconnaissance or escort aircraft are attacked by hostile aircraft, immediate and aggressive measures are authorized including hot pursuant, but only to the DRV/Laos border.

c. When authorized by JCS on individual mission basis, attacks to known antiaircraft positions in advance of the reconnaissance aircraft is authorized where suppression of ground fire is considered essential for the safety of the reconnaissance aircraft.

CINCPAC went further into rules of engagement on 21 August when he informed tactical commanders that authority to launch Yankee Team weather reconnaissance missions had been delegated and did not require approval from higher headquarters. Weather recce missions were authorized as required, provided they were flown at altitudes and in areas where they would not be subject to hostile ground fire. No photography was permitted on these flights.

Regarding the OP procedural messages, CINCPAC told his subordinates that, under current ground rules, missions required approval by State, Defense and JCS. Missions had to be flown exactly as listed in the OP-00 and approved by JCS/CINCPAC. If deviations were desired, they had to be submitted as an OP-00 MOD and the mission was not to be flown until the request for deviation was acted upon.

Shallow, unescorted photo penetration into Laotian border areas were approved by the JCS on 25 August. These missions were to be flown at medium altitudes to obtain coverage of specific targets of interest to MACV and were not to exceed one mission every 48 hours. On 15 October, permission was given by the JCS to fly a maximum of two missions per day during the period 15-31 October, in order to complete the terrain study. Missions were flown unescorted and at medium or high-level altitudes, with the 2d Air Division providing SAR support.

Relaxation of the rules of engagement to allow normal Farm Gate operations with either a VNAF student pilot or VNAF observer aboard was agreed to by Sec Def on 25 September. This was in response to a request from the JCS to change several Farm Gate rules. The JCS, in addition to asking for "observers," sought a change of the Farm Gate mission to include combat support as well as training, authorization for scrambling Farm Gate aircraft for immediate requests with only the U.S. crew aboard, and changing the markings on Farm Gate aircraft from VNAF to USAF. The SecDef authorized only the use of "observers" considering the other changes as "not being in the best interest at the time."

Near the end of Sept. 1964, * * * gave the RLAF approval for use for its T-28's in the proposed interdiction strikes along Route 7. These aircraft were authorized for use in high-cover support, flak suppression roles and SAR operations. Armed Yankee Team recon missions were also authorized to strike targets beyond the capabilities of the RLAF T-28's.

In an embassy telecon from the Ambassador in Bangkok to the State Department (October 5th), the Ambassador summarized guide lines for using Thai-based USAF assets. Briefly, they included photo reconnaissance over Laos; armed escort for photo reconnaissance over Laos; SAR operations in Laos; armed escort and suppressive fire for Laotian SAR; air defense of Thai airspace with hot pursuit over neighboring borders authorized; and, in the event of direct Chinese Communist intervention, any use of Thai-based air power as needed.

A final planning meeting for air strikes against targets in the Panhandle was held at MACV Headquarters on 9 October. Representatives from 2d Air Division, MACV, U.S. Embassy Vientiane, and 7th Fleet attended. At this meeting, the Air Attache, Vientiane, said the RLAF would go against 13 targets, including Mu Gia Pass on 14 October 1964. This would be done whether or not the U.S. provided any requested CAP or Yankee Team strikes. The term Yankee Team in relation to strikes against targets was a CINCPAC action of the Yankee Team mission which considered the armed in armed recce attacks as part of the overall package. Its authority was not granted for CAP aircraft to fly over Laos, such cover would be provided by aircraft orbiting over the BVN and Thailand. There was no question about the automatic launch of U.S. jets from Thailand or South Vietnam in support of SAR operations or air in an ordinance with the new rules of engagement.

CINPAC reported that U.S. close air support for RLAF operations in Laos was authorized, using forces named in Vietnam or aboard aircraft carriers. The Ambassador to Laos approved Yankee Team operations north of 20 degrees and east of the Nam Hou and Nam Houp Rivers on 28 October.

In late October, renewed recommendations for approval of Yankee Team strikes against Route 7 were made and the first USAF interdiction mission was finally approved and flown. These interdiction missions, later termed Barrel Roll, were not authorized alternate targets when flown at night.

Shortly after the Viet Cong morning attack on Bien Hoa, on 1 November Ambassador Taylor, concurring with the ICS plans for counteractions, and with an endorsement from COMUSMACV, strongly recommended that retaliatory air strikes be undertaken jointly with the RVN. COMUSMACV wired that he knew of no specific Viet Cong target in the RVN which would constitute an appropriate reprisal. While there was a constant search for such a target, and with some limited success, none were found justifying a mass air attack.

While there were enough VNAF/Farm Gate aircraft in the RVN to launch reprisal attacks in the immediate future, COMUSMACV considered it "highly desirable" that he have in-hand authority to use USAF augmentation forces when and if required. To reduce congestion of bases in the RVN and improve the U.S. posture in Southeast Asia, OSD in early November 1964 was considering an increase in the number of U.S. aircraft based in Thailand. Ambassador Martin, in Bangkok, was asked by OSD on 2 November to get Thai government authority for the movement of aircraft in and out of Thai bases as CINCPAC may desire and for increased use of Thai aircraft on Yankee Team escort missions. However, on 7 No-

vember, Secretary of State Dean Rusk advised that the Royal Thai Government was not to be approached on the use of Thai-based aircraft until further instructions were issued.

Following the downing of two USAF aircraft in a three-day period (18-21 November) the rules of Yankee Team operations were changed again. As a result of the crashes, the JCS immediately set 10,000 feet as the new minimum for Yankee Team missions. Authority for low-level missions had to be approved on an individual basis. The U.S. Ambassador in Laos was gratified by this decision and recommended that any flight authorized for low-level be individually approved by the Embassy in Vientiane.

CINCPACAF considered that JCS restriction of flight to 10,000 feet would only result in significantly less effective reconnaissance operations in Laos and would deny U.S. agencies the intelligence necessary for both military and political planning. Any additional restrictions, if applied to tactical operations, he said, would further decrease the capability for timely response to priority visual and photo reconnaissance requirements.

As the Yankee Team effort cut down enemy daylight activity and increased night movements, there was a need for a night photo-capable aircraft which could keep the enemy off balance and crimp his nocturnal activity. There were two RB-57's in Vietnam and two more enroute in December which were IR configured and capable of night work. The RF-101's had a limited night capability using a pod for carrying flash cartridges, but possessed no self-contained navigation system. All the Yankee Team night photography and the day-and-night ELINT recce operations had employed carrier based RA-3B's, RF-8's, and EA-3B aircraft. These aircraft were restricted to minimum altitudes of 15,000 feet using flash bombs instead of flash cartridges. This restricted the night photo recce to aircraft with bomb bays and eliminated the RF-type aircraft for night operations since flash bombs could not be carried externally due to their sensitivity. In view of these deficiencies in the night recce capability, CINCPAC asked the JCS for an Air Force strike RTF package of four RB-66B's and two RB-66C's to be deployed to Clark to augment the Yankee Team forces in SEA. These aircraft could operate under the rules then in effect.

On 20 November, CINCPACFLT granted authority to COMSEVENTHFLEET to schedule RA-5C aircraft for day as well as night Yankee Team missions. Guidance for employment was a list of specific "do nots." "Do not schedule missions against heavily defended targets unless specifically directed to do so. Do not schedule the RA-5C for weather recce missions. Select altitudes giving a reasonable margin of safety above ground fire envelopes."

Ambassador Unger (Vientiane) was obviously unimpressed by the Air Force's arguments concerning altitudes and approval for Yankee Team missions. In a 27 November message he said that various sensor systems allow aircraft to operate just as effectively at medium altitude levels as they operate at low, providing periods of weather promise good ceiling and visibility. The message concluded, "Embassy reserves right to comment on all Yankee Team missions."

On 14 Dec 1964, the first of the Barrel Roll missions was flown, resulting in strikes against a bridge and a group of buildings on the east approach. Ambassador Sullivan (Laos) wired the Secretary of State on 18 December that he was disturbed by two aspects of ths mission. First, it was his understanding that the bridge was not a target of opportunity unless enemy forces were moving on it. This was a RLAF target and could have been hit by RLAF T-28's that day. The Ambassador felt this pointed up the need for more coordination. Secondly, according to the Ambassador, photos showed houses destroyed on the east approach to the bridge which could well have been civilian dwellings. He added:

. . . . Either I have a serious misunderstanding of rules of the game for these Barrel Roll missions or else there has been a serious failure in coordination of a type which could cause us some significant headache. . . .

CINCPAC wired the JCS the next day that he concurred with Ambassador Sullivan's views that the bridge, per se, was not a target of opportunity unless enemy forces were moving on it. The possible civilian houses, he added, appeared to be RLAF Target No. 25, which was a military installation. However, he did not consider this a target of opportunity in the absence of any observed PL/VM activity. To avoid future misunderstandings, be reported, he was instructing his operational commanders that targets of opportunity were confined to unmistakable military activity of a transient or mobile nature and that fixed installations were to be struck only in connection with attacks on clearly identified military convoys and military personnel or when prebriefed as a secondary target. Yankee team procedures were to be used for all future operations.

Prior to the second series of Barrel Roll flights, 2d Air Division requested and received approval to fly recce aircraft with the strike group with the recce aircraft authorized to fly below 10,000 feet at optimum altitude to get photos of the type and quality necessary to assess immediate strike results. If the recce aircraft had to descend, escort of CAP aircraft would support them. Like the first mission, napalm was not authorized on these flights, nor were strike aircraft to be launched from Thailand bases.

On 15 December, AC-47 aircraft were introduced to combat, which was to result in additional rules of engagement to provide for their utilization.

Another request by MACV for the use of two Thai-based F-105's to escort strike recce aircraft on the second series of Barrel Roll missions was disapproved by CINCPAC on 22 December. CINCPAC said that the intent of Barrel Roll was to limit strike forces of our aircrraft for other than Thailand bases. The addition of the two F-105's would raise the number of aircraft to six and would not comply with the ground rules laid down by "higher authority."

At the close of 1964, 2d Air Division published a compilation of the Rules of Engagement summarizing prohibitive and permissive air actions in force at that time:

ANNEX 1—INTERNATIONAL WATERS AND AIRSPACE OVER INTERNATIONAL WATERS

1. U.S. Forces are authorized to attack and destroy any vessel or aircraft which attacks.

2. Hot pursuit into territorial waters and airspace as may be necessary and feasible is authorized.

3. Hostile forces and installations, other than those actively engaged in accordance with these rules, which are encountered outside the confines of RVN and Thailand will not be attacked except as necessary for self defense and only to that extent.

4. Hot pursuit is authorized into CHICOM territorial waters and airspace.

ANNEX 2—REPUBLIC OF VIETNAM (RVN)

1. U.S. Forces are authorized to engage and destroy hostile aircraft encountered within the boundaries of RVN.

2. Hot pursuit may be conducted as necessary and feasible into North Vietnam (DRV), Laos, Cambodia, and other international waters *not* to include CHICOM territory or territorial waters.

3. Hostile forces or installations, other than those actively engaged in accordance with these rules, which are encountered outside the confines of RVN, will not be attacked except as necessary for self defense and only to that extent.

ANNEX 4A—AIR DEFENSE OF LAOS

1. U.S. Forces positioned in RVN may be used for air defense in Laos when authorized by the Commander 2AD or his authorized representative.

a. Information on any action taken under this authority will be provided to JCS by flash precedence message.

2. U.S. air defense forces are authorized to engage and destroy hostile aircraft in Laos. Hot pursuit may be necessary and feasible over RVN

a. Hot pursuit into North Vietnam and Cambodia is *not* authorized *except when actually engaged in combat.*

3. Unless specifically authorized, U.S. air defense forces are not authorized to attack hostile forces or installations, other than those committed against, unless attack first, and then only to the extent necessary for self defense.

4. Definitions of a hostile aircraft and hostile acts are the same as those defined in paragraph 4 (basic attachment) with the following additions:

a. A hostile aircraft is one which is visually identified, or designated by the U.S. Director of an AOC or his authorized representative, as a Communist bloc or *Cambodian aircraft overflying Laos* territory *and* committing a hostile act.

ANNEX 4B—YANKEE TEAM OPERATIONS—LAOS

1. *Medium level escort*: Retaliatory fire is authorized if reconnaissance or escort aircraft are endangered by ground fire.

2. *Low level escort*: If reconnaissance or escort aircraft are fired upon, retaliatory fire is authorized either on the first pass with the reconnaissance aircraft, or by circling back and conducting subsequent passes.

3. *Low level escort against areas having strong AAA*: Escorts are authorized to employ the best operational technique available to minimize risk which, when authorized by JCS, may include attack on known AAA positions in advance of reconnaissance aircraft where suppression of ground fire is considered essential for safety of the reconnaissance aircraft.

ANNEX 4C—RESCAP OPERATIONS—LAOS

1. RESCAP aircraft will not enter the area of the distressed crew member(s) unless requested by the Rescue "On-Scene-Commander" or Rescue Control.

2. If rescue helicopters are fired upon, RESCAP aircraft will take action to suppress ground fire after the helicopter(s) departs the area of ground fire.

a. If ground fire is coming from the vicinity of the distressed crew member(s), RESCAP aircraft will insure that return fire will not endanger friendlies on the ground.

b. If the crew on the ground can be seen and ground fire is preventing helicopters

from approaching close enough for pick-up, RESCAP aircraft between the enemy positions and the distressed crew member (s) as a screening action for the helicopters.

ANNEX 4D—AIR DEFENSE CAP LAOS IN CONJUNCTION WITH RLAF STRIKE/BDA

1. When requested by the U.S. Ambassador to Laos, CAP is authorized to provide top cover for RLAF T-28 strikes in Laos by CINCPAC TS message 140843Z Oct 64, "Corridor Ops Laos", and IAW JCS 9117, "Definitive Rules of Engagement Applying to Laos." This applies only to authorized pre-briefed targets in Laos and to the provision of navigational assistance to RLAF T-28's and Yankee Team aircraft assigned to obtain BDA of attacked targets. JCS 9117, "Definitive Rules of Engagement Applying to Laos" applies with the following exception: Suppressive or retaliatory fire against AAA is not authorized.

2. Should CAP aircraft be diverted for RESCAP, current SAR rules will apply.

The problem of finding targets visually after dark presented another factor leading to special restrictions and limitations compounded in the rules of engagement. This situation was amply illustrated in the unfortunate bombing of the village of Ban Tang Vai, several miles west of Route 23 and just south of Route 9 in the central panhandle of Laos. Although actual damage to the village was slight, and there was evidence that high speed aircraft not associated with the Barrel Roll mission had attacked the village prior to the Navy strike, the incident caused considerable concern in Vientiane and Washington.

Although General Ma, RLAF Commander, representing the Lao Government, accepted apologies from American officials, he was insistent that new limitations be placed on future Barrel Roll missions, both day and night, and that targets of opportunity be restricted to vehicle and troop movements spotted on or near authorized recon routes. Future Barrel Roll operations were to be the exclusive preserve of the RLAF.

Several restrictions were placed on early Barrel Roll missions, commencing 12 February 1965, which no doubt served to offset the effectiveness of the program somewhat. Early missions were limited to small number of strike aircraft and were sparsely spaced. A period of 72 hours was initially required between armed reconnaissance missions (later reduced to 48 hours), and the use of napalm as a weapon was prohibited, although there were advocates for its use. Overflight of NVN was not permitted and a two-mile buffer zone was established along the Laos/North Vietnam border. In February, MACV recommended that all such restraints be closely monitored since they created unnecessary restrictions for the tactical commander responsible for mission accomplishment.

The sterile interval required between missions in the early months, although reduced from 72 to 48 hours, resulted in mission delays and created scheduling problems. The requirement that the JCS give final approval of all Barrel Roll missions also limited the scope of the early Barrel Roll program. Fleeting or mobile targets, pinpointed by such intelligence sources as FAR and Meo forces, road watch teams and had to be left to the RLAF T-28's until the establishment of Bango/Whiplash missions in mid-1965.

A lack of low-level photo reconnaissance photography over Laos was another example of early restrictions affecting air operations. CINCPAC considered low-level oblique and vertical photography essential in locating and confirming dispersed and concealed targets. He recommended low-level reconnaissance, by Yankee Team aircraft, to obtain the required intelligence. Reflights by Steel Tiger/Barrel Roll aircraft, merely to obtain BDA, also had to be approved by higher authority. MACV felt that the three-day waiting period for approval of reflights gave the enemy ample time to remove the evidence, especially where mobile targets were concerned. MACV wanted provisions made in the original operations order to allow reflights to obtain BDA when necessary, without the necessity for obtaining further approval.

The long-waited approval for the use of napalm in North Vietnam was finally granted and used in the 15 March strike against the Phu Qui Ammunition Depot. The following day (16 March 1965), to provide operational flexibility on future strikes, the JCS authorized strike missions against the NVN on a weekly basis, with strikes to be executed at any time during a seven-day period. Those targets not struck during the period could be carried over into subsequent weeks.

CINCPAC further relaxed the ground rules for the four-week Rolling Thunder program, 17 March–13 April 1965. Thai-based planes could now be used. U.S. forces could fill out VNAF requirements. Enough aircraft could be used to achieve a high damage level. Random armed recce missions, employing 4–8 aircraft, plus suitable CAP and flak support were authorized. U.S. strikes were not required in association with VNAF missions. Armed recce of highways and railways to strike rolling stock was authorized after strikes. Flak and CAP aircraft could expend on rolling stock and military vehicles. Low-level and medium altitude BDA recce was also authorized.

In late March, according to CINCPAC, the U.S. was transiting between a situation where the U.S. was not involved in a large war with the NVN and/or CHICOMS and a situation where large U.S. forces were actually engaged in combat. In this latter case, U.S. military * * * * * daily missions; larger numbers of aircraft were assigned to individual targets; the use of napalm permitted when approved by the American Ambassador to Laos; removal of the two-mile buffer zone; low-level photography and more flexible target assignments were provided for. However, many old limitations were replaced with new ones and political restraints were a never-ending problem in the Laos interdiction operations.

Other photo reconnaissance problems were raised by the August 1964 prohibition of accomplishing photographic reconnaissance on weather flights. Second Air Division said that such a restriction did not permit the best use of its aircraft assets. The division added that the JCS were unaware of the restrictions and thought it might not be in line with the latter's thinking. In late January, 2d Air Division informed 13AF of failure in past efforts to obtain approval from MACV and other agencies up the line of authority. The division then asked 13AF to seek permission to photograph targets of opportunity during YANKEE TEAM weather missions. It was not until September that CINCPAC notified COMUSMACV that the rules barring photography had been waived and photos could be taken.

Following several weeks of command and control discussions among CINCPAC, CINCPACFLT and COMUSMACV, the arguments were closed by CINCPAC when, in a message to COMUSMACV, it was stated that the controlling agency for Yankee Team operations would be CINCPAC. Contained in this decision was CINCPAC's statement of YANKEE TEAM rules of engagement: "Reconnaissance flights may be conducted at medium or low-level . . . Retaliatory fire by escorts authorized except against the towns of Sam Neua, Khang Khay or Xieng Knouang. Use of suppressive fire not authorized unless AMEMB Vientiane coordinates and JCS approval is obtained . . . The Air Force continued to press for freedom in applying suppressive fire ahead of reconnaisance flights into heavily defended areas.

By September, the policy had changed only to the extent that approval came from the U.S. Ambassador in Vientiane and CINCPAC.

Another restriction which was detrimental to Yankee Team was the prohibition against use of napalm on escorts. Second Air Division operations personnel considered this to be an outstanding weapon for use against AAA positions, but its use was specifically disapproved. (Use of CBU–2A munitions was authorized by JCS 8899/August 64.)

Rules of engagement appeared to be quixotic—trucks sighted by escorts on Yankee Team missions were immuned to attack, while those same trucks, sighted by Barrel Roll aircraft, could be destroyed.

* * * * *

Steel Tiger missions, begun 3 April 1965, were to be conducted under the same general ground rules as Barrel Roll with a notable exception—napalm could now be used when authorized by the Ambassador to Laos.

Approximately two months after the Steel Tiger operations began, COMUSMACV clarified and consolidated previous message traffic on Barrel Roll/Steel Tiger ground rules for operating units. One of the restrictions, the observance of the two-mile buffer zone, was lifted by the Ambassador to Laos a few days later. The message spelled out the following operating procedures:

Barrel Roll:

1. Choke point missions were authorized to conduct armed route reconnaissance and attack targets of opportunity along all approved routes in both BR and SL areas, in addition to their primary missions.

2. Day reconnaissance missions could crater roads along all approved RLAF route segments in both areas—this included all choke points—to dispose of ordnance in the event weather or other operational factor prevented strikes against pre-briefed targets.

Steel Tiger:

1. Not allowed to penetrate BR areas in search of targets of opportunity.

2. Choke point missions could conduct armed reconnaissance or strikes against targets of opportunity along approved routes in the SL area in lieu of primary targets.

3. Could crater approved roads and choke points, within the area, to dispose of ordnance.

Barrell Roll/Steel Tiger:

1. When operating in the SL area both were directed to comply with strict radar flight-following and navigational procedures.

3. All bridges located within route segments authorized for road cratering could be hit, but bridges outside of these segments could not unless they were assigned as primary targets.

4. Secondary targets could be struck before attacking the primary.

5. Approved areas could be used to dump ordnance. (However, there were no authorized jettison areas in Laos except approved target areas such as roads authorized to be cratered and established choke points.) If emergency required jettison in other than a target location, a "safe" site would be selected and the jettison reported as soon as possible.

As the air strikes worked northward in NVN, a request was made for strikes above 20 degrees. This request was approved commencing with the 11-17 June 1965 Rolling Thunder operations.

On 1 October 1965, all Steel Tiger missions were ordered to be discontinued until further notice by the Air Attache in Vientiane. The ban on Steel Tiger missions also applied to Rolling Thunder flights with alternate targets in the SL area. Barrel Roll missions in Northern Laos were not affected. This stringent action followed on the heels of an unintentional strike in an RLG-controlled area. A flight of SL aircraft, due to a navigational error, strafed a fish trap and a bridge, damaging both and wounding two civilians and four soldiers.

Interdiction operations were curtailed sharply during October. Second Air Division pointed out that difficulty encountered in positively identifying targets and armed reconnaissance routes, and suggested the possible use of RLAF forward air controllers in future Steel Tiger operations, similar to procedures established in the successful Bango/Whiplash close air support program. Early in November, the Air Attache in Vientiane informed CINCPAC that he was making every effort to get General Ma to remove the restrictions placed on Steel Tiger by convincing him that the weight of effort needed along Route 92, east of Saravane, was beyond RLAF capability. However, he said that he hesitated to predict when SL missions could be resumed.

The restrictions placed on Steel Tiger operations were lifted later in November. On the 22nd of that month, 2d Air Division, after recounting several minor infractions of the SL ground rules, directed the tactical fighter wings involved to make an immediate review of targeting for the heavy schedule for 22 November. Brigadier General George P. Simler, Director of Operations, 2d Air Division, told responsible commanders, ". . . Air operations in Laos are extremely sensitive. It is absolutely imperative that your aircrews do not expend munitions outside of approved areas. There have been six instances since 20 November that violated the rules of engagement. Laos is being utilized as a staging base for NVN (North Vietnam) military personnel and supplies into SVN (South Vietnam). Continued violations will jeopardize U.S. authority to attack enemy forces before they can engage our ground forces. You are responsible for the conduct of your strike crews and their compliance with (the) rules of engagement. There is no excuse that is acceptable for any attack outside an approved area . . ."

SAR operations, at this time, were also affected by restrictions on suppressive fire. If a pilot of an SAR aircraft flying low cover believed that a downed airman was endangered by ground activity he had authority to attack. He could also attack AAA positions, in a flak suppression role, while helicopters were attempting recovery. No other authority for suppressive fire was indicated.

At this time, the southern half of the Steel Tiger area was reconstituted as Tiger Hound in an effort to speed up the validation of targets sighted in that region.

A special set of rules applying to Barrel Roll/Steel Tiger, since the beginning of those operations, were extended to Tiger Hound. Aircraft employed on these missions were permitted unlimited armed reconnaissance along all motorable roads within a specified area of the Laos panhandle but only targets of opportunity within 200 yards of the road could be struck. Targets beyond this 200 yards limit or anywhere outside the specific geographical area could only be struck if they had previously been approved RLAF targets, or were targets marked by RLAF FAC's. Infiltration trails or way-stations could not be attacked and napalm could not be employed.

Ambassador Sullivan (Laos) made it clear that there would be no relaxation of the rules of engagement and proposed to confine efforts to the special zone east of a line from the intersection of Cambodia, Laos, and South Vietnam to UTM coordinate XD 8716.

The rules of engagement and the restrictions on targets in the Tiger Hound, Steel Tiger, and Barrel Roll programs were slowly being moderated, as indicated by a JCS message of 3 December in which the Joint Chiefs stated that Washington's approval was no longer required for preplanned missions.

As things stood, however, all planned targets had to be coordinated and validated by AMEMB/USAIRA Vientiane and placed in one of three categories: Priority Alpha—All targets having some residual value that may be attacked without further Vientiane coordination except inclusion in the daily OPREP 1; Priority Bravo—Inactive status, those targets already destroyed, abandoned or having very low residual value; Priority Charlie—Hold status, those targets that may not be struck for political or military reasons.

Although Tiger Hound aircraft were allowed to perform unlimited armed reconnaissance along the roads and motorable trails within the TAOR, they could not hit villages or built up areas, regardless of military value, without having that target validated by Vientiane or the RLAF. Even with the elaborate communications equipment aboard the ABCCC, including the single side-band radio, target validation took an agonizingly long time. In early December, it was proposed that the system be streamlined. Authority was obtained to have two RLAF officers attached to the Tiger Hound task force, to ride in the C-130 ABCCC and act as observers, with on-the-spot approval authority for any targets detected. Colonel Groom said:

". . . This has worked out very successfully to date—much better than we thought at first. If the Lao observer is in doubt whether to strike the target or not, he has a single side-band radio capability and can call the Laotian Air Force headquarters and have them make the decision. When we first started the program, this happened many times, but since we have been working some months in the area and the people have become more acquainted with the area, we have received approvals almost immediately. . . ."

In the closing months of 1965, the rules of engagement governing strike operations in North Vietnam (Rolling Thunder) included the following:

a. JCS targets previously struck could be re-struck without prior authorization (excluding locks, dams, and that portion of Target 52 which was formerly Target 38).

b. Strike sorties were limited to 1200 for each 14-day cycle, with additional sorties authorized if necessary to destroy SAM installations, trucks, rail stock or NVN naval craft.

c. Military targets of opportunity, in the vicinity of target areas (and crafts or units firing upon aircraft enroute to or from missions) to be destroyed.

d. Targets of opportunity situated outside the armed reconnaissance area were not to be struck if within 25nm of China border, 30nm from the center of Hanoi, or 10nm from the center of Haiphong.

e. Those JCS targets authorized in paragraph "a", above (and with the same exclusions), could be attacked by aircraft returning from missions (including Barrel Roll and Steel Tiger aircraft overflying NVNO if those targets lay in the armed reconnaissance area and were suitable as jettison areas.

f. Aircraft overflying Laos were authorized attack on RLAF targeted road segments in Laos.

g. Pre-strike, concurrent and post-strike reconnaissance authorized.

h. MIGCAP, screen aircraft, and other appropriate elements were directed to engage in combat (including SAM suppression) when required to protect strike forces.

i. When engaged in immediate pursuit, U.S. were not authorized to attack NVN air bases from which enemy aircraft were operating.

j. Attacks on populated areas to be avoided during strikes against any target (including those developed by armed route reconnaissance).

k. Flight paths of strike and armed reconnaissance missions to be planned so as to preclude approaching closer than 20nm to the China border.

l. CINPAC was authorized to assign alternate missions to Barrel Roll and Steel Tiger aircraft in the Rolling Thunder area.

EPILOGUE

U.S. military operations in Southeast Asia have been marked by a variety of political and operational constraints. Self-imposed restrictions on the application of military power is almost certain to remain an essential feature of our national policy. The nature of the conflict in Southeast Asia and the policy objective of conveying to the enemy the limited nature of our response, even while we conduct air strikes on his territory, require careful consideration of the restrictions to be adopted. A constraints policy must be fashioned which will minimize the risk of major escalation but which also will permit use of enough measured force to assure attainment of our objectives—to check NVN support of insurgency in South Vietnam and Laos.

The rules established for conduct of air operations to date have taken a number of forms. These have included geographic and political restraints; limitations on the size, frequency and altitude of flights; and restrictions on weapon types employed. In combination, they have posed a challenging, sometimes frustrating succession of problems for the commanders and staff officers charged with the planning and conduct of an effective campaign. Gradual modification of the constraints policy has occurred during the reporting period and some of the more restrictive rules which applied to earlier armed recce and strike missions have been relaxed. Several of the constraints that still exist, however, limit the capability of our forces to conduct a campaign that

will achieve the desired objective. The repeated discussions and exchanges which have been generated at all levels by these constraints have centered mainly on the specific proscriptions rather than on the fundamental policy considerations which underlie them.

GLOSSARY

AAA—Antiaircraft artillery.
ABCC—Airborne command and control center.
ACG—Air Commando Group.
ACS—Air Commando Squadron.
ACW—Air Commando Wing.
AD—Air Division.
ADVON—Advanced Echelon.
AIRA—Air Attache.
AMEMB—American embassy.
AOC—Air Operations Center.
ARVN—Army of the Republic of South Vietnam.
ASOC—Air Support Operations Center.
BDA—Bomb damage assessment.
BR—Barrel Roll mission.
CAP—Combat air patrol.
CBU—Cluster bomb unit.
CHICOM—Chinese Communist.
CHMAAG—Chief, Military Advisory and Assistance Group.
CINPAC—Commander in Chief, Pacific Area.
CINCPACAF—Commander in Chief, Pacific Air Forces.
CINCPACFLT—Commander in Chief, Pacific Fleet.
COIN—Counterinsurgency.
COMUSMACTHAI—Military Advisory chief, Thailand (MACTHAI).
COMUSMACV—Military Advisory Chief, South Vietnam (MACV).
CRP—Control and reporting post (CRC—Control and Reporting Center).
DOD—Department of Defense.
DRV—Democratic Republic of Vietnam (North Vietnam, NVN).
ELINT—Electronic intelligence.
FAC—Forward air controller.
FAR—Laotian ground forces.
GVN—Government of South Vietnam (SVN).
ICC—International Control Commission.
JCS—Joint Chiefs of Staff.
JGS—Joint General Staff (South Vietnam).
JOC—Joint Operations Center.
MACTHAI—See COMUSMACTHAI.
MACV—See COMUSMACV
MIGCAP—MIG defense combat patrol.
Navaid—Navigational aid.
NVN—North Vietnam.
OPREP—Operations report.
PACAF—Headquarters, Pacific Air Forces.
PDJ—Plaine des Jarres (Plain of Jars, Laos).
PL—Pathet Lao.
RA—Reconnaissance/Attack.
RB—Reconnaissance/Bomber.
RESCAP—Rescue combat patrol.
RF—Reconnaissance/Fighter.
RKG—Royal Cambodian Government.
RLAF—Royal Laotian Air Force.
RTF—Reconnaissance task force.
RVN—Republic of South Vietnam.
SAM—Surface to air missile.
SAR—Search and rescue.
SEA—Southeast Asia.
SL—Steel Tiger mission.
TAOR—Tactical area of responsibility.
TFG—Task Force Group (Naval Carrier).
TSN—Tan Son Nhut Air Base, South Vietnam.
VC—Viet Cong.
VM—Viet Minh.
VNAF—South Vietnamese Air Force.●

SELF-EMPLOYED HEALTH INSURANCE PREMIUMS

● Mr. PRYOR. Mr. President, on February 6, 1985, the Senator from Iowa [Mr. GRASSLEY] along with eight other Members of the Senate, introduced S. 419. This bill would amend section 162 of the Internal Revenue Code to allow self-employed taxpayers—like farmers and small businessmen—to deduct one-half of the cost of their health insurance premiums for Federal income tax purposes. I was pleased to join Senator GRASSLEY as an original cosponsor of S. 419, and I wanted to take a few minutes today to express the reasons why this bill should be adopted.

Mr. President, an inequity now exists with regard to health insurance coverage that would be corrected, at least partially, by the enactment of S. 419. A person employed by a company is frequently covered by a health insurance policy, the premiums of which are paid by the employer. This health insurance coverage is one of the most basic employer-provided benefits, and I believe it has served our country and millions of workers very well over the years. Under existing law, Mr. President, the employee has no income due to the health insurance premiums paid by the employer. Even though the administration has proposed that these premiums be taxed to the workers, Congress has wisely rejected this idea. So, Mr. President, a worker and his family covered by a group health policy paid for by the employer receives this coverage on a tax-free basis. This has been a longstanding policy of this Government.

The problem, however, involves a self-employed person, like a farmer or businessman. These people, Mr. President, pay for the cost of health care coverage for themselves and their families, but they do so on an after-tax basis. In other words, they do not get a deduction for any portion of their health insurance premiums.

Prior to 1983, an individual could deduct one-half of his health insurance premiums, up to an annual limit of $150, on schedule A. The remaining premiums went into the calculation of whether or not the taxpayer's medical expenses exceeded 3 percent of his adjusted gross income.

In the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA, Public Law 97-248), an act which I opposed, changes were made in this area. The $150 annual deduction for health premiums was repealed. Also, the threshold for deductibility of any medical expenses was raised from 3 percent of adjusted gross income to 5 percent of adjusted gross income. Now, Mr. President, all health premiums are included in the calculation to determine if the 5 percent of AGI threshold is met, but as a practical matter we have essentially abolished the ability to deduct any health insurance premiums. This has been especially harmful to self-employed persons.

The bill which was introduced (S. 419), and which I strongly support will simply allow these self-employed people to deduct one-half of their health insurance premiums in arriving at their taxable income. It will restore partial equity in this important tax and health care area, and I believe the bill is a reasonable one. I am pleased to be a cosponsor, and I look forward to working with the Senator from Iowa, and others, on this issue of importance to many farmers and small businessmen.●

RADIO MARTI

● Mr. CHILES. Mr. President, I believe that the Cuban people have a right to hear the truth and that there is no better way of conveying the truth to them than through the broadcasts of Radio Marti.

My constituents are frustrated and skeptical over the delay encountered in setting up Radio Marti. They are frustrated that it has taken over 16 months to set up this long awaited radio station. Cuban Americans are skeptical of the administration's talks with the Cuban Government and of press accounts reporting the conciliatory tone of recent remarks by Fidel Castro.

Let me state that Radio Marti is not to be placed on the negotiations table. It should not become a bargaining chip in the talks with Fidel Castro. The Congress entrusted Radio Marti with an important responsibility—the same responsibility that is being carried out successfully by our Government-sponsored radio stations—Radio Free Europe and Radio Liberty. Both serve the people of Eastern Europe and the Soviet Union by providing them with reliable news and informative programs. There is no reason why Radio Marti should not do the same for the people of Cuba.

Recent gestures by Fidel Castro have been heralded as signs that the Cuban leader is mellowing, that he is ready to improve relations. Let us not be taken in by the words of Fidel Castro. We have heard them before. These recent gestures should be viewed with skepticism. Pretty words have always come cheaply to Fidel Castro. He will tell you exactly what you want to hear, but only when it is most convenient for him to say them. With a Cuban economy that is worsening and Soviet aid that has been stretched to its limit, of course Fidel Castro is talking.

While pretty words come easily, action speaks much louder. Cuba's agreement to take back the criminals sent to us during the Mariel boatlift is a welcome step, but it has a hollow ring to it. Whom are we kidding? Of

course Cuba should take them back—it was the Cuban Government who shipped them to the United States in the first place. The Cuban Government emptied out its jails, opened up its mental institutions and shipped its undesirables onto our shores. I am relieved that they are taking back their excludables, but I have long believed that they should have never sent them to us in the first place.

I wonder if the Cuban people know of their Government's unique immigration policy? A policy of issuing "instant visas" to hardened criminals and mental patients. I wonder if they are aware of the havoc wreaked by their government's defiance of our immigration laws and of our new resolve to enforce stricter control of our own borders? And of our resolve to ensure that another Mariel does not happen again? If Radio Marti were operational, Cubans would have access to this information. They would know the truth. More important, they would know their Government's lies.

Mr. President, it has been over 16 months since the Congress approved Radio Marti and recognized the Cuban people's right to the truth. I believe the Radio Marti's message needs to be heard loud and clear and soon. We must not deny this information to the people of Cuba.●

ORTHODOX UNION OPPOSES APARTHEID

● Mr. MOYNIHAN. Mr. President, Sidney Kwestel, president of the Union of Orthodox Hebrew Congregations of America, recently issued a formal statement on behalf of the Orthodox Union which ought properly to take its place among the most fervent and heartfelt of denunciations of the abominable racial doctrine of apartheid that is the law of the land in South Africa.

Noting that "as Jews we are particularly sensitive to the tragic consequences of racial and religious persecution," the union with this statement joins the millions of other Americans who are protesting the Republic of South Africa's policy of apartheid.

I commend the statement by Mr. Kwestel to the attention of my colleagues, and ask that it be printed in full in the RECORD at this point.

The statement follows:

ORTHODOX UNION PRESIDENT PROTESTS SOUTH AFRICAN POLICY OF APARTHEID

Sidney Kwestel, president of the Union of Orthodox Jewish Congregations of America, issued the following statement in response to the heightened protests against apartheid:

Racial discrimination is anathema to the Jewish tradition. To differentiate between people on the basis of race or color is contrary to the letter and spirit of both prophetic and rabbinic teachings which stress that all human beings are created in the "Image of the Creator." As Jews we are particularly sensitive to the tragic consequences of racial and religious prejudice and are committed to speak out against such practices wherever they appear, whether it be against the Bahai in Iran or our fellow Jews in the Soviet Union or in Syria.

It is in this light that we add our voices to those of millions of other Americans who are protesting the Republic of South Africa's policy of apartheid.

We call upon all Americans to assist in those responsible efforts that seek to persuade the South African authorities to work toward ending these discriminatory practices.

We pray for the day when all people will be permitted to live in true freedom and when legal and extralegal differentiation based on color or race will cease to pollute human society.●

COMDR. CHAD COLLEY, DISABLED AMERICAN VETERANS

● Mr. PRYOR. Mr. President, I number Chad Colley in my good friends among American veterans. Chad is currently national commander of the Disabled American Veterans and comes from Barling, AK. He knows our veterans and he knows veterans' issues.

I was pleased, Mr. President, to see that in February Chad Colley wrote an article for the Disabled American Veterans magazine endorsing the position that we need Cabinet-level status for the Veterans' Administration. This is a position I have taken for a number of years. In fact, I have been a cosponsor of this measure in the past, and I am privileged to join my colleague Senator THURMOND when he reintroduces the bill.

Chad Colley's arguments are cogent and clearly stated and directly to the point. Here is one selected passage I endorse entirely:

The VA is faced with major changes in its role. The future holds the promise of difficult decisions that can only be made with the full support of government—from the White House to Congress. And that full support won't be forth-coming so long as the VA is burdened with second-class status in the White House.

Mr. President, the VA must have the attention and status it deserves. I continue to take this position, and I ask that Mr. Colley's article by printed in the RECORD at this point. He says it better than anyone.

The article follows:

CABINET-LEVEL STATUS FOR THE VA

(By Chad Colley)

Later this month, President Reagan is expected to submit the Administration's proposed budget for fiscal year 1986 to the Congress. Some of the provisions of that proposal will have been dropped by the time it reaches Congress, while other ideas will have been added.

It'll be a different document than that first discussed in early December as a result of the President's Cabinet members' comment and criticism. Each department head, from the Secretary of Defense to the Secretary of Energy, has had the opportunity to fine tune those recommendations.

In face-to-face meetings with the President, they've made their recommendations, identified flaws in the proposals and, to a large extent, been able to win the White House over to their perceptions of how each department's budget should be formulated.

Cabinet members meeting with the President they serve. That's how it should be. And that's why these experts in their respective fields were brought into the government in the first place.

But that's not how it is for the head of the largest agency in the federal government. VA Administrator Harry N. Walters is not a member of the President's Cabinet. Therefore, he has no formally established direct access to the President. He's a man who's been tapped to represent the best interests of this nation's more than 28 million veterans and their 66 million dependents and survivors. Yet Harry Walters can only hope his ideas will be heard by the President.

Yes, Walters did meet with the President. But was he on an equal footing with the President's other advisors? Was his access the same, for example, as the Secretary of Commerce, who manages a budget only one-twelfth the size of the VA's?

We don't think that the Administrator of Veterans' Affairs should go hat-in-hand to see the President only when some White House official decides that it's OK.

The Administrator and this nation's veterans deserve no less attention than America's natural resources, parks, education or transportation.

In spite of the Administrator's best efforts, it seems everyone but him is being given the opportunity to advise the President on how the VA should be funded.

As a result, this year is no different than years past. The President is once again proposing a VA budget that contains foolish, impractical or inappropriate recommendations for the agency and the programs it administers.

The plans represent the short-sighted solutions of people who have no real knowledge of the VA, save that they find it a handy target for cuts. As such, there are plans, in many instances, that were formulated without the VA administrator's knowledge, let alone endorsement.

Cabinet level status for the VA is needed now more than ever. Such a move by the President wouldn't cost the government anything, but it would have a great impact on how the system is run. And running the system right is going to get tougher and tougher as the years go by.

The VA is faced with major changes in its role. The future holds the promise of difficult decisions that can only be made with the full support of government—from the White House to Congress. And that full support won't be forthcoming so long as the VA is burdened with second-class status in the White House.

Congress already agrees with the need to elevate the administrator to Cabinet level status. Public Law 98-160, "The Veterans Health Care Amendments of 1983," expressed the sense of Congress that, due to the importance of the VA's mission and the size of the agency, the Administrator of Veterans' Affairs should be designated by the President as a member of the Cabinet.

Shortly after the measure's passage, Congressman G.V. "Sonny" Montgomery wrote the White House and told the President, "I hope you will move swiftly to carry out the recent sentiment expressed by the Congress. In addition, and more importantly, I would

urge you to go further and send to Congress a legislative proposal to upgrade the VA from an independent agency to an executive department."

The House Veterans' Affairs Committee chairman also countered White House claims that such a move would represent an expansion of the government. "To elevate the status of the administrator to Cabinet level status and establish the VA as a department cannot be interpreted as an expansion of government. The structure is already in place; the agency exists; the cost would be minimal . . . practically nonexistent."

To date, Congress's request has fallen on deaf ears. More than one-third of this nation's population—veterans, their dependents and survivors—are without senior representation on the President's Cabinet. They are without a full voice in the operation of the federal government.

As you read this, mistakes are being made concerning the VA that will be tough to correct in the future.

They're being made because VA chief Harry Walters is locked out of the White House.

And the agency he runs will once again be jerked from its smooth course by people who don't understand the VA and the people it serves.

Congress has willed Cabinet-level status for the VA. The American people have the duty to demand full representation for this nation's largest federal agency.

And veterans have fought for the right to be heard at the highest levels of government.●

ORDER FOR STAR PRINT—S. 46

Mr. DOLE. Mr. President, I ask unanimous consent that there be a star print of S. 46, in order to make technical modifications in the bill unrelated to its substantive provisions, and I send to the desk a revised copy of S. 46 in the form in which it is to be printed.

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

ORDER FOR STAR PRINT—S. 47

Mr. DOLE. Mr. President, I ask unanimous consent that there be a star print of S. 47, in order to make technical modifications in the bill unrelated to its substantive provisions, and I send to the desk a revised copy of S. 47 in the form in which it is to be printed.

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

ORDER FOR STAR PRINT—S. 492

Mr. BYRD. Mr. President, I ask unanimous consent that S. 492 be star printed to reflect certain changes, which I send to the desk. I do this on behalf of Senator BIDEN.

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

Mr. BYRD. Mr. President, I send to the desk for inclusion in the RECORD, a statement by Mr. BIDEN relating to this legislation.

LAW ENFORCEMENT AND INVESTIGATIVE OFFICERS CIVIL LIABILITY PROTECTION ACT

● Mr. BIDEN. Mr. President, today I am again introducing legislation which will provide greater protection from civil liability for Federal law enforcement and investigative officers as they do their jobs. This bill will also expand the responsibility and liability of the Government to the victims of wrongful conduct. My bill has the support of the Society of Former Special Agents of the Federal Bureau of Investigation, Inc. and I look forward to it receiving careful consideration by my colleagues.

Ever since 1971 when the Supreme Court handed down its decision in the case of Bivens versus Six Unknown Named Narcotics Agents, the Department of Justice and several of us on the Judiciary Committee have been grappling with the difficult question of the scope of the Federal Government's liability for the acts of its law enforcement officials. In that case the Court decided that Congress never created a specific remedy in statute that the victim of an unconstitutional action by a Federal law enforcement official had a cause of action against the official or agent in their personal capacity.

The Supreme Court decision does not affect the liability of the Government per se which is immune from suit through the Doctrine of Sovereign Immunity. Of course Congress can waive the doctrine as it has for certain torts, for example, a postman running into a pedestrian, in the Federal Torts Claims Act. Congress has never amended the act to cover all the so-called constitutional torts covered by the Bivens case.

So the present state of the law creates the following rather anomalous situation. The victim of an illegal or unconstitutional search can sue the agent for a violation of his fourth amendment rights but cannot sue the Government itself pursuant to whose authority the search was conducted. The victim usually does not want to sue the agent because, first the agent does not have the resources to pay the damages and furthermore there is a certain injustice in suing the agent who was probably acting pursuant to orders from a higher authority in the Government.

The solution satisfied no one. The victims do not have a defendant with resources to sue. The agents and their families are traumatized by the prospect of civil liability for any action they take and since the Government will not take responsibility for the agents, the agents have to carry huge liability insurance policies even after they leave Government service. The Government, in particular the law enforcement agencies, face severe morale problems among their employees so they have difficulty performing their functions.

A number of us on the Judiciary Committee and representatives of the Department of Justice worked last Congress to develop a scheme which would more equitably share the burden for this problem among the affected parties. One thing everybody working on this problem seemed to agree on was that it is unfair, especially in the law enforcement situation, for the agents themselves to have any liability, except perhaps in the most extreme situation. Therefore, all of the major proposals would create immunity for the agents themselves from any liability, except in the most extreme situation and shifted all the liability onto the Federal Government through amendments to the Federal Torts Claims Act. The disagreement occurred over the question of the scope of the Federal Government's liability for the acts of its agents when they violate the Constitution. I proposed a scheme for such liability for law enforcement violations of the Constitution which the Judiciary Committee endorsed in the 98th Congress.

In essence my proposal totally immunizes Federal law enforcement officials from suit. But it also provides that the Government is liable for the costs of bodily injury and property damages, or liquidated damages of $1,000 to $2,000 whichever is greater unless the employee was not acting in good faith and the tort is a continuing tort such as wiretapping. Then the damages could be as much as $200 per day up to $75,000.

The Chief Justice in his concurring opinion in the Bivens case points out the necessary relationship between the torts claim problem and constitutional torts and the exclusionary rule. The purpose of the exclusionary rule is to provide some remedy by the citizen against the Government for violations of the Constitution by excluding illegally seized evidence. Of course the problem is that the exclusionary rule satisfies no one but the criminal and doesn't help the innocent victims of a law enforcement abuse. As the Chief Justice points out, if Congress would create a tort claims scheme as an alternative to the exclusionary rule then it might be possible to modify the rule itself.

Therefore, once again, we seem to be at an impasse on an issue of tremendous importance to the law enforcement and investigative and civil liberties community. The tragedy is there really is no need for the continued intransigence of both sides. Indeed if the law enforcement and investigative officers and their families on the one hand and the victims of Government abuses on the other were to fashion a remedy, I firmly believe they would agree on something like my bill.

Mr. President, we cannot delay any further the passage of legislation needed to provide greater protection from civil liability for DEA, FBI, and investigative officers and victims of law enforcement mistakes, especially after we in the Judiciary Committee agree on this aspect of the problem. The fact that the Justice Department last year dragged their feet and said they could only support legislation that went across-the-board and included all Government agencies in addition to law enforcement and investigative agencies, should not be reason for us again to delay action on this legislation. As we learned in the 98th Congress when we passed the most encompassing crime reform legislation in 30 years, we should agree on what we agree to now, and save the areas of disagreement for later negotiations.

To be specific, I want to take care of DEA, FBI, and investigative officers and victims of law enforcement and investigative mistakes and frivilous law suits now since we've worked out a scheme for resolving those problems. Quite frankly, I don't understand why this administration would want to place greater limitations upon the ability of a small businessman to recover from the Federal Government for the actions of an abusive OSHA or EEOC inspector. I propose that we take care of the FBI, DEA, and CIA problems today and leave the OSHA- and EEOC-type problems for later. That's exactly what my bill would do.

I might add in conclusion that this bill is not perfect even on the law enforcement issue. I would like to see some more equitable arrangement for damages and attorney's fees established. But I intend to continue to pursue this issue as we consider the bill. I respectfully suggest to Senator GRASSLEY and the Department of Justice that this draft would be a good place to begin in the Judiciary Committee on this long overdue reform.●

ORDER THAT COMMITTEES HAVE UNTIL 6 P.M. TODAY TO FILE REPORTS

Mr. DOLE. Mr. President, I ask unanimous consent that committees have until 6 p.m. today to file reports.

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

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Thursday, March 7.

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

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order there be a special order for not to exceed 15 minutes each for the following Senators: Senator PROXMIRE and Senator BENTSEN.

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

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 11 a.m., with statements therein limited to 5 minutes each.

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

SCHEDULE

Mr. DOLE. Mr. President, following the conclusion of morning business, the Senate could turn to either of the following items; H.R. 1093, Pacific Salmon Treaty Act, Executive Treaty, Pacific Salmon, or perhaps the veto message to accompany H.R. 1096.

Mr. President, I will suggest that there possibly could be one or more rollcall votes tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, the President is expected to veto H.R. 1096, the African relief bill, at 4:15 p.m. this afternoon. Therefore, the veto message will be received in the House of Representatives tomorrow morning. It is my understanding that the House will convene tomorrow at 11 a.m. If the veto message is sustained in the House tomorrow, it will be the majority leader's intention to recess the Senate tomorrow, or Friday, if a Friday session is necessary, over until Monday, March 11, at 10 a.m., for a pro forma session only. No business will be transacted during Monday's session. If the veto message is overridden in the House, all Senators should expect a vote on Thursday, following brief debate on the veto message, by late morning or early afternoon.

Following the conclusion of Monday's pro forma session, it will be the intention of the majority leader to recess the Senate over until Thursday, March 14, at 12 noon. At this point, the legislative schedule for Thursday is uncertain, but it will be a working session of the Senate.

Finally, following the conclusion of the Senate's business on Thursday, it will be the intention of the majority leader to ask the Senate to recess over until Monday, March 18, at 12 noon.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for laying out the program for the next 10 days or more.

I have this question. What is the plan with respect to calling up the urgent supplemental appropriations for African famine relief, H.R. 1239?

Mr. DOLE. I will advise the minority leader at this time that I am not in a position to indicate a precise plan. The matter has been discussed with the distinguished chairman of the Appropriations Committee, Senator HATFIELD. It has also been discussed with the White House representatives. I may be in a position to give you that information tomorrow.

Mr. BYRD. I thank the majority leader.

Is it the majority leader's opinion that the Senate will act on that measure either this week or next and it would not be put over until the week after next?

Mr. DOLE. Again, there is some difference of opinion over whether it is necessary that we act now. We are advised that there may be adequate funds to maintain the present funding for a period of about 3 months. We are seeking clarification of that information.

Obviously, if there is a need, it will be done as quickly as we can do it.

The same is true of S. 457, the so-called African relief authorization. If, in fact, the veto is sustained in either the House or the Senate, it would be the hope of the distinguished chairman of the Foreign Relations Committee, Senator LUGAR, that we might act on that bill yet this week.

Mr. BYRD. I thank the distinguished majority leader.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate now stand in recess until 10 a.m. tomorrow.

Thereupon, at 4:17 p.m., the Senate recessed until Thursday, March 7, 1985, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 6, 1985*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, may not the burdens of the day cause our spirits to lose hope, or the uncertainties of our world make us despair. You have promised, O God, that we are not alone and that Your guidance and strength is with us even in the shadow of death. Fill us with Your loving spirit that we will neither despair nor lose hope, but go forward in the confidence of a sure and certain faith. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GRAY of Illinois. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GRAY of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 144, answered "present" 5, not voting 51, as follows:

[Roll No. 28]

YEAS—232

Ackerman	Boulter	Derrick
Addabbo	Boxer	Dicks
Akaka	Breaux	Dingell
Alexander	Brooks	DioGuardi
Anderson	Brown (CA)	Dixon
Andrews	Broyhill	Donnelly
Annunzio	Bruce	Dorgan (ND)
Anthony	Bryant	Dowdy
Atkins	Burton (CA)	Downey
AuCoin	Bustamante	Duncan
Barnard	Byron	Durbin
Bates	Carper	Dwyer
Bedell	Carr	Dyson
Bellenson	Chappell	Early
Bennett	Coleman (TX)	Eckart (OH)
Berman	Collins	Edgar
Bevill	Conyers	Edwards (CA)
Biaggi	Cooper	English
Boggs	Coyne	Erdreich
Boland	Daniel	Evans (IL)
Boner (TN)	Darden	Fazio
Borski	Daschle	Feighan
Bosco	Dellums	Flippo
Florio	Lundine	Schumer
Foglietta	MacKay	Seiberling
Ford (TN)	Manton	Sharp
Fowler	Martin (NY)	Shelby
Frank	Martinez	Sisisky
Frenzel	Matsui	Skelton
Frost	Mazzoli	Slattery
Fuqua	McCurdy	Smith (FL)
Garcia	McHugh	Smith (IA)
Gaydos	Mica	Smith (NJ)
Gibbons	Mikulski	Snowe
Glickman	Miller (CA)	Snyder
Gonzalez	Mineta	Solarz
Gordon	Mollohan	Spratt
Gradison	Montgomery	St Germain
Gray (IL)	Moore	Staggers
Gray (PA)	Mrazek	Stallings
Guarini	Murphy	Stark
Hall (OH)	Murtha	Stenholm
Hall, Ralph	Myers	Stokes
Hall, Sam	Natcher	Stratton
Hamilton	Neal	Studds
Hartnett	Nelson	Swift
Hatcher	Nielson	Tallon
Hawkins	O'Brien	Tauzin
Hayes	Oakar	Thomas (GA)
Hefner	Obey	Torres
Hertel	Olin	Torricelli
Horton	Ortiz	Towns
Howard	Owens	Traficant
Hoyer	Panetta	Traxler
Huckaby	Pease	Udall
Hughes	Pepper	Valentine
Hutto	Perkins	Vento
Jenkins	Petri	Visclosky
Johnson	Pickle	Volkmer
Jones (NC)	Price	Walgren
Jones (TN)	Rahall	Watkins
Kanjorski	Rangel	Waxman
Kaptur	Ray	Weaver
Kastenmeier	Regula	Wheat
Kennelly	Reid	Whitley
Kildee	Richardson	Whitten
Kleczka	Rinaldo	Williams
Kolter	Robinson	Wirth
Kostmayer	Roe	Wise
Lantos	Rose	Wolpe
Leath (TX)	Rostenkowski	Wyden
Lehman (FL)	Rowland (GA)	Wylie
Levin (MI)	Roybal	Yates
Levine (CA)	Rudd	Yatron
Lipinski	Russo	Young (FL)
Lloyd	Sabo	Young (MO)
Lowry (WA)	Scheuer	
Luken	Schneider	

NAYS—144

Archer	Davis	Ireland
Armey	DeLay	Jacobs
Badham	DeWine	Jeffords
Barton	Dickinson	Jones (OK)
Bateman	Dreier	Kasich
Bentley	Eckert (NY)	Kolbe
Bereuter	Edwards (OK)	Kramer
Bilirakis	Emerson	Lagomarsino
Billey	Fawell	Latta
Boehlert	Fiedler	Leach (IA)
Brown (CO)	Fields	Lent
Burton (IN)	Fish	Lewis (CA)
Callahan	Gallo	Lewis (FL)
Campbell	Gekas	Lightfoot
Carney	Gilman	Livingston
Chandler	Gingrich	Loeffler
Cheney	Goodling	Lowery (CA)
Clinger	Green	Lujan
Coats	Gregg	Lungren
Cobey	Gunderson	Mack
Coble	Hammerschmidt	Marlenee
Combest	Hansen	Martin (IL)
Coughlin	Hendon	McCain
Courter	Henry	McCandless
Craig	Hiler	McCollum
Crane	Holt	McDade
Dannemeyer	Hopkins	McEwen
Daub	Hunter	McGrath
McKernan	Roukema	Spence
McKinney	Rowland (CT)	Stangeland
McMillan	Saxton	Strang
Meyers	Schaefer	Stump
Miller (OH)	Schroeder	Sundquist
Miller (WA)	Schuette	Sweeney
Molinari	Schulze	Swindall
Monson	Sensenbrenner	Tauke
Moorhead	Shaw	Taylor
Morrison (WA)	Shumway	Thomas (CA)
Packard	Shuster	Vander Jagt
Pashayan	Sikorski	Vucanovich
Penny	Siljander	Walker
Pursell	Skeen	Weber
Quillen	Slaughter	Whitehurst
Ridge	Smith (NE)	Whittaker
Ritter	Smith (NH)	Wolf
Roberts	Smith, Denny	Wortley
Roemer	Smith, Robert	Young (AK)
Rogers	Solomon	Zschau

ANSWERED "PRESENT"—5

Clay	Nowak	Synar
LaFalce	Oberstar	

NOT VOTING—51

Applegate	Fascell	Markey
Aspin	Foley	Mavroules
Barnes	Ford (MI)	Michel
Bartlett	Franklin	Mitchell
Bonior (MI)	Gejdenson	Moakley
Bonker	Gephardt	Moody
Boucher	Grotberg	Morrison (CT)
Broomfield	Heftel	Nichols
Chappie	Hillis	Oxley
Coelho	Hubbard	Parris
Coleman (MO)	Hyde	Porter
Conte	Kemp	Rodino
Crockett	Kindness	Roth
de la Garza	Lehman (CA)	Savage
Dornan (CA)	Leland	Weiss
Dymally	Lott	Wilson
Evans (IA)	Madigan	Wright

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that today when the Houses meet in joint meeting to hear an address by the Prime Minister of the Republic of Italy, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of February 21, 1985, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 27 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE HONORABLE BETTINO CRAXI, PRESIDENT OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ITALY

The SPEAKER of the House presided.

The Doorkeeper (Hon. James T. Molloy) announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the Prime Minister of the Republic of Italy into the Chamber:

The gentleman from Texas [Mr. WRIGHT];

The gentleman from Washington [Mr. FOLEY];

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Florida [Mr. FASCELL];

The gentleman from New York [Mr. ADDABBO];

The gentleman from Illinois [Mr. ANNUNZIO];

The gentleman from New York [Mr. BIAGGI];

The gentleman from Illinois [Mr. RUSSO];

The gentleman from California [Mr. PANETTA];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from New York [Mr. KEMP];

The gentleman from Michigan [Mr. BROOMFIELD];

The gentleman from Massachusetts [Mr. CONTE]; and

The gentleman from California [Mr. LEWIS].

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the Prime Minister of the Republic of Italy into the House Chamber:

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Alaska [Mr. STEVENS];

The Senator from Indiana [Mr. LUGAR];

The Senator from New Mexico [Mr. DOMENICI];

The Senator from New York [Mr. D'AMATO];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from West Virginia [Mr. BYRD];

The Senator from Vermont [Mr. LEAHY];

The Senator from Maryland [Mr. SARBANES];

The Senator from Rhode Island [Mr. PELL]; and

The Senator from New York [Mr. MOYNIHAN].

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d' Affaires of foreign governments.

The Ambassadors, ministers, and chargés d' Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 5 minutes a.m., the Doorkeeper announced the President of the Council of Ministers of the Republic of Italy.

The President of the Council of Ministers of the Republic of Italy, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the great honor of presenting to you the President of the Council of Ministers of the Republic of Italy.

[Applause, the Members rising.]

ADDRESS BY THE HONORABLE BETTINO CRAXI, PRESIDENT OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ITALY

(President CRAXI addressed the joint meeting in Italian. The English translation of his address follows:)

Mr. Speaker and Mr. President, distinguished Members of Congress,

It is a very moving experience for me to speak before this joint session of the Congress of the great, free and noble American nation.

I know that the invitation you extended to me reflects the importance of the bond of friendship between the United States and Italy, and that it is also a reaffirmation of the high esteem you harbor for the Italian Nation.

The alliance with the United States remains one of the essential foundations of our international relations system. An alliance freely chosen, freely confirmed, founded first of all upon the consideration of the profound values of our common civilization, of your love for liberty, of the strength of your democracy.

There is a sharing of culture and values between the United States and Italy which has ancient roots. It dates back to our Risorgimento, which, like the American Revolution, in its purest expressions, drew always inspiration from the purpose to place the unity and the independence of the nation at the service of the fundamental freedoms of the individual.

This sharing of ideals was at the basis of the deep friendship between Thomas Jefferson and Filippo Mazzei, and it found concrete manifestation in the contribution of that Tuscan scholar to the drafting of the Declaration of Independence of the United States.

There is in American history a great tradition in the defense of the principles of liberty. It has its strong roots in the conscience of your country. Many European politicans erred in their estimates of what the United States would have done in the face of the First and then the Second World War. Theirs were shortsighted calculations. They did not understand just how attached the American democracy was to the democracy of the old world, which had been an inspiration for America from its very birth as a nation.

Again and again in the history of the American democracy we see emerging an impetuous current of idealism, which we got to know, esteem and love—a great sense of life, an extraordinary spirituality, and an ever alert consciousness that any strike against liberty is a strike against America. To this spirit of yours, I offer the words voiced by a great Italian, who died as an exile because of his love for freedom, Filippo Turati: "All freedoms are united; an offense to one is an offense to all of them."

A special bond unites Italy to America. It is constituted by the millions of emigrants who came from our land to this country and took part in the great human phenomenon which witnessed the merger and unification of so many cultural roots in the creative process of a great nation.

We are pleased that also the Italians have made their contribution to this process through our typical characteristics of a young and ancient people; hard work, tenacity, talent, and human as well as family solidarity. We are pleased that the descendants of our emigrants have been able to emerge as one of the most vital and active components of the great and pluralistic American society. Coming from the land of their fathers and of their mothers we are proud to be able to offer them an always better, more modern, more progressive, more civil image of today's Italy.

My presence here is already an implicit acknowledgement on the part of the American people of what Italy represents: a nation among the freest, side by side with you and with the other free nations, committed to the defense and the development of the values of a common civilization.

Forty years ago, Italy was a wounded, devastated country. Today she stands among the major industrialized democracies in the world.

This was a great success achieved by the Italian people, through hard work and sacrifices, thanks to their genius and creativity, their firm determination to defend their rewon freedom.

Your help in the most trying circumstances was not in vain.

This economic and social process took place with a growing degree of integration of the Italian economy in the international economy. Today the Italian economy is one of the most open economies in the world. It is therefore very much interested in an ever increasing intensification of international financial and trade relations in conditions of stability. Every factor of instability and disorder has negative effects on our economic life, increasing the difficulty and the complexity of our problems. It is in the common interest of all industrial democracies that persistent imbalance factors be reduced under conditions of continuing economic growth.

It is in the interest of all Western democracies to avoid the possibility of a worsening of imbalances between countries and within countries. Everyone must be placed in a position to be able to take full advantage of the new technologies in which your country is in the vanguard.

We, on our side, intend to respect all the goals which we have set ourselves and to meet the expectations of our friends, both those who are stronger and richer than we are, as well as those who are not as strong and as rich as we are but who do count on us for their progress.

We are sure to be able to perform the tasks before us.

We have won a hard-fought battle against terrorism. It has left behind a wake of blood and grief, in the tragedy of those "years of lead," which we cannot cancel from our memory. But they cannot come back anymore.

With equal firmness, we face the assaults and the threats of a new international terrorism and the other phenomena which threaten civil society, such as organized crime and drug traffic. In this struggle, cooperation between Italy and the United States is of invaluable help; a complete, effective, courageous cooperation which has already produced positive and concrete results, thereby rewarding the decision President Reagan and I made in 1983 to undertake a joint effort aimed at carrying further on the fight against criminal enterprise.

In international life, we consider peace the absolute and supreme value; we work for peace founded on security for all, in the fundamental respect of the independence of States and people.

In the Atlantic Alliance, Italy wishes to continue to be a loyal and convinced partner. Our intent is based on the conviction that the security of Western Europe and North America is indivisible and it can only be guaranteed by strengthening the bonds which unite us.

Mutual respect, equal dignity, common values have built among the free countries of the West a political, civil, and military solidarity without precedent in history. It allows every nation to pursue in a climate of security the free planning of its own development and the free protection of its own interests.

We have accepted the deployment of the Cruise missiles on our territory within the framework of a common assessment concerning the necessity to reestablish the balance of forces in Europe. At the same time we have encouraged all possible initiatives leading to negotiations in the field of the control of armaments and to the reopening of a dialogue between the United States and the Soviet Union.

But the bonds of alliance and friendship with the United States have also taken us beyond the European borders of the alliance and brought us side by side with you in crisis areas like the Middle East.

In Beirut, for long months the Italian soldiers have stood side by side next to your soldiers, working together in a spirit of brotherhood in order to safeguard peace.

In the Sinai, our soldiers and yours perform together an important mission and this collaboration parallels that between our navies in the Red Sea at the very mouth of the Mediterranean Sea. Italy lies at the center of the Mediterranean Sea and her history for 2,500 years has been linked to the history of that sea.

Today, the Mediterranean Sea has once again become one of the troubled crossroads of international politics and the theater of multiple tensions as well as dangerous crises.

We would therefore like to see soon the beginning of a genuine movement toward lasting peace between the Arab and Israeli peoples. We would like to see a solution of the Palestinian problem taking shape within a context of security for all the states of the area and of justice for all the peoples involved.

The Mediterranean Sea should become a great area of peace, one of the major meeting points between the industrialized countries and the developing countries. This is the true direction of our efforts, a direction which we sustain, constantly increasing the share of our budget which is devoted to the aid for developing countries; in particular, we are focusing our efforts on the African countries which are today besieged by hunger.

We start from the conviction that the great inequalities today existing in the world are the real, true "social question" of the last part of this century and of the years beyond.

The free western countries which are in the vanguard of progress and development share the fundamental and unavoidable duty of helping the poorer countries, progressively increasing the effort to assist them and to reduce the existing inequalities in the world.

Likewise the free western countries also share a common duty of solidarity whenever faced with legitimate demands for freedom.

I am coming from Montevideo where we have participated in the joyful festivities which have marked the return to freedom and democracy of that very civilized country, after 11 years of military dictatorship.

I think that all democratic countries, because of their love for Latin America, should coordinate their efforts and join their energies to try to stop every authoritarian tendency and every unjustified recourse to violence. They should not tolerate those dictators who at times speak in the name of the western world although they have nothing in common, and cannot have anything in common with western free democracies.

Above all others, there is the request for freedom of the Chilean people, a people with civilized and democratic traditions which has a right to free elections. And this request needs the unconditional support of all of us.

My visit to Washington and the talks I have had with President Reagan took place at a particularly important moment for security and peace in the world, on the eve of renewed negotiations on arms control with the U.S.S.R.

Reopening the negotiations was a wise and right decision, greeted everywhere with a feeling of relief and hope. The Italian Government expressed a very positive judgement, which I wish to reconfirm to you today.

The dialogue with the East represents an essential channel to avoid the risks of a conflict and to build, in a climate of security, a good and solid peace. All of us want to believe in the possibility that one day we will succeed in eliminating the risks of war and of a nuclear conflict.

No one is happy that peace is defended by ever more dangerous weapons. We all wish that our security and the world stability would no longer

depend upon the reciprocal massive destruction capabilities of the two blocs. But today it is still necessary that our deterrent capacity be strong and that it be updated as the progress of science and technology continues relentlessly. We view with interest the research program for the strategic defense initiative announced by President Reagan. Such a program appears to us as completely compatible with the existence of the ABM treaty, which must nevertheless continue to constitute an important reference point in the future negotiations in Geneva. I think that any future result and application should fall within the field of the negotiations, in view of the necessary solutions to be agreed upon.

Italy considers the friendship and the alliance with America as an inseparable aspect of its policy aimed at the construction of European unity.

There is no conflict, for us, between Europeanism and Atlanticism. We consider the relationships of friendship and cooperation between Europe and the United States as indissoluble and permanent. A united and continuously progressing Western Europe will exert a peaceful and positive attraction, showing to the peoples of Eastern Europe the superiority of the values of liberty.

The process of European construction proceeds even among difficulties and uncertainties. The most urgent task is that of the inclusion of Spain and Portugal in the Community, bringing into being an essential political design for an ever closer union among the free peoples of the old continent. We also wish to bring about a better coordination of our economic policy actions, and a better European coordination of the monetary policy in the necessary correlation with that of the United States.

Europe intends to broaden the cooperation in the advanced sectors of industry and technology, but in this field also the relationship with the United States is of essential and decisive importance. In Europe we all face the unemployment problem. It is the great problem and the great troubling unknown of these years. We must reverse negative tendencies, remove rigidity and obstacles, tie together the capacity of modernization and development with the creation of job opportunities.

A united, strong, and prosperous Europe means greater security. Cannons and the certainty of one's own strength are not the only vehicles of peace. Peace also travels through trade and cultural exchange, through aid, cooperation, justice, and social stability.

A great American President, Franklin Delano Roosevelt, in a memorable address, taught us that there can be no individual liberty where economic indepencence is lacking: "Needy men are not free men." "Benevolence and truth shall meet, justice and peace shall embrace" reads the Book of Psalms.

Prosperity nourishes desires which serve as a positive thrust leading to new conquests and even greater prosperity. Among the desires, let us bring about an increase in the one for a greater and more certain peace based on justice and equality for all the world: then swept away before us shall we see so many mistaken myths and the legion of erroneous convictions which still arm peoples and set them one against the other in such an inhuman way.

Mr. Speaker, distinguished Members of Congress, Italians and Americans have the same faith, honor the same values, defend together the most valuable assets, peace and liberty. We understand each other. Ours is a valuable relationship. Let us preserve it, and in the interest of our peoples, let us make this ancient friendship always stronger.

In an heroic era, characterized by great passions and great ideals, America extended its hospitality to a great Italian political exile, who fought for liberty and democracy in Italy and in America and who conceived always liberty as an indivisible heritage of all people—Giuseppe Garibaldi. President Lincoln offered him a military command at the time of the Civil War. In the noble letter the Italian general sent in answer, he spoke of his love for his country and for the "great friendly nation."

In the same spirit, today I convey the greetings of Italy to the representatives of the "great friendly nation."

[Applause, the Members rising.]

At 11 o'clock and 32 minutes a.m., the President of the Council of Ministers of the Republic of Italy, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 34 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until 12 o'clock noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MURTHA] at 12 o'clock noon.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A TRIBUTE TO A GREAT BLACK MAN, CHARLES R. HADLEY

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, yesterday I had the sad duty of attending the funeral of one of my most beloved friends, the Honorable Charles R. Hadley in my district. Therefore, I was not able to be here.

Mr. Speaker, the Honorable Charles R. Hadley was a black man who was to me like a brother. For almost 50 years he and I had worked together since I first got him a scholarship at Florida A&M College, enabling him to finish his education.

He was a great citizen of Dade County, a great citizen of Florida, a great American. I honor and shall always cherish the friendship of my beloved friend, Charles R. Hadley.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, had I been here yesterday, I would have, of course, answered the quorum call, and on rollcall 26 I would have voted "aye," and on rollcall 27 I would have voted "aye."

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed, without amendment, a bill of the House of the following title:

H.R. 1251. An act to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986 and substitute highway and transit projects for fiscal years 1984 and 1985.

The message also announced that pursuant to the provisions of section 1024 of title 15, United States Code, the following Senators are appointed as members of the Joint Economic Committee: Mr. ABDNOR (vice chairman), Mr. ROTH, Mr. SYMMS, Mr. MAT-

TINGLY, Mr. D'AMATO, Mr. WILSON, Mr. BENTSEN, Mr. PROXMIRE, Mr. KENNEDY, and Mr. SARBANES.

COMMITTEE ON ENERGY AND COMMERCE SUBCOMMITTEE RATIOS

(Mr. RINALDO asked and was given permission to address the House for 1 minute.)

Mr. RINALDO. Mr. Speaker, several of my Republican colleagues have spoken on the issue of subcommittee ratios on the Committee on Energy and Commerce. They have made the very good point that discriminatory ratios such as those adopted by the committee Democrats deny American voters the kind of representation for which they voted last November.

I would like to raise another point: That discriminatory ratios will cause needless bickering and stagnation within the committee which will result in little movement on the important issues before the committee. This is just as unfair to the American people as the denial of fair representation.

Observers of the Committee on Energy and Commerce know that although our proceedings are often contentious, this generally results in legislation which has benefited from maximum input from all parties concerned. When certain proponents of legislation within the committee refuse to compromise, that bill often dies in the committee, or is defeated or radically altered on the floor.

The Republican members of the Energy and Commerce Committee are not asking for much. We merely want the ratios of our subcommittees, where much of the work on our issues is performed, to fairly reflect the ratios of the full House. Specifically, we have asked for 40 percent of the subcommittee slots, less than the 42 percent Republican share of House seats.

THE ADMINISTRATION'S ATTACK ON THE INDEPENDENT STUDENT

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, there is a very special group of young people whose ability to go to college is currently under attack by the administration. This group of young people is classified as the independent student.

Currently, if a person lives independently of his or her family in a separate residence and files income taxes on his or her own, this person is independent, regardless of age. This administration proposes to destroy the chances of these hardworking and determined individuals if they happen to be under the age of 22. There are today over 500,000 of these young people working their way through school. They are mainly from low-income families and broken homes.

By insisting upon a substantial family contribution, this administration is ignoring the reality of American family life today. Are they unaware of the number of single parent households? Are they unaware of the inability of low-income families to feed and clothe, much less provide college educations? I urge you, as legislators, not to ignore the special needs of the independent students simply because they do not fit into the idea of how our world should be. These students deserve our help and should not be denied a higher education.

OUTRAGEOUS DISCRIMINATION AGAINST MINORITY COMMITTEE MEMBERS

(Mr. WHITTAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTAKER. Mr. Speaker, I have a couple questions for our Energy and Commerce majority party colleagues and their actions. Those questions are, what is wrong with proportional representation in America?

Second, why has our committee been singled out for the kind of abuse they have perpetuated?

The outrageous discrimination against the 17 minority party members on our committee is really discrimination against our 8 million constituents. Quite simply, these 8 million Americans are being denied effective representation in the House because the votes of their Congressmen count far less than the votes of other Congressmen in this body.

The discrimination that has been perpetrated by the majority party leaders on our committee is far more serious than in any other committee in this House. Let me repeat that: There is some deck stacking by the majority party leaders on some other committees in this House, but it is far worse on our committee than on any other committee in this body. The Democratic leaders of our committee have proposed to deny the minority party an average of 1.33 seats on each subcommittee. The discrimination on the other committees does not even come close.

The American people have a right to know why the majority party leaders on our committee have found it necessary to be so discriminatory.

FARMERS ARE NATIONAL DEFENSE, TOO

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, at a breakfast meeting this morning by the President with Democratic Members of Congress, I requested the President to review again possible action on the emergency farm credit legislation which the House passed yesterday.

The President of the United States told me that only 30,000 to 60,000 farmers will be forced to leave their farms this year; only 30,000 to 60,000 middle-sized farmers, the President said. He then asked me to approve additional funding for the MX missile.

Mr. Speaker when we talk about national defense we are talking about more than just the MX and other defense apparatus. We are talking about farmers of this country: We are talking the livelihood of those people. Mr. Speaker, we are talking about more than 30,000 to 60,000 farmers who the President says are expendable.

The President left us with the impression that he would veto the legislation. I urge my fellow Members to consider this President's actions and words when you are asked to override this veto. This President says we can well afford to increase funding for defense but we can't help these middle-sized farmers who are the family farmers and the economic backbone of this country. Mr. Speaker, without this backbone there is no need for an increase in defense spending.

THE CHARADE OF NOT SEATING CONGRESSMAN-ELECT RICK McINTYRE

(Mr. McMILLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLAN. Mr. Speaker, I also wish to add my statement of protest to the charade being carried out by the majority party of the House in adopting a resolution not to seat Congressman-elect Rick McIntyre.

There is particular sensitivity about this issue in my case. You see, I was elected to the Congress with 321 votes—97 votes less than this contested race, but 320 more than is needed in a true democracy.

I was elected, certified and seated as a Member of Congress, even though:

Many Republican precincts were short changed voting stations by a Democrat-controlled elections board.

My opponent sought a recount in three of four counties, despite the fact that North Carolina law requires evidence of voting irregularities that could have changed that outcome—none was claimed and the petition was denied.

All tallies were reconfirmed and double counts corrected.

The Associated Press reported to the national press that my opponent had several thousand more votes than was

actually the case and therefore the winner.

Several publications listing the Members of the 99th Congress listed my opponent as the victor.

I won because I received the most votes and was duly certified, under North Carolina law, by each election board—three of four were Democrats—and by the Democrat secretary of state and the Democrat Governor.

Just as each of you did, I won because we rely upon the timely and established execution of election laws and certify the peoples' will, district by district, all across America—except in Indiana's Eighth.

Gentlemen, let's get on with it. Let's stop this partisan charade and let the will of the people in Indiana's Eighth District and the people of America be served.

We have a second American revolution to undertake.

□ 1210

SEATING OF RICHARD McINTYRE

(Mr. COBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBEY. Mr. Speaker, I would like to read a paragraph from an article printed today in the Washington Times. This article brings light to the Rick McIntyre situation.

The paragraph reads:

For those who have missed recent episodes of the C-SPAN video spectacular, "The Congressman Who Never Was," Mr. McIntyre was duly elected to represent his State's Eighth District, but was put on indefinite hold by House Democrats, desperate to find some way of stopping Republicans from winning their seats. The easiest way, they found, was abolishing democracy.

Mr. Speaker, I don't come to the House floor to bring attention to this issue to enhance Republican Party politics. I do so because I have a strong commitment to democracy. The paragraph I just read, spoke of the real threat we are facing; the abolishment of democracy.

True democracy is government by the people, exercised either directly or through elected representatives. The citizens of the Eighth District of Indiana are being denied democratic representation in the House which is guaranteed under article I of our Constitution, and this is my concern.

CHILDREN AND THEIR GRANDPARENTS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I recently read a newspaper story which described how, in south Florida, the young and senior citizens are bitterly split over Social Security. The article portrayed young people as selfish and uncaring toward the elderly—and older people as selfish and uncaring toward the young.

I don't think those observations are typical of America as a whole. Some time ago, I publicly called for a 1-year freeze on all Federal spending, including a freeze on Social Security COLA's. Since then, I have received calls and letters from a number of retired people who support that position, because they don't want to leave their grandchildren with a mountain of public debt.

We must resist the temptation to set group against group, and age against age, or we risk losing the goodwill and generosity of the American spirit. Everyone is a valued member of the extended American family. Young people have grandparents. Older people have grandchildren. They know firsthand about each other's needs and problems. They care about each other.

Mr. Speaker, that's as it should be, and in this time of needed budgetary concern, fairness to all must be our guide.

DENNIS OLSEN OF IDAHO FALLS, ID, "MR. CITIZEN"

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, I speak of Dennis Olsen of Idaho Falls, ID, who died last Saturday. He was chairman of the Idaho Republican Party.

There are some public figures who serve their party's goals. We call them Democrats and Republicans.

Then there are some public figures who are partisans for the people. I call them citizens.

Dennis Olsen was Mr. Citizen.

He was also a public friend who advised me and a private friend who counseled me. Thus I am sad for losing a dear man, a good friend.

As a public figure I learned from his unselfish and upright example. I know that he could have worked fewer hours each day and still been a success. But he worked 18-hour days because much of each day he volunteered his time to further others' futures.

At the root of his stamina was his religious faith. He didn't campaign on it. He lived it and this is his testimony and legacy to those who follow.

Certainly his wife Sheila and nine children are in everyone's prayers. We hope they can ease their pain with their knowledge of the love that filled theirs and others' lives.

His leaving is also a loss to his town, State, and country. For just as Dennis Olsen knew that 200 years ago it was the Jeffersons, Henrys, Madisons, and Washingtons who inspired this country's greatness—we know it is the Dennis Olsens who keep this country great.

Goodbye, Mr. Citizen. We will miss you.

MR. McINTYRE SHOULD BE SEATED BASED ON PRINCIPLE

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I am here today to ask a question regarding the vote we took last Monday on the seating of Congressman-elect McIntyre. On the first day that I was sworn into this House, we had two votes: One with respect to the Second District of Idaho; one with the Eighth District of Indiana.

In both cases, we were asked to vote on whether or not the properly certified person would be seated, and in both cases, one for the Republican from Indiana, one for the Democrat from Idaho, I was compelled by the principle to vote to seat the man with the certificate.

Last Monday we had a vote on the same issue regarding Congressman McIntyre and I found that the Congressman from Idaho voted not to seat Congressman McIntyre.

I have to ask, Mr. Speaker, on what principle could that vote have been cast? Why could not the Congressman from Idaho see that the same principle that allowed him to take his duly elected seat should have been applied to his colleague from Indiana.

A CALL FOR FAIRNESS IN THE SEATING OF RICHARD McINTYRE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, far be it from me to question the motives of any Member of this House, but yesterday during special orders, the soliloquy was presented to this body, trying to confuse the issue of seating Congressman-elect Richard McIntyre of Indiana.

Mr. Speaker, no amount of rhetoric and twisting of the facts can hide the true fact: McIntyre won the election on election night by 34 votes; he was certified by the secretary of state in Indiana; he won a recount of all 15 counties of his district and again the certificate reaffirmed by the secretary of state of Indiana.

We can make light of this issue, but this is not a soap opera; this is real life. This is a blatant disregard for the integrity of the elective process.

All that we ask, all that we ask is that the people of Indiana be represented while deliberations are going on in this House. That is all we ask, is for fairness.

MAJORITY SHORTCHANGING MINORITY IN SUBCOMMITTEES OF THE COMMITTEE ON ENERGY AND COMMERCE

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, I think all of us are aware by now that the majority party had decided to shortchange the minority members of the Energy and Commerce Committee in the formation of subcommittees.

Indeed, in each of the six subcommittees of the Committee on Energy and Commerce, the minority party has been shortchanged one member. People wonder why is it that the majority party would attempt to abuse power in this way, and what justification is offered.

The justification that is offered, ladies and gentleman, is that our colleagues in the majority party claim that they have morally superior positions on a variety of issues, and consequently an abuse of power is justified in order to ensure that those positions are enacted into law.

This is a slippery slope down which we can slide. Because it harms the process, by abusing power. But it also undermines the very goals of our colleagues who claim to have these morally superior positions.

I believe that in the long run they will find that their positions will not survive in committee or on the floor, and in fact they will lose any sense of moral superiority that they now have, as they abuse power.

We in the minority are fighting for principle; we are fighting for our constituents; we are fighting against abuse of power, and we will fight on.

□ 1220

UNFAIR SUBCOMMITTEE RATIOS SUBVERT MAJORITY RULE

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, Democrat Joseph A. Califano, Jr., who served Presidents Johnson and Carter, wrote in the Washington Post last Sunday that, "The party's margin in the House is a tribute to gerrymandering by Democratically controlled State legislatures, not to electoral popularity." He traced several practices to "an elitist conviction" that some Democrats cannot trust the people to vote on a "one-man, one-vote" basis. The result, he said, is that the "fringes" are imposing their views on a majority of his party.

Well, it seems that gerrymandering is not confined to State legislatures. We have our own version on the Energy and Commerce Committee, where subcommittee ratios do not yet reflect the two parties in the full committee or the full House. Republicans are 42 percent of the House and 40 percent of the committee, yet on four subcommittees only 37.5 percent with the other two at 38.9 percent. We are decidedly underrepresented.

This, too, stems from a distrust of one man, one vote by some who would impose their will, not just on Republicans, but on a majority of Democrats. It is time for the "silent majority" within the majority party to join us in achieving fair ratios.

As Mr. Califano said: "It's not the Democrats alone who suffer from their preoccupation with caucus and fringe politics. It's the country."

JOSEF MENGELE SHOULD BE BROUGHT TO JUSTICE

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, modern history has witnessed countless examples of brutality and terror committed against all of humankind. Yet, perhaps no single person exemplifies this infinite capacity for evil as the notorious Nazi war criminal Josef Mengele.

The chief doctor at Auschwitz-Birkenau during World War II, Josef Mengele was personally responsible for sending over 400,000 Jews, including close to 200,000 children, to their deaths in gas chambers and conducting inexplicable atrocities through "scientific" experimentation on prisoners in the camp. Dr. Mengele's work has been amply documented in the 40 years since the liberation of Auschwitz, with the victims of his experiments living proof of his handiwork.

Josef Mengele has lived in freedom since the end of World War II, first in his hometown of Gunzburg and then, in South America. Last seen in Paraguay, a country which granted him citizenship in 1959, he is believed still living there by most authoritative source on his case.

It is indeed imperative that we now dedicate our full resources to gaining his arrest and extradition. Today I'm introducing a concurrent resolution establishing an approach that could help bring Josef Mengele to justice.

I call upon my colleagues on both sides of the aisle to join me in cosponsoring this initiative.

AN INVITATION TO QUESTION ED SIMCOX ON INDIANA ELECTION

(Mr. BOULTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOULTER. Mr. Speaker, as a Republican Congressman from Texas, I am faced with many issues in my State which requires me to deal with my Democratic Governor, Mark White. In the effort to get the U.S.S. *Wisconsin* based on the Texas coast, Governor White's office has worked with mine in order to make the best possible unified case for that effort. In order to find a viable alternative method for the nuclear waste disposal site which is proposed for Texas, Governor White's staff has been supportive of my proposal to study such an alternative.

Governor White and I share the public trust in each of our positions. We presume each other's authority, and neither of us question the other's performance on matters prescribed to the duties of each of our offices.

Mr. Speaker, today, Ed Simox, the secretary of state from Indiana, will be in room 2318 of the Rayburn House Office Building from 2 to 4 o'clock to answer any of our questions on the election of Rick McIntyre. Just as I do not question the judgment of the Democratic Governor of Texas when it comes to State matters, I challenge the Democratic Members of this body to not second guess the ability of the Republican secretary of state from Indiana. If any Member wishes to speak from an informed position on the controversy surrounding the Eighth Congressional District of Indiana, I urge each and every one of you to attend this meeting at 2 o'clock to hear Ed Simcox.

COMMITTEE ON ENERGY AND COMMERCE SUBCOMMITTEE RATIOS

(Mr. SCHAEFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, it is crucial that the Members of this body, and the American public, are aware of the actions which have been taken by certain Democrats on the Committee on Energy and Commerce to deny fair representation to the Republicans who serve on the committee.

Last Tuesday, February 26, the committee met in an organizational meeting. The ranking Republican, our friend JIM BROYHILL from North Carolina, offered an amendment to the committee rules, the merits of which were beyond question to the unbiased observer.

Congressman BROYHILL'S amendment would merely have required subcommittee party ratios to "approximate" the party ratios of the full House. Inexplicably, this amendment was rejected on a straight party line vote. What is most distressing about this result, is that only 3 out of 25 Democrats on the committee even debated the amendment; none of the Members addressed the questions of fairness raised by the supporters of the amendment; and a motion to limit the time for consideration of the measure was adopted, also on a straight party line vote. This body should be aware of these inexcusable partisan activities which serve to deny the American people their fair representation in the U.S. House of Representatives.

Last November Republican candidates were awarded 42 percent of the seats in the House. Those of us who serve on the Committee on Energy and Commerce are not even asking for this percentage on our subcommittees, where much of the basic work on our committee's issues is performed; we are willing to accept 40 percent of the subcommittee slots.

We have been denied even this ratio. I leave my colleagues with this one question—why have certain Energy and Commerce Democrats decided that this 60-40 Democrat to Republican split is unfair? Anything less is clearly unfair to the American people.

LET US SEAT RICK McINTYRE

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, in recent afternoons we have been treated to a spectacle of a crushing example of legislative apartheid, exercised by a majority which has prided itself for its deep concern for the rights of all oppressed people.

This regrettable embrace of legislative apartheid and a raw abuse of power openly espoused by the leaders of this body dispatched to the floor for this purpose is a sad and dangerous precedent.

Let us gather and seat the man from Indiana who has the certificate and is entitled to his seat in Congress.

THE INCOME MAINTENANCE INTEGRITY ACT

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, today I am introducing the Income Maintenance Integrity Act; a bill which is designed to encourage States to ferret out fraud from the welfare system while at the same time boosting assistance to the truly needy.

Very simply, my bill will provide an incentive for States to implement a comprehensive cross checking of recipient bank accounts to find those who are hiding assets in excess of what is allowed.

Such a program of bank cross matching has worked in my State of Connecticut, where at only 6 banks, over 3,300 recipients were found to have possessed over $11 million in illegal bank assets.

The Department of Health and Human Services estimates that if all States did this cross matching, over $465 million would be saved the initial year, with $245 million in additional savings each year thereafter.

What my bill would do with these savings—which come from welfare cheaters—is simple: States would be encouraged to give half the total savings back to the truly needy in the form of higher benefits, or for example, job training programs. The Federal Government would also share in the savings, and this will help reduce the deficit this country is facing.

RICK McINTYRE IS THE WINNER

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, today is the 63d day that the constituents of the Eighth Congressional District of Indiana have been without representation in this body.

Mr. Speaker, there is no natural calamity, there has not been a death of the incumbent Member, there has not been a resignation of the incumbent Member to seek higher office. Mr. Speaker, there is a winner. His name is Rick McIntyre. He won on election night by 34 votes. He won after the recount by 418 votes.

In the debate in this House on Monday, there were allegations that certain minority groups in Indiana had been disenfranchised by the Republicans. That allegation is false.

I have for the RECORD before me the vote tallys on both election day and after the recount.

□ 1230

I would point out in the two counties where the majority of the votes were disallowed, those counties, in Greene County and Vanderburgh County, were controlled by a recount committee, that there were two Democrats and one Republican.

Mr. Speaker, we have got many serious issues before this body. I think the constituents of the Eighth Congressional District need representation. We need to seat Rick McIntyre immediately. He won.

The vote tally is as follows:

INDIANA 8TH VOTE TALLY

	McIntyre results			McCloskey results			Recount committee	
	Election night	Recount	Difference	Election night	Recount	Difference	Democrat	Republican
County:								
Crawford	899	883	−16	1,387	1,353	−34	2	1
Daviess	6,417	6,407	−10	4,706	4,707	+1	1	2
Gibson	6,378	6,378		8,572	8,572		2	1
Greene	7,243	6,978	−265	6,317	6,152	−165	2	1
Knox	8,451	8,443	−8	8,586	8,589	+3	1	2
Lawrence	10,560	10,560		6,452	6,443	−9	1	2
Martin	2,479	2,475	−4	2,743	2,730	−13	2	1
Monroe	12,469	12,443	−26	10,269	10,238	−31	1	2
Orange	5,181	5,130	−51	3,244	3,206	−38	1	2
Pike	2,823	2,823		4,132	4,134	+2	2	1
Posey	5,004	5,003	−1	5,921	5,922	+1	2	1
Spencer	5,293	5,305	+12	4,528	4,531	+3	1	2
Vanderburgh	31,978	30,484	−1,494	38,630	36,581	−2,049	2	1
Warrick	7,911	7,564	−347	9,123	8,856	−267	2	1
Washington	3,404	3,402	−2	1,846	1,846		2	1
Total	116,490	114,278	−2,212	116,456	113,860	−2,596		
Margin of victory	34	418						

Note.—Total votes disallowed, 4,808.

CONGRESSMAN ANTHONY INTRODUCES LEGISLATION TO REQUIRE THAT CHEMICAL WEAPONS BE DESTROYED ON-SITE

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANTHONY. Mr. Speaker, the National Academy of Sciences, in a recent report, urged the Army to proceed with demilitarization of obsolete and unserviceable chemical munitions. The Army is, in fact, proceeding with plans to demilitarize that portion of the chemical stockpile that has no military use.

Chemical munitions are stored in seven States, including my own State of Arkansas. What concerns me is the possibility that these deteriorating munitions may be transported across the country to a single demilitarization site or to regional demilitarization sites.

This should concern us all. Specifically, it should concern my colleagues in at least 23 States. Some of the planning documents that I have seen show that these chemical munitions could be hauled by truck or train through 23 States in order to get them to demilitarization plants.

The Army has an outstanding safety record when it comes to handling these munitions. But these munitions are old and, in some cases, leaking. Every time one is moved, it increases the chance of an accident. The greater the movement, the greater the risk.

The M-55 rockets, which are stored at five different sites in the United States, have been given priority for demilitarization. The National Academy of Sciences' report described the M-55 rockets as the most dangerous items in the stockpile. They are loaded with deadly nerve agent. According to the report, "M-55 rockets are the source of the greatest number of leaking munitions and are the leading concern in each depot's maximum credible event because of the possible harm they can inflict on workers and civilian populations."

Do you want M-55 rockets transported over the highways or railways in your State? I certainly don't want them transported through the State of Arkansas.

I am at a loss to understand why the Army is even considering moving these chemical munitions instead of destroying them on-site, particularly after reading the National Academy of Science report. Noting that "safety must be the primary consideration," the report concluded that "transporting munitions such as M-55 rockets to centralized disposal sites would not be safer than on-site disposal." It added, "M-55 rockets should be destroyed where they are located because they exhibit the highest proportion of leakers and are the weakest agent-containment vessel."

The National Academy of Science also pointed out it was time to get on with demilitarization because "parts of the stockpile are deteriorating" and "this poses some finite risk both to off-site civilian populations and to those who must work at the depot." The transportation studies the Army is currently conducting can only delay the process of getting plants built and destroying these munitions. Therefore, I am introducing today legislation to require that chemical weapons be destroyed on-site, where they are located. Let's end this nonsense about moving these lethal, deteriorating, dangerous chemical munitions around the country. I invite my colleagues who share my concern about moving chemical weapons across this country to join with me in sponsoring this legislation.

AN OPPORTUNITY TO OBTAIN FACTS CONCERNING INDIANA CONGRESSIONAL ELECTION

(Mr. WALKER asked was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, as the issue of the seating of the gentleman from Indiana has been discussed on this floor over the last several weeks, we have heard a lot of charges about the fact that it is just simply partisan and nobody is in possession of all of the facts.

There is one person who is in possession of all of the facts: The secretary of State of Indiana, who is in fact the gentleman who is responsible for determining who should be certificated in this election.

That secretary of state is going to be here on Capitol Hill this afternoon from 2 to 4 to meet with Members, Democrat and Republican. Here is a real chance to go and talk to the man who has the facts. And we would certainly invite all Members who want to be fair about this issue to go and listen to the secretary of state and ask him some questions. If, for instance, you believe the garbage that is being spilled on this House floor about the gentleman, Mr. McCloskey, winning by 72 votes on election night, go and ask the secretary of state about that. He can put it in terms that I think most Members will understand.

So here is an opportunity to get all of the facts so that we can begin to deal from facts on this House floor. I would suggest that if Members are not willing to show up and hear the secretary of state, then that is their loss and the country's loss.

SEAT MR. McINTYRE, LET JUSTICE BE DONE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, you may have observed that I have had leadership desk duty on our side of the aisle this week because I am one of about 10 Members of this House who had an undesired break in service and has had the honor of coming back again as a Member of a new freshman class. And I think, Mr. Speaker, you have observed that on both sides of the aisle, particularly on ours because we out number the majority side in the freshman class by a factor of about 3, that this is a spirited class of fine legislators from every corner of this country, that they have an elan and a spirit that will make its mark on this House.

I ask you to please let justice be done and to seat Rick McIntyre.

In a few moments I am going to the Science and Technology room, 2318 of the Rayburn Building, to question very hard the secretary of state of Indiana so that we can continue to bring this before the American people. Through the magic of television, out across this country, 300,000 or 400,000 people, Mr. Speaker, every day are becoming aware of the name Rick McIntyre and the Eighth District of Indiana and that justice has not been done. Do not let a 6-year Member, who is described by one of the leaders on your side of the aisle as having one foot on a banana peel, influence your good judgment of over three decades. You know that Mr. McIntyre should be among us. We all know the importance of one vote. Look what it is doing in the Energy and Commerce Committee, look at the vote Monday to seat Mr. McIntyre lost by a vote, look at how close the votes coming up will be on the Peacekeeper missile, and continued aid to the freedom fighters in Nicaragua.

Seat Mr. McIntyre. Let justice be done.

MEMBERS URGED TO COSPONSOR H.R. 600, TO REPEAL SECTION 179(b) OF THE TAX CODE

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I wanted to speak for just a minute today about H.R. 600, a bill that I and 50 other Members of Congress have introduced about 2 months ago, to repeal section 179(b) of the Tax Code, a section that would require small businessmen and women, farmers, salespersons in this country, to keep enormous amounts of records on vehicle mileage and other assets used, both

personally and in their business. This section ought to be repealed.

Now, the Ways and Means Committee has been very cooperative with us. The chairman held hearings yesterday. And almost to a person, the committee supports, I believe, what we are trying to do. However, a few Members of that committee tried to say that it would be somehow wrong to repeal the section because the section did not hurt corporate America. It hurts farmers, it hurts salespeople, it hurts small businessmen and women. And I would like to remind that person on the Ways and Means Committee that it is small business that hires the people in America. Nine out of ten new jobs in the last decade were created by small business. Seven out of every ten Americans work today for companies that have 100 employees or fewer.

I hope that my colleagues will join us on H.R. 600. We have almost 200 cosponsors now. We just need 20, 30, 40 more Members to go over a majority. Sign up. Cosponsor H.R. 600, and we can repeal this section of the Tax Code.

GENERAL LEAVE

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from North Carolina [Mr. BROYHILL].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

VACATING SPECIAL ORDER SPEECH

Mr. DE LUGO. Mr. Speaker, I ask unanimous consent that the special order speech today by the gentleman from Texas [Mr. LELAND] be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 592. An act to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between members appointed from the House of Representatives and members appointed from the Senate, and for other purposes.

H.R. 1420, THE ADMINISTRATION'S 1985 FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MADIGAN] is recognized for 5 minutes.

● Mr. MADIGAN. Mr. Speaker, on behalf of my friend and neighbor, Jack Block, yesterday, March 5, 1985, I introduced the Department of Agriculture proposal (H.R. 1420) incorporating those changes in the basic farm law that the Department has chosen to recommend that Congress include in the 1985 rewrite of the farm bill.

There are many features of this proposal which are not acceptable to me, and which I would not expect to see accepted by many of my colleagues. However, I think it would be a mistake to pronounce the entire package as being "dead on arrival," even though that seems to have become a fashionable thing to do with many administration proposals.

I think that would be the wrong thing to do in this instance for two reasons. The first of those reasons is that there are elements in this proposal which may prove to be meritorius following a through discussion of the issues facing American agriculture now and in the future. The second reason that the "dead on arrival" pronouncement seems inappropriate to me is because such pronouncements seem to suggest that Members of Congress have made up their minds and know what they are going to do. My personal feeling is that few Members of Congress today know what their final position will be on the elements necessary to rewrite the basic farm law.

Obviously some changes must be made if American agriculture is to become more competitive in the world market. Some of the things that need to be done are beyond the reach of the respective Agriculture Committees in this and the other body. Perhaps some of the changes that need to occur are beyond the reach of the Congress as a whole. Recognizing this would be no excuse for not considering what we could do that would be beneficial to our farmers and ranchers.

In this regard, some parts of this administration proposal may be worthy of serious deliberation. One of the things we must decide will be whether or not we are most interested in policy changes or in immediate budgetary considerations. If we choose to focus on the policy changes, I believe we will have chosen wisely, and I also believe that some of the policy changes recommended by the administration can provide the parameters within which that discussion can begin.

To that end, I submit to my colleagues these proposed changes realizing that, like myself, they will reject some of these out of hand but hoping that, like myself, they will be willing to consider for discussion those items which may be identified as being worthy of consideration.

See also summary of the proposal printed in the CONGRESSIONAL RECORD, Feb. 22, 1985, pp. 3174-3201.)●

OSC OIL AND GAS LEASING PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am honored to join today with Representatives STUDDS, LEVINE, MILLER, and BOXER in introducing legislation which would restore a semblance of balance and rationality to the Federal Government's Outer Continental Shelf [OCS] oil and gas leasing program. We introduce this legislation primarily in response to the administration's areawide approach to OCS leasing, a policy which fails to consider the economic and environmental consequences of hydrocarbon development in sensitive marine areas. This approach often results in costly litigation between coastal States and the Federal Government, and has cost this Nation billions of dollars in lost revenue over the past few years. In short, we introduce this proposal in response to a Federal OCS leasing program that is out of control.

While our legislation would help provide an insurance policy against the flagrant excesses of areawide leasing, it can do little on its own to correct the fundamental inequities in the administration's overall development strategy. The administration continues to oppose legislative requirements that offshore lease sales be consistent with federally approved State coastal management programs, and it opposes legislation passed by both the House and Senate last year which would provide a share of OCS revenues to coastal States. Together with the areawide leasing approach, the administration's position on these issues has eroded coastal State and congressional support for the leasing program, support which is vital to the continued exploration and development of the OCS. In this connection, I hope this legislation will focus congressional attention not only on the need to protect the sensitive marine environments included in our bill, but on the broader policy questions raised by a misguided leasing and development program which finds us cutting off our nose to spite our face.

Put simply, our legislation would exempt certain economically, environmentally, and strategically sensitive areas offshore California and New England from oil and gas leasing and development until January 1, 2000. Our proposal affects virtually the

same areas protected by congressional leasing moratoria for the last 4 years, and would eliminate the need to seek protection for these areas on an annual basis.

We do not introduce this legislation frivolously or without regard for the future energy needs of our Nation. Our proposal would affect only those areas in which the benefits of oil and gas development are clearly outweighed by the risk such development poses to coastal environments and economies. Included in this legislation is the central and northern California coast from Pismo Beach north to the Oregon border, an area with low oil and gas potential and extreme biological sensitivity. This area includes the rugged and pristine Big Sur and Mendocino coastlines, vital commercial and sport fishing grounds, and habitats for the endangered sea otter and other unique marine species. Our legislation would also prohibit leasing in certain areas off the coast of southern California including the Channel Islands National Marine Sanctuary, the Santa Barbara Ecological Preserve and Buffer Zone, Santa Monica Bay, and a 12-mile-wide strip offshore San Diego and Orange Counties. These southern California areas include habitats for endangered marine mammals and sea birds, several sensitive fish spawning grounds, tracts near communities highly susceptible to air pollution from offshore development, and key military training areas off the coast of San Diego. The entire California provision lies contiguous to State tidelands placed permanently off limits to oil and gas development under State law.

The affected areas also lie offshore communities which are critically dependent on California's $16 billion fishing and tourism industries, industries which would be severely damaged by routine oil discharges, the visual pollution of offshore platforms, or worse—a major oil spill off our coastline. The environmental impact of such development activities would be equally destructive; for instance, according to the U.S. Fish and Wildlife Service, 100 percent mortality can be expected for individual sea otters which have been covered with oil over as little as 10 percent of their bodies. Clearly, it does not make sense to expose these economically productive and environmentally sensitive areas to offshore development, especially for the small amount of oil and gas contained in them.

In this connection, the massive oil spill which recently took place near the Farallon Islands National Marine Sanctuary illustrates both the tremendous ecological damage such spills can cause and the total inability of government and industry to respond to such crises. Government oil spill trajectory models were completely off base and spill response equipment brought in to contain the damage was completely inadequate.

For those concerned about the future of America's energy independence, the legislation which we are proposing today is perfectly consistent with America's need to expand domestic sources of oil and gas. In fact, even with the existing leasing moratoriums in place, the OCS acreage leased each year has increased dramatically. The California provisions of our bill would affect just 3.7 percent of the total OCS acreage currently eligible for lease, and just 5.3 percent of the estimated hydrocarbon resources on the Federal OCS. In addition, our legislation would leave millions of acres off the California coast open for lease and would permit the continued exploration of promising areas off Point Arguello, in the Santa Barbara Channel, and on the Tanner and Cortes Banks off San Diego. The bill would not reduce California's 1.2 million-barrel daily oil production, production which I might add reached an all-time annual high of 412 million barrels in 1984 even with the annual congressional leasing moratoriums in place.

My colleague from Massachusetts [Mr. STUDDS] will describe those North Atlantic offshore areas which are included in this legislation.

Mr. Speaker, I think it is clear that under a fair and balanced OCS leasing program, the legislation which we are introducing today would not be necessary. The sensitive, low-resource marine areas included in our bill would already have been exempted from hydrocarbon development under a rational leasing strategy. Unfortunately, because the administration continues to support the broad areawide approach to OCS lease sales—an approach which fails to address State concerns about the impact of OCS development on their coastlines—enactment of this legislation is a matter of top priority.

Prior to 1983, Federal oil and gas lease sales were conducted under a "tract nomination" system, whereby Government and industry experts identified promising offshore tracts which were then offered to industry on the basis of competitive bidding. Former Interior Secretary James Watt converted the system to an areawide process in 1983, as part of his effort to offer almost the entire OCS for lease in a matter of 5 years. Using this areawide approach, the Department has since placed huge areas of the OCS on the auction block in single lease sales, often with little effort to determine which if any of the individual tracts offered have high hydrocarbon resource potential.

Coastal States like California, Massachusetts, Texas, Louisiana, Alaska, Florida, Oregon, and Washington have all called for the abandonment of areawide leasing in favor of the tract nomination system. Recent areawide lease sales have overwhelmed their efforts to mitigate the impact of OCS leasing on their coastal zones because there is no opportunity for a proper assessment of the environmental and economic costs of leasing specific OCS tracts. The result has been a series of costly lawsuits brought by States like California and Massachusetts against the Department of the Interior, which only serve to delay the offshore leasing program at the taxpayers' and industry's expense.

This is perhaps the most important point; the areawide approach to OCS leasing does not provide adequate protection to certain offshore areas which are especially sensitive to the environmental, economic, and military impacts of offshore development. Congress has been forced to protect these areas itself through enactment of a series of limited leasing moratoria for unique coastal areas off California and Massachusetts, where the benefits of OCS development are clearly outweighed by the risks to coastal economies and environments.

Not only does the areawide approach fail to provide adequate protection for certain sensitive offshore areas, it also does not take into account changing petroleum market trends which affect the value of OCS tracts offered by the Federal Government. In the face of tumbling world-wide oil prices, the administration continues to offer huge offshore areas in single lease sales to an industry with little interest in what is on the table. Of the 265 million acres offered since the areawide process first went into effect, industry has only leased 13 million acres. In one case—the North Atlantic lease sale held last year—not a single industry bid was filed for any of the 1,138 tracts offered. Industry interest in these massive offshore offerings has been so minimal that the Department of the Interior itself was recently forced to cancel or postpone indefinitely five areawide sales.

Perhaps the most disturbing result of areawide leasing has been the tremendous loss in Federal "bonus bid" revenue since this policy first went into effect. As Texas Gov. Mark White wrote to Interior Secretary William Clark last year, "Areawide leasing has already cost America billions of dollars * * *. It represents an unconscionable windfall to the oil and gas industry at the expense of the average taxpayers."

Areawide lease sales have invariably yielded smaller average bids per tract because oil and gas companies do not have to compete for a select number of tracts with predictable resource potentials. Instead, individual tracts are often leased to lone bidders at rock-bottom prices simply because there

are too many tracts being offered for competitive bidding to take place on each one. According to a recent national study, while OCS lease bids averaged $2,600 per acre before the advent of areawide leasing, they dropped more than 70 percent in the first eight areawide sales, averaging less than $720 per acre. In 1984, the average bid dropped to an all-time low, $524 per acre. This revenue loss has serious implications for efforts to reduce the Federal deficit because these bonus bid payments form the greatest single source of Federal revenue aside from income taxes.

At the risk of asking obvious questions, why does the administration insist on an offshore leasing policy which denies the public the fair and equitable return on OCS resources mandated by the Outer Continental Shelf Lands Act of 1953? How can we expect coastal States and their citizens to support such a broad-sweep program of selling our coastlines when even industry interest seems lukewarm at best? Would it not be better, fairer, more sound policy to husband our great national treasure chest of OCS resources until more favorable market trends and competitive bidding policies are established? My answer is an emphatic "Yes," especially for those areas where the risks of development clearly outweigh their potential resource value. Our legislation would protect some of the most sensitive marine environments off our coastlines from the excesses of this shortsighted areawide leasing policy. And unlike the areawide approach, our proposal would ensure that these unique areas are among the last to be developed and not among the first.

This brings me to a discussion of one of the most fundamental inconsistencies in the administration's national energy independence strategy. We are told by the administration that areawide leasing is necessary in order to decrease our Nation's dependence on foreign sources of oil and gas as soon as possible. We are told that State concerns about the economic and environmental sensitivity of certain offshore areas must take a back seat in the name of national energy independence. And yet, in spite of this rhetoric, the administration pursues policies which are fundamentally inconsistent with the drive for national energy security.

One needs only to consider the administration's fiscal year 1986 budget proposal to impose an indefinite moratorium on oil purchases for the strategic petroleum reserve, our Nation's first line of defense against disruptions in foreign supplies. The administration's proposal would leave the SPR more than 250 million barrels short of the 750 million barrel goal set by Congress. In the area of Federal energy research, the administration's fiscal year 1986 budget would drastically reduce funding for several programs which are critical to our national energy independence strategy. Fossil fuel research would be cut by 32 percent, solar and renewable energy research by 17 percent, energy conservation programs by 20 percent, and nuclear fusion research by about 11 percent. Perhaps most significant, the administration's highly touted tax simplification plan would repeal the expensing of intangible drilling costs and the percentage depletion allowance, tax changes which industry claims would have a devastating impact on OCS exploration and production activity.

Which administration do we listen to? Do we listen to the one which claims the entire OCS must be developed immediately in spite of State and local economic and environmental concerns? Or do we listen to the administration which is comfortable enough with our State of energy independence to recommend the proposals which I just outlined? My colleagues and I believe the best approach lies in between. We believe in pursuing the rational and balanced development of the OCS while promoting conservation and the development of alternative energy sources and new energy technologies. The legislation which we are introducing today is perfectly compatible with this sensible strategy.

Mr. Speaker, while this legislation can serve to protect unique and sensitive marine environments from the shortsighted areawide leasing policy, it can do little to reverse the administration's opposition to OCS revenue sharing and coastal zone management consistency legislation, two proposals which would greatly mollify State concerns about the adverse effects of OCS development.

The administration claims that revenue sharing will rob the Federal Treasury of needed revenues, but seems perfectly content to lease millions of acres of the OCS at "fire sale" prices. Revenue sharing would provide a much-needed incentive for coastal States to support the OCS leasing program because it would enable them to mitigate the onshore socioeconomic impacts of offshore oil and gas development. Absent a change in the administration's position on revenue sharing, State concerns about OCS leasing will remain and longtime supporters of development in Congress may withdraw their support for the OCS leasing program.

Last year, the administration also strongly opposed bipartisan coastal zone management consistency legislation which would have reasserted congressional intent that offshore lease sales be consistent with federally approved State coastal management programs. I am pleased to announce that Representative STUDDS and I will soon introduce legislation which would have a similar effect, helping to ease State fears about losing control of offshore activities which affect their coastal zones. Congressional enactment of this measure would encourage States to cooperate more fully in the planning for OCS development, but would not provide the State "veto" over lease sales which opponents of this legislative approach fear. It is my sincere hope that the administration will reevaluate its position on the consistency issue, a position which has discouraged States from cooperating with the OCS leasing program.

Mr. Speaker, the administration's support for the areawide approach to OCS leasing, and its opposition to OCS revenue sharing and CZMA consistency legislation, only serve to reinforce the coastal States' impression that they are taking all the risks for OCS activity and getting nothing in return. The legislation which my colleagues and I are introducing today would provide sensitive marine areas with the protection they deserve but does not fully address the fundamental inequities in the administration's approach to offshore development. And yet, it is my firm belief that congressional approval of this measure will serve notice that Congress and the American people will no longer tolerate a chaotic leasing program which is insensitive to legitimate economic and environmental concerns.

The ultimate responsibility of both the administration and Congress is to be good stewards of our natural resources. Good stewardship means developing what should be developed but also protecting what should be protected. If the administration fails to meet this responsibility, Congress has the duty and the obligation to act. That is the purpose of the legislation which we are introducing today.

H.R. 1440

A bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California, and in the Atlantic Ocean off the State of Massachusetts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337), the Secretary of the Interior may not issue any oil and gas lease on any submerged lands located within the geographical areas described in section 4(a) and the additional area referred to in section 4(b).

(b) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not grant any license or permit for any activity which—

(1) affects the geographical areas described in section 4(a), and

(2) involves drilling, whether for oil or gas or the acquisition of geological data.

(c) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not approve any exploration plan, or any development and production plan, which—

(1) provides for any activity affecting the geographical area described in section 4(a), and

(2) involves drilling, whether for oil or gas or the acquisition of geological data.

(d) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not grant any license or permit for any activity which—

(1) affects the additional geographical areas described in section 4(b), and

(2) involves drilling for oil or gas.

(e) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not approve any exploration plan, or any development and production plan, which—

(1) provides for any activity affecting the additional geographical area described in section 4(b), and

(2) involves drilling for oil or gas.

SEC. 2. This Act shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or permit, which allows scientific research or other scientific activities.

SEC. 3. This Act shall take effect on the date of its enactment and shall remain effective until January 1, 2000.

SEC. 4. (a) The geographical areas referred to in subsection (a) of the first section of this Act are—

(1) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of the State of California with the boundaries of—

(A) on the north, the line between the row of blocks numbered N968 and the row of blocks numbered N969 of the Universal Transverse Mercator Grid System based on the Clarke Spheroid of 1866; and

(B) on the south, the line between the row of blocks numbered N808 and the row of blocks numbered N809 of the Universal Transverse Mercator Grid System based on the Clarke Spheroid of 1866;

(2) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Santa Monica Bay, State of California, which begins at the point of intersection of a seaward extension of the boundary line between Los Angeles County and Ventura County with the seaward limit of the California State tidelands; thence due south to the midpoint of block 38 north, 52 west; thence diagonally southeast to the southeast corner of block 35 north, 46 west; thence due east to the first point of intersection with a line extended south from Point Fermin along the eastern boundary of the State of California oil and gas sanctuary in effect on June 1, 1982; thence north along that line to the first point of intersection with the seaward boundary of the California State tidelands; thence northwesterly to the point of beginning along the seaward boundary of the California State tidelands;

(3) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Orange and San Diego Counties, State of California, which begins at the intersection of the southern border of row 34 north with the seaward boundary of the California State tidelands; thence due west to the northwest corner of block 33 north, 35 west; thence due south to the southwest corner of block 31 north, 35 west; thence diagonally southeast to the southwest corner of block 21 north, 25 west; thence due south to the point of intersection with the international boundary line between the United States and Mexico; thence easterly along said international boundary line to its first point of intersection with the seaward boundary of the California State tidelands; thence northwesterly along the seaward boundary of the California State tidelands to the point of beginning; and

(4) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of the State of California and consisting of the following tracts identified on the official Outer Continental Shelf leasing map for the Channel Islands area (map numbered 6B):

(A) All of block 50 north, 67 west,

(B) The northwestern quarter of the northwestern quarter of block 51 north, 65 west,

(C) All of block 51 north, 66 west,

(D) All of block 51 north, 67 west,

(E) All of block 51 north, 68 west,

(F) All of block 51 north, 69 west,

(G) The eastern half and the eastern half of the western half of block 51 north, 70 west,

(H) All of block 52 north, 64 west,

(I) All of block 52 north, 65 west,

(J) All of block 52 north, 66 west,

(K) All of block 52 north, 67 west,

(L) All of block 52 north, 68 west,

(M) All of block 52 north, 69 west, and

(N) The eastern half and the eastern half of the western half of block 52 north, 70 west,

and any submerged lands within that part of the Channel Islands national marine sanctuary which lies three to six miles out from the base line from which the State waters are measured around San Miguel and Prince Islands, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands.

(b) The additional geographical area referred to in subsection (a) of the first section of this Act includes—

(1) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the 400 meter isobath; then along the 400 meter isobath roughly in an easterly direction, then turning northeast until such isobath intersects the maritime boundary between Canada and the United States; then northwesterly along a line which connects 42 N31'08", 67 W28'05" and 40 N27'0", 65 W41'59" until it intersects 42 N15'00", then west along such latitude line until it intersects a line every point of which is fifty nautical miles seaward of the seaward limit of the Commonwealth of Massachusetts territorial sea; then along such line roughly in a northerly direction until it intersects the 42 N51'30" latitude line; then along that latitude line until it intersects the seaward limit of the Commonwealth of Massachusetts territorial sea; then roughly in a southerly direction along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree west longitude line; and

(2) blocks lying at the head of or within the submarine canyons known as Alvin Canyon, Atlantic Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Powell Canyon, Munson Canyon, and Nygren Canyon, and consisting of the following blocks (some of which are also included in the area described above in paragraph (1)):

(A) On Outer Continental Shelf protraction diagram NJ 19-1; blocks 36, 37, 40-43, 80-82, 84-87, 124-126, 128-131, 168, 169, 173, 174, 212, 213, 217, 218.

(B) On Outer Continental Shelf protraction diagram NJ 19-2; blocks 8, 9, 19, 20, 52-54, 63-65, 96-98, 108, 141, 142, 185-187.

(C) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 959-961, 965, 966, 1003-1005, 1008-1010.

(D) On Outer Continental Shelf protraction diagram NK 19-11; 476-478, 520-522, 565, 566, 609-611, 653-655, 697-700, 734, 735, 741-744, 768, 769, 778-781, 785-788, 812-814, 822-825, 830-832, 857, 858, 867-869, 875, 876, 901-902, 911-913, 935, 936, 945-947, 955-957, 979, 980, 989-991, 1000, 1001.

(E) On Outer Continental Shelf protraction diagram NK 19-12; blocks 154-156, 198-201, 243-247, 280-282, 289, 324-327, 368-372, 401, 402, 413-417, 445, 446, 450, 451, 458-462, 489-491, 494, 495, 503, 504, 529-531, 533-535, 538-539, 573-575, 577-579, 582-584, 616-620, 621-623, 626-628, 662-664, 665-667, 671, 706-708, 710, 711, 715, 750-752, 754-756, 759, 794-796, 799, 800, 839, 840, 842-844.

(c) The northern and southern boundaries of the geographical area described in subsection (a)(1) are marked on the map entitled "United States Department of the Interior Bureau of Land Management Index of Outer Continental Shelf Official Protraction Diagrams, Pacific Coast", dated March 1982. The areas described in subsection (a)(2) and (3) are those areas contained on a map entitled "United States Department of the Interior Bureau of Land Management, Pacific Outer Continental Shelf Office, Southern California Offshore Area".●

INTRODUCTION OF LEGISLATION TO REAUTHORIZE THE COASTAL ZONE MANAGEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

● Mr. STUDDS. Mr. Speaker, I am today introducing legislation to reauthorize Federal support for State coastal zone management programs through the end of 1991. I believe coastal zone management has worked well; it has served the interests of our Nation in the balanced and prudent use of our limited coastal resources; and it has established a useful and durable partnership between the Federal Government and State governments on issues affecting the coasts.

Five years ago, I authored the Coastal Zone Management Act Amendments

of 1980. As chairman of the House Subcommittee on Oceanography at the time, I conducted a comprehensive series of hearings throughout the country on coastal zone management. Those hearings established a record that demonstrated clearly the value that this program has had for the country, as well as the difficulty of planning for the balanced use of coastal resources in the face of ever-increasing economic, environmental, and recreational pressures. The event of the past 5 years have not altered the fundamental importance of this program to the well-being of our coastal areas, nor have they diminished the value of the Federal-State cooperative mechanisms that are part of the law.

But the legislation I am introducing today does reflect the changing times. The bill calls for a smaller, more focused coastal zone management law, with State governments responsible for an increasingly large share of the financial cost of the program. The bill would direct funding toward those elements of coastal zone management that have proven of greatest value: the Estuarine Sanctuary Program and basic program management grants.

No new funds would have to be authorized to maintain the most important elements of Coastal Zone Management through the remainder of this decade. Through 1989, the program can be financed entirely from the $225 already authorized for coastal energy impact grants. Under my bill, these funds would be redirected to pay for higher priority elements within the program. In addition, State governments would be required to pay a progessively greater share of program costs, increasing from 20 percent in 1986 to 50 percent in 1989 and beyond.

The legislation also proposes changes in the controversial "Federal consistency" language of section 307. The changes proposed are intended to clarify what has, in recent years, become an increasing confusing and bitter debate with respect to congressional intent and this provision of law. The proposed language in this bill would state clearly and specifically in statutory language that OCS oil and gas leasing activities are subject to the "consistency" language of section 307(c)(1) of the law. This provision would overturn the effect of a January 1984 Supreme Court decision that excluded OCS leasing from coverage under the consistency clause. Beyond this specific change, the bill will reenact, in slightly modified form, the present language of the consistency provision. This reenactment will permit the executive branch to implement the consistency provision as it has throughout the past decade, except for the offshore leasing issue dealt with specifically in the amended language of the bill.

The purpose of this approach to the consistency issue is clarity. Congress has an obligation to resolve the confusion surrounding consistency through legislation, rather than by permitting the issue to be resolved through a tortuous series of expensive legal actions.

The fact is that the consistency provision in current law has worked well, although there has been controversy surrounding offshore leasing. If Congress deals specifically with this particularly difficult issue, while clarifying intent with respect to the meaning of terms used in present law, new litigation can be avoided and the integrity of a provision of law that has worked well will be preserved. For this reason, I have included in the text of the bill the regulatory language now used by the Department of Commerce to define the scope of the consistency clause, changed only as needed to reverse the Supreme Court's judgment about OCS leasing activities. By including this language, Congress will be able to express clearly its intent that the consistency regulations that have proven successful in the past should not be changed.

The legislation I have introduced will also expand the present program providing for grants to States for the establishment of estuarine sanctuaries. Fifteen such sanctuaries have been designated thus far, and two others are expected to be designated in the near future. Under the bill, the Secretary will be required to establish a National Estuarine Sanctuary Research System to provide for the coordination of research objectives and methodologies, and for identifying research priorities within these sanctuaries. The goal is to use the sanctuaries for the purpose of substantially increasing our knowledge about ecologically vital estuarine areas.

The overall purpose of this legislation, as introduced, is to reauthorize coastal zone management as a leaner, more focused program, with its most important provisions intact. It is intended to permit the continuation of coastal zone management at essentially frozen levels of funding, emphasizing those parts of the program that have proven to be of greatest value in recent years. Modifications in the consistency provision will be made for the purpose of instilling clarity, preserving the integrity of current law, and putting an end to costly litigation over the question of congressional intent.

I offer this bill not as a finished product, but as a vehicle for discussion by the public, by my colleagues in the Congress, and by those responsible for administering the program in the executive branch. I hope its provisions will be considered by those participating in future hearings before the Oceanography Subcommittee of our Committee on Merchant Marine and Fisheries. After those hearings, I expect a coastal zone management bill that will command broad support to emerge under the leadership of that subcommittee's chairwoman, Ms. MIKULSKI of Maryland. I hope that all those participating in the debate over coastal zone issues this year will approach the questions raised by this proposed bill with an open mind, and that a solid foundation for congressional action in this area can be developed during the weeks ahead.

RETHINKING AMERICA'S FOREIGN AID POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, I would like to talk today about foreign aid and its relationship to our foreign policy.

Throughout this century, U.S. foreign policy has been largely determined by the recognition of freedom having an important role to play in defining America's relationship with the rest of the world. At no other time has this been more true than in today's world, a world characterized by a fundamental conflict between the forces of freedom and the forces of slavery.

□ 1240

America, unique among all nations of the world, was established with freedom as a fundamental right given to all men by their Creator. The very essence of the American Revolution was the founding of freedom and the establishment of lasting institutions to guarantee the rights of freedom and citizenship.

But freedom was not seen as a right pertaining to Americans alone; rather, the Founding Fathers rightly judged freedom as a fundamental right given to all men by their Creator. And, as such, rooted by that Creator in the very nature of man.

America's role in the course of history has been determined by this vision of freedom. John Adams said in 1765 that:

> The settlement of America constitutes the opening of a grand design in providence for the illumination of the ignorant, the emancipation of the slavish part of mankind all over the earth.

This vision of John Adams lives on, and since 1980 has become the guiding principle of American foreign policy. President Reagan rekindled this sense of American purpose. In his recent State of the Union Address, he reminded us, and I quote:

> Proverbs tells us that without a vision the people will perish.

When asked what great principle holds our union together, Abraham Lincoln said:

Something in the Declaration giving liberty not alone to the people of this country, but hope to the world for all future time.

History is indeed calling us not only to protect and perfect our open society, but to lead the crusade for freedom worldwide. What was lacking before 1980, and this has been characteristic of U.S. foreign policy in the post World War II era, is the notion of purpose. President Reagan has taken important steps to remind us of our national purpose and to implement it through a foreign policy. This has been accomplished not through military intervention, but through a manifestation of national will.

This national will has been increasingly demonstrated through our use of foreign policy. Since 1980, the United States has strongly supported the forces of freedom and democracy throughout the world. For example, we have been calling for national reconciliation in Nicaragua, an end to the Vietnamese occupation of Kampuchea, and the withdrawal of Soviet troops in Afghanistan.

The upcoming debate over resuming aid to the Nicaraguan Contras will be a true test of our national resolve and commitment to our fundamental principles.

Mr. Speaker, foreign aid is one area of foreign policy which has been for the most part exempt from foreign policy concerns. To a certain degree, this is understandable due to the nature of much of our foreign assistance. Millions of dollars were recently appropriated for famine relief in Africa as a response to their desperate situation. We must also consider that in Ethiopia, Chairman Mengistu, has demonstrated a shocking disregard for the welfare of his people.

Mengistu has shown that he would rather let millions of his subjects perish than allow a foreign presence help administer aid. The result has been a blackmailing of the Western conscience. We have agreed to a great extent to Mengistu's terms of aid distribution, and have been making only minimal efforts to assure that the northern regions of Eritrea and Tigre receive their allocation of famine assistance.

As I said earlier, the point is not to interfere with essential emergency aid. However, throughout the debate over this emergency appropriation, there was little attention given to long-term foreign assistance goals as they relate to foreign policy objectives. Even though the emergency famine relief bill was an emergency measure, there should have been conscious consideration given to the future of Ethiopia's agricultural system and its overall economy.

Perpetuating the present Marxist regime in Ethiopia is for all practical purposes condemning the Ethiopian people to chronic economic and agricultural shortfalls. In the long run, the famine relief bill runs counter to the purpose of American foreign policy. To encourage free and democratic governments across the globe is what we should be about.

There are two other regions around the world where American foreign assistance, or more precisely, the lack of American foreign assistance is defeating our foreign policy goals. Over the last 5 years of Soviet occupation of Afghanistan, 5 million refugees have fled to Pakistan and Iran. This represents nearly one-third of the entire Afghan population. These 5 million Afghans also represents the largest refugee population in the world.

However, two-thirds of the Afghans have chosen to stay and fight the Soviet occupation. Fully 85 percent of the country is still controlled by the ragtag, Mujahideen Army. The Soviet-backed official army has been cut in half due to casualties and defections. The morale of the official Afghan and Soviet troops is lower by the day. Yet, the West has long ago given up hope of victory. The complete lack of Western aid to the Afghan freedom fighters is shameful. The West has backed down when faced with confronting its ideological rival. The shortage of food and medical supplies in Afghanistan is severe. The Soviets ordered all relief organizations out of the country in 1979. There are presently only about 30 doctors in the entire country; only 1 or 2 being surgeons.

Soviet troops have systematically killed or imprisoned all native doctors and medical personnel. As a result of the total lack of any medical personnel, facilities, or supplies, nearly every wound is fatal. Disease epidemics are sweeping the country. Tuberculosis, malaria, measles, and the whooping cough are all running unchecked through Afghanistan.

The Soviet Union has carefully orchestrated this genocide by limiting food supplies through saturation bombing of croplands, by eliminating medical supplies and personnel, and by utilizing the infamous antipersonnel bombs. The American people have shown their generosity by extending substantial amounts of aid to drought-stricken Africa; there is no reason why American generosity should not extend to the equally severe tragedy in Afghanistan, where such aid would be consistent with our foreign policy objectives.

There is a similar repression of basic human rights in Nicaragua. Thousands of Nicaraguans have sought refuge in Costa Rica and Honduras, and many thousands more have become internal refugees. While all groups have suffered, the Miskito Indians have become the symbol of the Sandinistas' intolerance of social and political diversity. The Miskitoes have been relocated in concentration camps far from their homes. Mr. Speaker, I would like to point out that I have had the opportunity to visit with some of these Miskito Indians and they fight for freedom. Their courage should be recognized and applauded by the U.S. citizens who believe in freedom, because here are people who have seen the worst crimes committed against their loved ones. Here are people who continue to fight for freedom, even though they live with an abiding concern that their families that they leave to fight for freedom may go unclothed, unfed, and uncared for.

Like in the situation in Afghanistan, they understand, as we must learn, that it is very difficult for a man to go into the field and fight for that precious commodity, freedom, when he lives with the concern that his family that he is fighting for may be lost in the struggle because nobody has the compassion of heart to come forward and at least protect those innocent civilians who are left behind in this struggle.

It is at this point that I would again implore you that if we want freedom, we must feed, clothe, and care for the families of those people who show this courage that we in America have taken so much pride in through our own experience.

This courage and these circumstances are documented. I would like to remind you, Mr. Speaker, that the State Department recently released a report documenting an endless string of political-motivated torture sessions, arbitrary arrests and assassinations by the Sandinista government. They openly proclaim that they will export this political system to other countries in Central America.

□ 1250

Basically, there are two solutions for countries like Nicaragua. The choice is ultimately between Soviet communism and American democracy. So far the United States has demonstrated a certain hesitancy in deciding which system they would like to see take root in Central America. As a matter of fact, by cutting aid to the Contras, the United States has sent a signal to the world that we really do not care much about which type of regime is established in Nicaragua. If we really do care about establishing democracy in Central America, we must maintain the only card we have to play, which is continued assistance to the Contras.

Support to the Contras can take many forms. Of course, military assistance is crucial, but we can also further the cause of freedom by providing food, medical supplies, and housing to Nicaraguan refugees in Costa Rica and Honduras. Supplying such aid is crucial in sustaining the Contras' efforts.

In conclusion, the United States must begin to realize the importance

of our foreign assistance programs and achieving our foreign policy goals. Strengthening the forces of freedom across the world is not only the goal of our foreign policy but consistent with our national purpose of effecting greater freedom and dignity throughout the globe.

Foreign assistance is a prudent investment in our future and in the world's future. The present administration has recognized the need for a coordinated program of foreign assistance operating within a grand design of foreign policy. It is our job to introduce this concept in the House of Representatives before we lose countries like Nicaragua and Afghanistan to communism forever.

Mr. Speaker, I must remind the Members that the goal of the Communist regime is not confined to Nicaragua and Afghanistan and Kampuchea where their presence is felt today, but the goal is to export that and do that by the exploitation of innocent civilians and children and the program of genocide against the peoples who love freedom.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I want to thank the gentleman for bringing this issue before the House. The gentleman has touched a very delicate nerve in the Congress of the United States and in our foreign policy as implemented by the executive branch, which has the overwhelming responsiblity of executing the foreign policy that we affect so much here by what moneys we put up.

I recall once when the People's Republic of China—we then regularly referred to it by its name and what it still is, Red China—had a severe earthquake, and we were the first nation in the world, as is usually the case, or at least in a dead heat with some of the better democracies in Western Europe, we were one of the first nations—in this case the first—to offer assistance, medical aid, food, and rescue aid, and the Chinese, then still under the Mao spell of isolationsim, severe xenophobia, and isolationsim, said in effect, "We don't want your aid."

That translated into:

Our people will die by the thousands, they will be denied medical assistance, they will be denied the skills that have been developed in the free world that you can bring us to pick people out of trapped buildings, to set up Red Cross stations, and to bring immediate relief to a very real serious situation of death and suffering.

No, we were not allowed in. Now, I did not see any ministers, priests, and nuns—some of the ones who were calling me and criticizing me generically as a Member of Congress for not responding to Ethiopia earlier—recalling that we were denied access there.

We were not allowed to help anybody in Ethiopia until the situation reached such disastrous proportions that they were becoming the scandal of the world. And there is, of course, this aspect that you have very carefully pointed out of deliberately using starvation as a tool of oppression to depopulate areas, to punish people, as you pointed out in your excellent "Dear Colleague" letter, the Aromol people that have been virtually genocided in some areas by the Marxist government.

Most of the clerics that were coming after me in a blind way saying, "If we had responded to Ethiopia earlier, this famine wouldn't have happened," they just do not understand the facts. They like to dismiss as irrelevant that the government just within the last few months was ordering $100,000 worth of Scotch whisky from the Great Britain area of Scotland to celebrate the 20th anniversary of their Marxist revolution. There is some evidence that they allowed one of the paramount leaders of Africa, Emperor Haile Selassie, who made impassioned speeches before the League of Nations before World War II predicting that league's demise if they did not do something about Mussolini's totalitarian oppression of his people and the use of poison gas—speeches that could be delivered today, using the identical words of Haile Selassie, just changing the names maybe to Afghanistan or Cambodia/Kampuchea.

Well, the fact that this government is celebrating in Ethiopia its Marxist revolution is not important to some people, but it is important to me because I know that when we are getting aid in there, if we do not in a unilateral way control the delivery of this aid and monitor its distribution, as some of our Congressmen from both parties have gone over to make sure is happening so that this aid is reaching the people—and the best way to do that is through religious organizations and volunteer organizations, not some of the state-funded organizations where they ride around in air-conditioned Mercedes and ridicule the volunteer organizations. And I have seen this with my own eyes in Thailand, where my daughter was working with volunteer organizations to help the refugees fleeing from Communist totalitarianism in Vietnam, Laos, and Cambodia.

So I think what you have pointed out on the House floor has done a real service, not only in the area of Ethiopia. This requires the severest of discipline and, in the words you used from the President, a grand strategy of how we apply our foreign aid. But what you pointed out in Afghanistan and Nicaragua is particularly serious in the way this House approaches it. Those refugees, both the internal ones you pointed out that are being genocided inside Cambodia—and many raging speeches on this House floor a decade ago about our gunships and napalm could be used right now, but they are not being used, with the factor of poison gas being added—and the refugees that have been poured into Pakistan, straining their economy to the breaking point.

Every time we give relief and economic aid to those Afghan refugees, the women and children of the Mujahideen freedom fighters, yes, we are strengthening their struggle against the totalitarian Soviet might that is being exercised against this small nation.

Well, the same thing applies in Nicaragua. I concede that when we take care of the refugees of these so-called Contras, which we prefer to call the "freedom fighters" in that situation, yes, we are aiding their struggle for freedom there. But so what? If we are going to be told that in Ethiopia a refugee is a refugee, no matter what the source of their finding themselves in refugee status, the mismanaged Marxist economies, which is universal to every attempt to combine socialism with a police state—it does not even work when it is socialism without a police state—if we are going to help the refugees flee from this idiotically imposed totalitarian state in Ethiopia, then we should help to the exact same proportion. And this is where we need a strategy. Even though it involves something as sensitive as food distribution, we must help the refugees from Afghanistan and the refugees from Nicaragua.

I could add all sorts of other areas around the world, as I know the gentleman could, but the distinguished gentleman from Texas has chosen to pick two areas of the world where the refugees are suffering, as he puts it, equally in intensity and in pain, as are those poor, pathetic little children and starving mothers that we see portrayed so graphically every night on television—well, every week. Famines have a way of disappearing from the front color coverage once they have been around 2 or 3 weeks or months. And that may be the problem with Afghanistan, now in its fifth year, going into its sixth year of suffering this Christmas. And that may be the problem with Nicaragua.

The Nicaraguans suffered grievously under Somoza, and they were not fed as well as they should have been. They only had meat three or four times a week. Now they have meat Zero—nada, never, nothing. This is the horrible economic deprivation that always becomes entrenched after Marxism has had a few years to screw things up in a country. And the tragedy is that the first wave of refugees usually is fleeing the fighting, and a lot of families are hunkering down in a cave or a little cellar and waiting for the mortar

fire to disappear. It is the second wave of refugees that follows the consolidation of a totalitarian power, because they are fleeing from something that is just as painful as the concussion of a mortar shell or the pain of the flesh being hit with shrapnel, and that is that gnawing starvation and seeing their children die slowly in front of them.

The wave of refugees from Afghanistan has been just as much from the economic deprivation of what the Soviets are doing there as the fighting itself. And certainly that is so in Central America. Most Americans should be aware of the fact that we have 500,000 new members of our country, proud and good citizens, every one of them, almost without exception, from Cambodia, Laos, and Vietnam, 35 different ethnic groups—500,000, and they are all legal citizens. But the figure from just El Salvador—forget Nicaragua and Guatemala and the people that have a lot of vision and see what is going to happen in Costa Rica and Mexico if we do not have a strong foreign policy—but just from El Salvador, a nation with the density of our great State of Massachusetts, identical density, identical size within a few hundred kilometers—4.5 million people. A half million are already here in the United States—more than that. And 580,000 Salvadorans, almost every one of them illegal immigrants, are here in this country, and most of them flee the economic conditions, not the war.

□ 1300

They flee also the impending problems that they see coming in that area because we do not have a firm consistent foreign policy down there; at least we did not until our great President Reagan took over the Chief Executive's job.

We will see a second wave of immigration from Central America. If our foreign policy fails there, they will double and quadruple. Millions of people will come north from that area fleeing to El Norte because this is the land of opportunity and they will not have to see their children slowly die.

We may look at these horrible famines around the world and try to, as some misguided clerics have done to me, look at them in the abstract totally devoid of politics. We cannot do that. Communism causes starvation and refugees and we must have a consistent fair and intelligent policy of applying our foreign aid; particularly when a farmer comes up to me, because I voted on the side of budget restraint, and they say, "It's OK to help strangers in Ethiopia, but not to help our own U.S. farmers." If we are going to help people based on the level of their suffering, let us apply it universally and understand that although this country is loathe to ever use food as a weapon the way other countries would use commodities or minerals or oil as a weapon, we must have what the gentleman from Texas has called for, a careful analysis of where we are going here and what we are going to do when we help these people who are victims of totalitarian power. If we are going to help them while they are still inside and under the oppressive control of the totalitarian state, as they are in Ethiopia, we had better have an evenhanded policy with those who have fled into adjoining countries, such as Guatemala, Costa Rica, Honduras, El Salvador, from Nicaragua, or the people who are still suffering so much in Pakistan.

I really thank the gentleman for bringing this to the attention of me and my colleagues.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California and I also thank the gentleman for capturing the essence and the point of my discussion.

The American people, of course, are people of great compassion and we show that on so many occasions. We showed our compassion this week when we voted that food aid.

The point that I am trying to make here is that we have a limited capability and even though it may be repugnant to us, as it is, to extend aid on political grounds, the point that I am making is that we have so many people across the Nation who have already committed themselves to the fight for freedom that we have the option to give that aid as assistance to that fight, which is so consistent with our American heritage.

Now why then would we desert that option and exercise instead the option to extend aid into the hands of a man like Mengistu who will use that to coerce the people who are trained to achieve their freedom, to starve them, to blackmail?

Certainly if we cannot find a way to make our aid work to advance the cause of freedom, we must avoid allowing that aid to be used to advance the cause of slavery.

This is the point I am saying. We must have a big heart and we do have a big heart, but that must be bolstered by an equally big brain, and I appreciate the grasp of the gentleman from California and his willingness to support it.

Mr. DORNAN of California. Mr. Speaker, if the gentleman will yield further, if anyone in the press is not clearly aware of the essence of what the gentleman is trying to do here, to use the gentleman's expression, I would be only too willing sometime to make a specifically targeted trip to the starvation refugee areas of Africa to see how this is distributed, so that it is burned into our brain, because I have appreciated the trips of all Members of any ideological strain or bent to go to Ethiopia and see the suffering there. I have not done it myself. I intend to and I am sure the gentleman does, too.

I have seen the suffering of the refugees in Pakistan several times and both sides of the Nicaraguan area of Central America. I will go with the Member any time he wants to take a look at this firsthand.

Mr. ARMEY. Well, I thank the gentleman for that.

Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, before the gentleman from California leaves, I just want to say that I concur with his remarks wholeheartedly. He is one of the most respected and knowledgeable Members of this House. It is a pleasure to have him back with us after a 2-year absence.

Second, let me also commend the gentleman from Texas who is in the well for his initiative in calling this special order today on the subject of foreign aid. I certainly concur with the gentleman's remarks. The gentleman has only been a Member of this House for a couple months and already he has established himself as one of our most respected Members.

Mr. Speaker, in 2 weeks, the Committee on Foreign Affairs, on which I serve, will begin marking up the fiscal year 1986 foreign assistance budget. And so this is a particularly appropriate time to consider where the money is going. The controversy over foreign aid is graphically illustrated by the fact that both Houses of Congress have passed only one foreign assistance authorization bill in the last 6 years. These bills are simply not supportable.

Mr. Speaker, foreign assistance, both economic and military, was conceived originally as an integral component of the national security strategy of the United States. To help maintain economic and political stability in countries where the United States has vital strategic interests was the essential motivation behind the historic Point Four Program launched by President Truman in 1946.

As America's global interests and commitments have gradually increased, our Foreign Aid Program has likewise increased, gathering a momentum of its own that has turned the program away from the priorities and focus for which it was originally intended. Moreover, the bipartisan consensus that shaped our Foreign Aid Program in those early years has gradually dissipated.

Rather than being an orderly program, integrated into our overall security strategy, foreign aid has become a grab bag of self-contradicting policy initiatives. If foreign aid is ever to return to its original purpose—a way in which we can help our own country

even as we help other countries, we must first return to those founding principles.

First, the same threat of Communist aggression that prompted our initial Foreign Aid Program in the 1940's has not diminished. In fact, new tactics of terrorism and subversion have made the threat all more imminent. Given the fact that economic instability provides fertile soil for Communists to sow, a balanced program of economic and security assistance is appropriate. And, our foreign aid has historically maintained a ratio of 3 to 2, economic over security.

But if the history of the last 25 years teaches us anything, it is that socialism is not a deterrent to communism. The doctrinaire socialist approach that has been the mainstay of so many development programs in the Third World simply has not worked. Mr. Speaker, the time has come to stop underwriting the overblown bureaucracies and state-run enterprises in the Third World that are sapping every ounce of economic vitality from those countries. Member countries in the so-called nonaligned movement have, for the most part, demonstrated that they can do only one thing well—and that is to expand the power of the state over every aspect of society. I need not add that the principal enthusiasts supporting this approach do not face the inconvenience of having to participate in a free election. We must be very emphatic: The chief source of economic instability and corruption in the Third World is to be found in the public sector.

It is time to concede that our Foreign Aid Program, and that of other developed, industrialized countries, has not succeeded in turning the Third World into a mirror image of our own societies. Real development can occur only when the creative potential of a country is unleashed by a vigorous private sector. But such an independent force in society will not be tolerated by the various oligarchies and dictators in the Third World.

Third World countries, crippled by public sectors that consume virtually all sources of capital and other resources, are weak links indeed in the struggle against international communism. And make no mistake: The single greatest threat to peace and security in the world comes from an expansionist ideology that knows no satisfaction of its appetite. Yes; economic needs are real and must be addressed. But if our economic assistance is to be worthwhile, we must encourage the implementation of realistic policies in the recipient countries. Otherwise, we are simply throwing good money after bad and achieving nothing in the struggle for the hearts and minds of people around the world. You simply cannot oppose communism with socialism. We must oppose communism with the only thing that can defeat it: The ideals of political and economic freedom that have been our own greatest source of strength.

Let's quit selling our country and its ideals short. A Third World country that is not moving in the direction of guaranteeing its people individual freedom under law, consistent with the principles of economic freedom and enterprise, is sliding down a slippery slope toward decay, dictatorship, and, eventually, communism.

Second, I would suggest that the success of the United States in the conduct of its foreign policy entails credibility and fidelity on our part. When we here in the Congress continue to abuse our country's allies, is it any wonder that the Soviet Union and other Communist bloc countries are able to make inroads around the Third World?

Let me cite a specific example. Yesterday, I participated in a hearing concerning human rights practices in South Korea. Here is a country, a long-time friend of the United States, making a painful transition toward greater democracy and fuller political participation for its citizens, and yet all I heard in the hearing yesterday were attacks, criticisms, and ridicule being heaped on our ally. And then I turn around and read in the latest foreign aid proposals for fiscal year 1986 that a military aid program is being set up for Mozambique, a country whose leaders are committed to Marxist/Leninism, policies that have brought about the total ruination of the country over the past 10 years. I ask you: What sense does this make? How can we have a credible foreign policy when ideas like this are proposed?

It reminds me of Jeane Kirkpatrick's comment that the most difficult thing she encountered in her service at the United Nations was that the countries there just could not take the United States seriously. There was nothing to be lost or gained depending on how these countries dealt with us. Our enemies are rewarded and our friends are abused. We speak softly to our enemies and throw our weight around with friends. It just is not the way to conduct a foreign policy, nor is it the way to conduct an aid program.

Two years ago, I was privileged to have successfully sponsored the legislation that requires the U.S. Ambassador to the United Nations to file an annual report about the voting practices and pattern of every U.N. member. I believe these reports have been invaluable in helping to identify who our friends really are. And I believe any credible foreign aid program must reflect the fact that our country is under no obligation to support any government that makes a consistent practice of insulting our policies and values in the United Nations, or in any other forum for that matter.

Third, and finally, the observation must be made that our foreign aid was originally predicated on a belief in the efficacy of our efforts to shape a better world, a belief that was nurtured by our faith in the value of our ideals and institutions and in the goodness of the American people. Now, we are asked to believe that the flow of history is moving toward predetermined outcomes that we are virtually helpless to affect.

The idea that this generation of Americans bears any kind of special responsibility for the survival and the success of our country and its policies is strangely absent from the proceedings and debates that produce our foreign aid bills. The American people sent a message loudly and clearly last November: They want our country to act in a way that is consistent with the values, and have ideals that have made the United States the great nation, indeed the great power, that it is today.

But providing economic and military assistance to countries whose governments sneer at our policies and belittle our values is a practice that must be stopped. The generosity of the American people need not be extended to ingrates.

There is no greater myth prevalent in the world today than the myth of nonalignment. Because, in the final analysis, there are actually only two countries who are truly nonaligned—and those two countries are the United States and the Soviet Union. Everyone else is somewhere in between, moving in one direction or the other. And there is a tremendous responsibility placed on us, as Members of Congress, to help fashion policies and programs that have as their objective the purpose of moving countries toward political and economic freedom and away from the swamps of collectivism.

This is a great challenge and a battle that must be won. It can be won and it will be won, if we remain true to our heritage and if we reject the pessimism and nay-saying that go hand in hand with the spiritual and intellectual exhaustion of contemporary liberalism.

□ 1310

Mr. Speaker, I commend the gentleman in the well for bringing this special order today.

I was in Ethiopia not too long ago as the ranking Republican on the Foreign Affairs Subcommittee on Africa, and I had the privilege of meeting, I thought at that time, with former corporal Lieutenant Colonel Mengistu.

I sat through a private meeting there in which he stated that America, the United States, the American

people are nothing but imperialist aggressors—"pigs" he called us. This man, who has committed the murder of 10,000 Ethiopian people; men, women, and children, this man, who is carrying on a policy of starving the people in the northern provinces of Ethiopia, a most depicable situation.

I say to you, Mr. Speaker, that yes, our foreign aid is meant to be helpful to other people, but we should use that foreign aid to let the people know that we are not going to stand here and allow the spread of international communism, that atheistic philosophy that has no sense of human life whatsoever.

I hope the gentleman carries on his good work.

Mr. ARMEY. I appreciate the gentleman's comments. As you know, I am a new Member of the House, and I have so much to learn here in Washington, it is very instructive for me to have a person like yourself—with your experience, your knowledge—giving me instruction.

I would like to reemphasize a point the gentleman was making; it is a point we have to understand. If we are able to understand our foreign policy objectives and the need for a unified foreign policy that is coordinated with foreign aid efforts, we must understand the will of the United States.

So many people who see us talking about coordinating our foreign policy objectives to our foreign aid think in terms of territorial objectives. The United States has no design on the territory of other nations; we have no objective to take over other nations; we are not imperialistic; and I have to tell you it shames me to know that so many people in this country refuse to see that this is a nation founded on the highest principles, the greatest ideas, a nation that believes that all men are created equal and endowed by their Creator; all men, not all Americans, but all men throughout the globe, endowed by their Creator with the right to life, liberty, and the pursuit of happiness.

This is a nation that has committed its resources, has committed its people, individuals who have committed their lives willfully to the idea that this is a nation that has the heritage, that has the will, that has enjoyed the privileges of freedom and therefore has the responsibility of a free people to help others fight for their freedom.

How people I know, learned people, people with educational certificates, can fail to see that these are our objectives. We do not want to rule the peoples of other nations. It breaks our heart to see the refugees come to the United States looking for that freedom that is denied them in their homeland.

I have visited with so many of these people that we have discussed, that have found their way to the United States, celebrated the United States. I am reaching a point in my life where I no longer want to have somebody from Central America, or from Asia, or from Europe, who has found their way to the United States and celebrated their freedom, look at me and tell me: "You Americans don't understand communism. You are too quick to trust the Communists. You are too reluctant to fight for freedom."

I am not talking about committing our lives, our children, I am talking about committing our resources with compassion and understanding that if we commit them where they are needed in the fight for freedom, we can do something to create a world that does honor to the heritage that we, ourselves, have enjoyed. It is time that we move to an understanding that America is a good nation, a kind nation, and a nation that shows its compassion and its commitment to freedom throughout the globe.

America does not have territorial objectives throughout the globe. We do not want to enslave or deny the rights of people across the globe. We are willing and we must be able to commit ourselves to help those who sacrifice so much in order to help themselves.

If we cannot find that kind of enlightened generosity in our hearts, the cause of freedom in the world is indeed in jeopardy. For we among all nations have the opportunity, the resources, and the ability to provide for a Free World.

□ 1320

ORDER OF BUSINESS

Mr. HAYES. Mr. Speaker, I ask unanimous consent that my special order precede the special order of the gentleman from Pennsylvania [Mr. GAYDOS].

The SPEAKER pro tempore [Mr. SWIFT]. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INTRODUCTION OF THE SALE OF CONRAIL ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BROYHILL] is recognized for 60 minutes.

● Mr. BROYHILL. Mr. Speaker, today I am introducing the Sale of Conrail Act of 1985. This bill, quite simply, is designed to return Conrail, the federally owned northeastern rail carrier, to the private sector.

Congress has struggled for many years with the troubling financial health of the rail industry in the northeast region. After pouring billions of dollars into this carrier and enacting legislation to enable Conrail to reduce its labor and tax expenses, Conrail has finally turned a profit.

Under the provisions of the Northeast Rail Service Act of 1981, the finding that Conrail was indeed profitable initiated the process of returning the carrier as an entity to the private sector. The Secretary of Transportation then set about the task of finding a suitable purchaser. After a lengthy, competitive, and completely thorough process, the Secretary has recommended that the Government sell its interest in Conrail to Norfolk Southern Corp.

Mr. Speaker, a sale to Norfolk Southern Corp., as structured by the Secretary, best assures continued and competitive rail service to the Northeast for the long term. The numerous covenants incorporated into the memorandum of intent make certain that Conrail's cash reserves, track, and equipment, and service levels will be maintained. Assurances to Conrail's work force, who have played a pivotal role in the turnaround of this corporation, are another important element of the Secretary's recommendation.

Mr. Speaker, it is my hope that Congress will act in a swift, yet deliberative fashion, on the Sale of Conrail Act of 1985. I encourage my colleagues to carefully review this important piece of legislation and hope they will join me in supporting it. A section-by-section analysis of the bill follows:

THE SALE OF CONRAIL ACT OF 1985—SECTION-BY-SECTION ANALYSIS

Section 2. Findings. This section enumerates that:

(1) NERSA provided for an orderly return of Conrail to the private sector;

(2) NERSA was successful in preparing Conrail for return to the private sector;

(3) USRA found Conrail met the standards of profitability necessary for its return to the private sector;

(4) the Secretary of Transportation followed the requirements by:

(i) engaging an investment banker; and

(ii) conducting open competitive bidding and negotiation to sell Conrail;

(5) the Secretary's Plan provides for the sale of Conrail to the Norfolk Southern Corporation;

(6) the sale to Norfolk Southern Corporation maximizes the return to Government while it leaves Conrail in the strongest financial position after the sale and best preserves patterns of service to the shippers and communities Conrail serves;

(7) existing laws governing Conrail as a public entity need to be amended to reflect it becoming a private entity; and

(8) the Secretary's Plan best meets the intent, goals and objectives of NERSA, and the requirements of section 401(e) of that Act.

Section 3. Purpose. This section merely states the purpose of this Act is to return Conrail to the private sector by directing and facilitating implementation of the Secretary's Plan.

Section 4. Definitions. This section contains several definitions. "Secretary's Plan" is defined as:

(A) the Memorandum of Intent between the United States and Norfolk Southern Corporation, and

(B) the divestitures by Norfolk Southern Corporation as required by the Department of Justice to ensure competition.

It also defines "definitive agreements" which are the agreements entered into between the United States and Norfolk Southern Corporation to implement the Memorandum of intent.

TITLE I—AMENDMENTS TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973 (3R ACT) AND NERSA

Section 101. Termination of USRA Loan Authority. The authority of USRA to purchase Conrail preferred stock or debentures is terminated upon consummation of the sale.

Section 102. Responsibility of Conrail Directors. The immunity given existing Conrail Directors against civil liability is continued for any actions taken to implement the Secretary's Plan.

Section 103. End of Public Conrail. After consummation of the sale, the provisions of the 3R Act do not apply to Conrail, except for the following:

(1) definitions are retained;

(2) Conrail seat on USRA Board is retained to facilitate future cooperation between USRA and Conrail to get information needed for unresolved matters after sale which had arisen before sale;

(3) USRA Access to Conrail information respecting matters pending before the Special Court is retained but other access is removed;

(4) Civil Immunity for Conrail ESOP fiduciaries, including Conrail directors, is retained for actions taken prior to or in connection with consummation of the sale.

(5) ESOP qualification for tax purposes is continued and transfer is facilitated; i.e., Norfolk Southern Corporation is permitted to buy out the ESOP with cash or its stock;

(6) Right to Collect Commuter Debt arising from operations by Conrail prior to January 1, 1983 is retained;

(7) Immunity of Conrail Directors, prior to sale, for actions arising prior to or in connection with the sale is retained;

(8) New England Supplemental Transactions; rights and obligations already adjudicated and specified in the order of the Special Court are preserved within the jurisdiction of the Special Court;

(9) Expedited Abandonment authority for abandonments not filed before the sale is cut off upon consummation of the sale; i.e., Norfolk Southern Corporation will be bound by regular ICC abandonment procedures;

(10) Stock sale authorization is maintained with added direction to implement the Secretary's Plan and coordinated operation of the combined Norfolk Southern Corporation and Conrail systems;

(11) Recapitalization of Conrail continues to be permitted; the Secretary would cancel Series A Preferred Stock and Debentures issued by USRA;

(12) Special Court Review continues to be the only review of the sale, including enforcement of terms and conditions which are part of the Secretary's Plan, the definitive agreements or the enabling legislation except for the actions authorized by Section 106;

(13) Existing Labor Protection is continued for those eligible before the sale but after the sale Norfolk Southern Corporation and railroads acquiring divested properties assume responsibility for new labor protection for employees adversely affected after the sale because of implementation of the Secretary's Plan. (See, Section 108);

(14) Positions "blanked" (abolished) by Conrail under NERSA authority remain "blanked";

(15) Railroad Job Register maintained by the Railroad Retirement Board for terminated employees continues to be available to future terminated conrail employees;

(16) FELA claims arising from injuries incurred by employees of predecessor railroads prior to the beginning of Conrail operations on April 1, 1976 continue to be Conrail's responsibility;

(17) NERSA Labor Protection provided for employees deprived of employment prior to consummation of the sale continues to be the responsibility of the Federal Government;

(18) Exemption from State full crew laws in the region will continue for Conrail after consummation of the sale just as for other carriers in the region;

(19) Pre-Sale Labor Protection burdens of proof continue on Conrail for disputes involving pre-sale eligibility; and

(20) After the Sale Labor Protection becomes New York Dock protection (See, Section 108).

Section 104. Implementation of the Secretary's Plan. This seciton does four things:

(1) repeals the legislative veto provision;

(2) specifically directs the Secretary to implement the Secretary's Plan;

(3) treats the sale and subsequent coordinated operation of Norfolk Southern Corporation and Conrail properties as a railroad merger deemed to have been approved by the ICC;

(4) directs the Secretary to enter into the definitive agreements; and

(5) defines the date of sale as the date title to the common stock passes to Norfolk Southern Corporation and the United States receives the cash purchase price.

Section 105. Railroad Purchasers and Offer For Sale of Shares to Employees. This section repeals those provisions of NERSA, which were incorporated into the 3 R Act, designed to give employees a right of first refusal and to set limitations on railroad buyers had Conrail been sold as a terminal company owned by several railroads. Since the Secretary considered an offer from employees to purchase Conrail and since the purchaser chosen by the Secretary is a single corporation, there is no need for these provisions.

Section 106. Cancellation of Debt and Preferred Stock. This section permits recapitalization of Conrail, prior to sale, by cancellation of the preferred stock and debentures issued by USRA to fund Conrail. The recapitalization becomes effective on date of sale. Under existing law the preferred shares and debentures would be cancelled except in the case Conrail went bankrupt whereupon they would become liabilities against the bankrupt estate. This section eliminates that exception because no buyer would buy with such contingent liability and the financial strength of Norfolk Southern Corporation makes Conrail bankruptcy highly unlikely.

This provision allows Norfolk Southern Corporation to bring a civil action in the event the Internal Revenue Service takes any action that constitutes a breach of the tax representations made by the Federal Government to Norfolk Southern Corporation.

Section 107. Applicability of Other Laws. This section maintains the existing exclusions from judicial or administrative review for implementation of the Secretary's Plan and the definitive agreements. The faithful execution of the agreements is assured by Section 121 which gives jurisdiction to the Special Court.

Section 108. Labor Protection. This section requires Norfolk Southern Corporation and the buyers of any divested properties to provide New York Dock labor protection conditions after the sale for employees adversely affected by implementation of the sale and consolidation of Norfolk Southern Corporation and Conrail. Eligible employees adversely affected after the sale may receive up to six years pay.

Section 121. Special Court Jurisdiction. This section extends the jurisdiction of the Special Court to review actions arising under this Act, the Secretary's Plan and the definitive agreements.

Section 122. NERSA Conforming Amendment. This section makes clear that "sale of the interest of the United States in the common stock of Conrail or transfer of the rail properties and freight service responsibilities of Conrail" are included in the term "service transfers", which Section 1168 of NERSA addressed in specifying the applicability of other Federal laws to the review of the transaction.

Section 131. Responsibility of Employee Stock Ownership Plan Fiduciaries. This section extends civil immunity to ESOP fiduciaries for actions taken to implement the Secretary's plan.

Section 132. Qualification and Review of Employee Stock Ownership Plans. This section clarifies the existing Conrail ESOP provisions in two ways:

(1) it assures no tax liability to ESOP members in connection with a sale to Norfolk Southern Corporation until ESOP assets are distributed to members, and

(2) it exempts the issuance and sale or contribution of securities by Norfolk Southern Corporation to the ESOP resulting from negotiations between labor organizations, Norfolk Southern Corporation and the Secretary from other Federal approvals or securities registration requirements. The exemption covers only a conversion of the existing Conrail plans, not the operation of any new ESOP should the parties agree to one.

TITLE II—TECHNICAL AND CONFORMING AMENDMENTS

Section 201. 3R Act Changes Effective on Date of Sale. Effective on successful consummation of the sale, the following changes appropriate to a privately owned Conrail, would be made:

(1) Extinguish certain Conrail related authorizations in title II of the 3R Act, with respect to the following agencies or programs: the Department of Transportation, the Interstate Commerce Commission, the purchase of Conrail securities, assistance in transfer of Conrail service to local commuter authorities, Rock Island employee protection under separate legislation, and other commuter authority payments.

(2) Repeal sections 404, 405, 406, 407, 408 (a) and (d), 409, 410, 411, 412 and 713 of the 3R Act, which address the sale process itself or are otherwise unnecessary.

Section 202. Other Changes Effective on Date of Sale. This section would repeal or revise the following provisions of rail laws other than the 3R Act, again effective only upon consummation of the sale:

(1) Repeal section 1154 of NERSA, which subordinates all United States claims against Conrail to any other valid claim.

(2) Repeal section 1161 of NERSA, which establishes a government role and procedure for disposition of Conrail's light density lines. (See, Section 103(9));

(3) Repeal section 1166 of NERSA, which concerns trackage rights in the City of Philadelphia;

(4) Repeal section 1167(c) of NERSA, which provides for transfer of Conrail's stock to DOT;

(5) Repeal section 1168(b) of NERSA, which exempts Conrail from State full crew and related laws. (See, Section 103(18));

(6), (7), and (8) Delete from the "Rail Rehabilitation and Improvement" financing provisions of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) the provisions for separate standards for certain funding of Conrail.

(9), (10) Delete Conrail references from the section 511 loan guarantee provision of the 4R Act and from the Rail Safety and Service Improvement Act of 1982.

(11) Delete a specific reference to Conrail from provisions of the Rail Passenger Service Act dealing with the promotion of private sector passenger rail corridors.

(12) Delete a specific reference to Conrail from the duties of the ICC Rail Services Planning Office.

(13) Delete reference to Conrail from the entities directed to provide information to the Department's Minority Resources Center, since this information will be provided as required by the terms of the Secretary's Plan.

TITLE III—MISCELLANEOUS PROVISIONS

Section 301. Common Carrier Status of Conrail after Sale. This section preserves Conrail's rail common carrier status after the sale and does not convert Norfolk Southern Corporation, a holding company, into a railroad carrier.

Section 302. Separability. This is a standard provision preserving other parts of the statute should any part be held invalid.

Section 303. Effective Dates. This section makes everything in the bill effective on date of enactment, except those provisions which become effective upon the consummation of sale.●

TOWARD A NEW EXPERIMENT IN ECONOMIC JUSTICE: THE INCOME AND JOBS ACTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 60 minutes.

Mr. HAYES. Mr. Speaker, in recent weeks an influential radical made a public address calling for—and I quote—"the ultimate in human freedom," "an American opportunity society," a "new American emancipation" and even a "new American revolution."

He also asked the Congress to "think anew and move with a new boldness so every American who seeks work can find work."

He then set an example of boldness. He boldly hitched his wagon to a star wars fantasy that would quicken the arms race. He bravely urged that the quickened arms race be financed by transfers of funds from the middle and lower classes and by more Federal debt. He daringly called for a constitutional amendment to forbid any future administration from engaging in his administration's kind of deficit financing.

But in taking the oath of office, he made a mistake. He failed to look up the meaning of execute. Now any dictionary tells us that execute means either carry out or put to death. So instead of carrying out the laws of the land, he is now trying to put some of them to death.

In his budget he has asked Congress to kill many laws by denying funds for their implementation. Earlier, he had wanted to set an example of what the CIA calls executive action by personally acting to execute the Council of Economic Advisers. But on the advice of Members of Congress, he held back. Instead he terminated those sections of law (in the Employment Act of 1946 and the Full Employment and Balanced Growth Act of 1978) which govern the Council's work. He did this by simply disobeying their mandates for an economic report with a Presidential program to create conditions under which "every American who seeks work can find work."

Mr. Speaker, the sponsors of the Income and Jobs Action Act believe that laws should be enforced, not disobeyed. Our bill, therefore, is designed to revive—and fully implement—the stricken body and spirit of those 1946 and 1978 statutes. Full employment is America's first requirement for attaining genuine freedom and opportunity for all. Also, as shown the history of the last 40 years, it is the first requirement for reducing extravagant deficits. For this, no constitutional amendment is needed.

But we do need "to think anew and move with a new boldness." That is what "The Income and Jobs Action Act" is all about. That is why our bill extends and strengthens the 1946 and 1978 laws.

It does this by mandating Presidential initiatives toward the goals of

Both (a) creating good job opportunities for all able and willing to earn a living through paid work and (b) providing adequate income for all adults unable to work for pay (secs. 2 and 3),

Promoting realistic planning to help declining industries (civilian or military) to convert to sectors where more or better goods and services are needed (sec. 4),

Sparking overall planning for attaining full employment through (a) a bold new approach to local initiative in overall planning, (b) inclusive local and national partnerships among all sectors of society, and (c) a total package of the many incentives needed for more creative use of both private and public sectors and market and nonmarket processes (sec. 5), and

Efficient implementation through staged schedules that include educational activities within each State and through the introduction at long last of net outlay budgeting (sec. 6).

This legislation authorizes no additional funds whatsoever. It is a policy mandate to the President, his Council of Economic Advisers, and other agencies set up by Federal statute. Their present budgets are in toto large enough to carry out this mandate—with whatever changes in priorities a Presidential full employment program may propose or the Congress may authorize in other legislation. And rather than authorizing more funds for the Joint Economic Committee or the Congressional Budget Committees, the bill would give them, instead, a more coherent Presidential program as a starting point for their deliberations.

Mr. President, we do not use hallowed words lightly. We deplore the use of freedom by those who seek a union free environment and liberation from controls that protect consumers, workers and the environment. We reject the use of opportunity to disguise the actions of those who seek more opportunities for sheltering their millions from taxes. We cannot go along with those who seek emancipation from laws against bribery, tax evasion, and the buying of elections and votes.

Our legislation offers a framework for Americans to work together on behalf of true freedom—freedom for all, black, white, brown and yellow, not just for a few pampered elites.

Our bill charts the paths on which the people, the Congress, and the President can walk together in doing whatever is to be done—and undone—to build true American opportunity society.

If this measure is enacted without crippling changes, if it is creatively administered with the full participation of an alert citizenry and if it sparks action on an entire full employment package, then we could at long last emancipate this country from fear of coming recessions. Its full implementation would mean emancipation from the present-day horrors of poverty, hunger, homelessness, business and farm failures, family breakdown, cynicism and despair.

We reject the Radical Right principle: "Let Gold rule" or "Do others in before they do you in." Their emphasis on personal greed and possessive individualism would subvert much of the good—and enlarge most of the bad—in American society.

Our moral premise, rather is the original Golden Rule: do unto others what you would have others do unto you. On this premise, we weave the highest principles of economic justice into the seamless web of public and private decisionmaking and action.

In doing this, we have tried to combine wisdom from the past and realistic knowledge of the present with a bold new vision for the future of our generations and generations to come.

To explain what we are attempting, I shall now

Explain why one may see this legislation as outlining a new experiment in economic democracy.

Review the historical anteacdents of The Income and Jobs Action Act,

Set forth its guiding principles, and then

AN AMERICAN EXPERIMENT IN HUMAN RIGHTS

The Income and Jobs Action Act does not propose a new American revolution.

Its sponsors stand by the highest principles of the first American revolution, the Constitution, and the Bill of Rights. We favor the democratic processes of liberation and consciousness raising initiated by the New Deal, by the civil rights, civil liberties and women's movements, by neighborhood activities and by all those who know that national security begins with economic securities at home. These processes lead not toward revolution but toward fundamental institutional change.

During the first two centuries of our Republic, many experiments were made in fundamental institutional change—from the Bill of Rights and the elimination of property qualifications for suffrage to the freeing of the slaves, the direct election of Senators, women's suffrage, and lowering of the voting age to 18. While always resisted by entrenched economic interests, these forward steps were accompanied by innovation and experimentation in expanding material production.

Over the centuries these and other experiments in political democracy, stated the American Catholic bishops in November 1984, "did a great deal to ensure the protection of civil and political rights in our Nation." They also contributed to impressive strides in providing material necessities.

The bishops then pointed out that economic justice has lagged behind political democracy:

There remain major problems and injustices that infringe upon human dignity. The Nation must take up the task of framing a new national consensus that all persons have rights in the economic sphere and that society has a moral obligation to take necessary steps to ensure that no one among us is hungry, homeless, unemployed or otherwise denied what is necessary to live with dignity.

The bishops then suggested that

The time has come for a similar experiment in American democracy: the creation of an order that guarantees the minimum conditions of human dignity in the economic sphere of every person.

That is the kind of social order favored by spokesmen of all major religions. That message was given back in August of last year by the Reverend Stephen J. Thurston, pastor of the New Covenant Missionary Baptist Church when (together with Msgr. John J. Egan) he testified in support of last year's version of our proposal. It is the kind of order sought, I believe, not only by the sponsor of this bill but by many others who are studying the bill carefully before taking a position on it * * *

FROM FRANKLIN ROOSEVELT TO AUGUSTUS HAWKINS

Forty one years ago, while planning how to win the war against the fascist Axis, President Franklin Roosevelt addressed the Congress on plans to win the peace. The foundation of any sound plan, he declared, would be an economic bill of rights.

The first of these was the right to a useful and remunerative job. He then set forth seven other rights. They dealt with decent wages, adequate housing, health care, social security, education, family farming and protection against monopoly.

If these and similar rights are carried into practice, Roosevelt affirmed, America could build a new basis of security and prosperity for all—regardless of station, race or creed. Thus America would never again return to the boom-and-bust business cycle of the past. Americans could be confident that with the termination of war-time spending, we would never again experience the catastrophic horror of the 1929 collapse and the depression that was ended only by World War II.

But should rightist reaction prevent the implementation of economic rights, Roosevelt warned, then "even though we shall have conquered our enemies on the battlefields abroad, we shall have yielded to the spirit of Fascism here at home."

During the 1944 election campaign, Roosevelt took this issue to the people. This forced Thomas Dewey, his Republican opponent, to give lip service to jobs for all. But it was clear to most voters that Republican political service was more given to rightist reaction than to full employment. Roosevelt was re-elected to an unprecedented fourth term.

A few weeks after the election, Harry Truman—then Vice President-elect but still a Senator from Missouri—and Senator James Murray of Montana decided that new legislation was needed to make economic rights a reality. In their report of December 18, 1944 they stated that—

The so-called right to a job is a meaningless figure of speech unless our Government assumes responsibility for the expansion of our peacetime economy so that it will be capable of assuring continuing full employment.

They therefore proposed a full employment bill to establish responsibility for full employment planning. In February 1945—just 40 years ago—this bill was introduced in both Houses of the Congress. It was cosponsored by a bipartisan coalition of Democrats and Republicans. It was supported warmly by all sectors of the labor movement, all major religious groups, most mayors, many independent businessmen and by the major organizations representing women and minorities. Under the leadership of President Roosevelt and then of President Truman, it was backed by all executive agencies—even the Federal Reserve Board and the Bureau of the Budget.

All the supporters were agreed that the enactment of the measure without destructive amendments would make American capitalism more responsible and more democratic. They knew that with full employment, market demand would be high enough to allow private business to earn good long-term profits without becoming addicted to military contracts, tax subsidies and high cost bailouts.

But the bill was strongly attacked by a small and extremely powerful minority of the people whom Roosevelt called Economic Royalists and Economic Bourbons. Economic Royalists. These people saw unemployment as a weapon to use against working people. They looked forward to the bargains they would pick up in the stock market during recession or depression. They preferred the cozy comfort of Federal contracts, loans and subsidies—as against genuine competition in a full-employment economy. They saw full-employment opportunities at good wages as something that would give more power and status to women and racial minorities.

But without bringing these reasons into the open, they attacked the bill with pure demagogy. It would lead to too much regulation and spending, they charged—perhaps even to socialism. These were the same shopworn arguments they had used against every New Deal measure to save capitalism—from bank deposit insurance to Social Security and the Labor Relations Act.

As a result of this opposition, the bill was weakened before becoming law in February 1946. The term "full" was replaced by "maximum." More important, the right to a job opportunity was stricken.

Nonetheless, the bill crystalized in powerful form a growing consensus that the Federal Government has a basic responsibility to coordinate all its plans, functions, and resources to prevent another mass depression.

To implement this responsibility, the act

First, instructed the President to develop every year—and send to Congress in the Economic Report—an overall economic program to attain needed levels of employment, production, and purchasing power,

Second, set up the Council of Economic Advisers to help advise on such a coordinated program, and

Third, established the Joint Economic Committee to help Congress in coordinating legislation affecting economic policy.

During the first 30 years of this legislation, one fact was abundantly clear: there had been no mass depression for the population as a whole. In fact, the word "recession" had to be invented to replace "depression" in describing downturns in the business cycle.

But by the early 1970's, under the leadership of Representative AUGUSTUS HAWKINS, members of the House Education and Labor Committee and the Congressional Black Caucus uncovered less obvious facts:

First, while the country suffered merely from recurring recessions, people—and particularly younger people—in black and Hispanic ghettoes and in many rural areas were stricken by ongoing mass depression.

Second, official Government statistics seriously understated the real amount of joblessness, while also providing little or no information on the consequences of joblessness for business failure, family breakdown, alcoholism, drug abuse, and crime.

Third, full employment was being officially defined as the highest tolerable level of unemployment, with that level rising from 2 or 3 percent to 5, 6, or 7 percent of a narrowly defined labor force.

Fourth, official ideas of full employment planning tended to be restricted to manpower programs alone—such as new careers, public service employment, CETA and other job training measures—even ignoring fiscal and monetary policy and foreign economic policy.

Fifth, the idea of overall planning and coordination—the keys to and successful business activity or city government—faded out as more and more attention was given to single issue solutions to multidimensional problems.

Sixth, under onslaughts from the radical right, many people seemed to have dropped—or temporarily forgotten—the Roosevelt vision of an economic bill of rights.

In 1974 AUGUSTUS HAWKINS and scores of colleagues in the both Houses of Congress picked up the fallen flag by introducing the Equal Opportunity and Full Employment Act. This measure reasserted in improved form the right to freely chosen job opportunities at fair wages. To enforce this right, provision was made for an over-all full employment program to be presented to Congress and reviewed by the Joint Economic Committee, local reserves of private and public job projects to be developed in cooperation with local and neighborhood boards, a Job Guarantee Office within a renamed U.S. Full Employment Service, Standby Job Corps, a National Commission for Full Employment Policy Studies, and opportunites for administrative or judicial appeals by anyone deprived of his or her job rights.

The struggles over this legislation and the many amendments offered to it were long and bitter. A privileged minority of big business leaders leveled their attack against the idea of economic rights for other people. They themselves might enjoy the right to rig prices, get big welfare from Federal, State, and local government, and build tax shelters to escape social responsibility. But ordinary people should not have the right to earn a living at fair wages. To support them, some economists—better called iconomists—who bow daily before the icon of the so-called free market argued that in its original form the measure would have eliminated substandard poverty-level wages.

In October 1978, the Hawkins-Humphrey bill was finally enacted. Although many of its important provisions were sacrificed, the final law nonetheless contained a vital mandate. It required the President every year to aim at the interim target of bringing officially measured unemployment down to 4 percent within 5 years. A few months later, in his first Economic Report under the law, President Carter set a target of reducing unemployment—then over 6 percent—to 4 percent by 1983. But the President then departed, as Representative HAWKINS promptly pointed out, from the basic spirit of the law by moving to expand unemployment as a presumed cure for inflation. By the 1980 election, both inflation and unemployment rose considerably. This allowed Ronald Reagan to campaign successfully on behalf of jobs, jobs and more jobs.

Since then, President Reagan has consistently departed from both the letter and the spirit of the law. At no time has he set a target of reducing unemployment to 4 percent. In his Economic Report of February 5, 1985, Mr. Reagan does not even mention the word "unemployment," let alone set any targets for reducing it. He did claim that 6 million more people were working than when he came into office. In using this figure, he failed to point out that this growth was less than half of the 13 million growth during the Carter administration—and therefore represented a slowdown from previous growth rates. This slowdown, of course, was largely due to the Reagan recession of 1981–82—the largest economic decline since World War II. By the end of 1982, the unemployment rate became double digit, peaking at 10.6 percent. And for 1983 as a whole, the official unemployment rate was 9.6 percent—over twice as high as the statutory target of 4 percent.

Today, Mr. Speaker, after an uneven upturn that has meant prosperity for some and misery for many more, the official unemployment of about 7.4 percent is higher than where it was in either 1979 or 1980. And for January 1985, the number of people officially reported as unemployed—and this leaves out the number of their dependents—reached 8.5 million. That is the seasonally adjusted figure. The actual figure, without seasonal adjustment, was a little over 9.1 million.

To this huge figure, however, we must add other data that—as the distinguished chairperson of the Education and Labor Committee, Representative HAWKINS, has often pointed out—the Government collects but does not publicize: First, about 5 million part-time workers actively seeking more hours of work but not finding it; and second, another 5 million or so who want jobs but, for one reason or another, have not been actively seeking them and therefore are not counted in the labor force. Add these 3 figures together and you get not 8.5 or 9.1 million, but 18.5 or 19.1 million jobless people. In the technical jargon of Federal statisticians, they may not be unemployed. But they desperately need employment opportunities. That is why Representative HAWKINS argues that this larger total should be officially published instead of being hidden among the fine print. Indeed, this could be done without disturbing the official total, which might be labeled "U-1". Then the larger figure—now ranging from 18.5 to 19.1 million—could be called U-2, the non-employed or simply the jobless.

But I do not want to give the impression that the official data tell the whole story.

First of all, there is some reason to doubt the accuracy of the official reports of jobless jobseekers. Recently, the Center for Urban Studies of Youngstown University, Ohio, did its own door-to-door survey in Youngstown, one of the country's many depression areas, one for which the Government reported 15.2 percent unemployment. Using the Government's definitions but exercising more care in its survey methods, the university's figure was 29.3.

Second, the Federal Government has never included other victims of joblessness—not the dependents of the jobless and not the employed people who fear termination or whose wages are kept down by the existence of a large "reserve army of the unemployed." Let us assume that every jobless person has at least one dependent. This raises the number of victims from 18.5 to 37 million. Let us then assume that for every one of these victims, one employed person is victimized by

job insecurity or substandard wages. This raises the figure to 74 million people. So by these ultraconservative estimates the total number of people directly victimized by unemployment amounts to almost a third of the U.S. population.

Even these estimates, however, are serious understatements on the full impact of joblessness. They do not include the local government, landlords, and storekeepers adversely impacted by declining tax bases, rent payments, and consumer purchases. Nor do they even suggest the enormous impact of joblessness and job insecurity on workers' morale, productivity, physical and mental health, alcoholism, drug addiction, violence in the family, suicide, low-income crime, racism, anti-Semitism, sexism, and other forms of institutionalized or spontaneous discrimination.

Moreover, all the data become more startling when attention is paid to specific groups of people. In depressed localities and industries, the general indicators are much higher than the above. And in general, without reference to specific areas and sectors, the official rates for January 1985 show the percentages of official unemployment: 11.6 for all people of Hispanic origin; 13.2 for Vietnam male veterans, 25 to 29 years of age; 15 for all blacks; 19.7 for all teenagers; and over 40 percent for black teenagers.

For all these groups, moreover, as for all older men, the official data show declining labor force participation: that is, larger numbers of labor force "drop-outs" and "kept-outs."

Finally, we must consider the impact of joblessness on poverty. We all know that during the last 4 years, the number and percentage of people and families below the so-called "poverty line" has risen. We all know that the gap between the rich and the poor has been growing. Much of this poverty is the direct result of joblessness, which reaches over 65 percent for all families below the poverty line and over 80 percent for female-headed households below the same line. Then there are the working poor. These are the people who toil for poverty wages that are the indirect effect of a job shortage that allows employers to pay poverty wages—and get away with it.

Unfortunately, radical rightwingers often see benefits in a large pool of jobless people. "There's no insurance against strong labor movements and higher wages like a large pool of unemployed people," they tell themselves or occasionally write. "That is the best way to raise productivity in competition with foreign labor. There is no better way to pick up depression bargains than a downturn in the business cycle."

That, Mr. Speaker, is the twisted logic that the sponsors of our bill want to straighten out by again picking up the fallen flag of economic rights.

"THE INCOME AND JOBS ACTION ACT": ITS GUIDING PRINCIPLES

"True individual freedom," Roosevelt stated in 1944, "cannot exist without economic security and independence." In 1946, this theme was developed still further by the late Prof. Abba Lerner, one of America's most distinguished economists:

> The security of knowing that one is able to find another job also means that the worker is more thoroughly protected against oppression than by any legislation on working conditions. His great recourse to threatened oppression is the power to go away and get another job. He will know what is meant by saying all men are free and equal. Full employment is the greatest guardian of the dignity of man.

During the last 40 years, Mr. Speaker, most of us have made some progress in restating such ancient phrases "The dignity of man" and "All men are created equal."

Most of us think now of the dignity of human beings—women and children as well as men. And many of us, when we use the word "all," we really mean all—no matter what their color, race, ethnic background, religion, or age. When we say "every," we do not limit ourselves to everyone who "counts for something." We do not exclude the "no-account" people who are jobless, homeless, or helpless. We do not exclude the middle-class people who are being squeezed by the present policies of the radical right. We even include the ultra rich who suffer from—in the words of Dr. Charles Henry, the University of California political science professor—the deviant behavior and pathology of "the culture of wealth." We respect their right to be rich, but not at the expense of the poverty of others and the loss of their commitment to moral values.

Mr. Speaker, the dictionary defines "all" as "the entire or total number." It defines "every" as "each without exception." But the radical right Reaganites have their own dictionary. Since it is classified, I must confess that I have not yet succeeded in getting a copy. But from close observation, my suspicion is that when they talk about opportunity for "all," they are thinking mainly of "White Upperclass Rich Men." Their firm conviction is that the WORMS have too little money. They, therefore, deserve more Government handouts, even if we must print more and more money to keep them happy. As for the poor and the jobless, their thinking goes, they have too much money, so we must cut all funds for the poor and transfer the "savings" to the rich.

By this way of thinking and acting the poor and the jobless are predestined to be an underclass, particularly those who are black, Hispanic, native American, or female.

Mr. Speaker, I believe that this country has a rendezvous with a different kind of destiny—a destiny in which economic rights take precedence over "rightist reaction."

Many of these economic rights have been set forth in a host of vitally important measures dealing with single issues in the Economic Bill of Rights of 1944: education, housing, health care, social security, family farming, and protection against monopoly. Other important proposals have dealt with the rights of people threatened by plant closures, high interest rates, declining exports, and the long-term impact of an unprecedented Federal debt.

But none of these separate measures can be properly financed if the country is losing the productive power of the jobless and the purchasing power that fuller employment would provide. Indeed, the absence of a full employment approach is one of the reasons that there is not enough support as yet for any of these specific measures. It is one of the reasons why we do not yet have a full enough package of progressive legislation in all these many areas.

That is why Franklin Roosevelt made the rights to a job and adequate income the cornerstone of his postwar planning. That is the economic logic behind "The Income and Jobs Action Act." That is why the bill set forth certain economic rights and then, under that policy umbrella, proceeds to the coordination of policies on conversion, locally rooted planning and implementation.

1. THE RIGHT TO EARN A LIVING (SEC. 2)

The radical right believes they have some divine right to keep wages down by whatever volume of cyclical or noncyclical unemployment is politically tolerable—and that is what they mean when they occasionally use the term "full employment." They even look forward to the next recession, hoping that it will do even more to weaken organized labor than Reagan's 1981–82 recession. They believe in the divine right of rightwing capital to a union-free environment. That is their high-tech version of the 18th century's "divine right of kings." For some of them, it is the right to keep or make a fortune without ever doing an honest day's work.

As a constructive alternative, we have updated Roosevelt's 1944 "right to a job" and the Hawkins-Humphrey "right to full opportunities for useful paid employment at fair rates of compensation." Our new formulation—and we invite suggestions for any improvement that may be needed—is as follows:

Every adult American able and willing to earn a living through paid work has the right to a free choice among opportunities for useful, productive,

and fulfilling paid employment—part- or full-time—at decent wages or self-employment.

The special attention given to voluntary part-time work recognizes the need of many people—students, older people, and those with child-rearing and housekeeping responsibilities—for paid employment of 10 to 15 or 20 hours a week. In my judgment, of course, part-time workers should enjoy full fringe benefits in addition to decent wages, something which is more feasible if they become members of the American labor movement.

This same section makes it obligatory for all agencies set up under Federal statute—including the Federal Reserve System—to operate in a fashion to help implement this right.

2. THE RIGHTS OF THOSE UNABLE TO WORK FOR PAY (SEC. 3)

The radical rightists think they have the right to widen still further the holes in the welfare net. They employ high-paid professionals to popularize the nonsensical idea that most welfare recipients are unemployable, lazy, or stupid.

We, on the other hand, believe in a genuine safety net for all adults unable to work for pay—and this, of course, would enable them to take better care of their dependents. We do not suggest that it be anywhere as generous as the administration's safety net that protects the country club memberships, stock values, and three martini luncheons of the country's biggest bankers and military contractors. We think an adequate standard of living is enough. On this basis, we propose the following:

Every adult American unable to work for pay has the right to an adequate standard of living that rises with increases in the wealth and productivity of the society.

To guide the interpretation of this right, we add a protection against labeling people unable to work just because of the unavailability of suitable work at a given place or because of the lack of employment experience.

3. CONVERTING TO ECONOMIC SECTORS THAT SHOULD BE EXPANDED (SEC. 4)

There is much talk these days about conversion, Mr. Speaker. Many Members have proposed excellent measures favoring conversion from the production of military goods no longer needed. Others have been pondering how to promote conversion into more productive operations of steel, auto, rubber, glass, and textile plants that are winding or closing down.

But if we look at the present administration's program and budget, we can find attention to entirely different kinds of conversion, One is the effort by radical Reaganites to convert American executives from innovative entrepreneurship into cocaine capitalists. This is done by larger and larger injections of funny money through bailouts, high interest handouts on riskless Government securities, tax giveaways, and cost-plus contracts. The other is the use of media imagery, militaristic jingoism, and subtle racism to convert American workers into Republicans. In this, they are helped by some radical television evangelicals who try to give the impression that God is spelled G.O.P.

In our bill, we talk sense on economic conversion. We require that the President's program, as presented to Congress every year, deal with two constructive kinds of economic conversion: conversion from military to civilian sectors—as dealt with more specifically in various bills now before the Congress—and conversion from declining civilian sectors to civilian sectors where there are unmet needs for more or better goods or services.

To fund such conversion activities, we mandate that the President's budget provide no less than the funds proposed for military spending.

4. MANDATING LOCALLY-BASED FULL EMPLOYMENT PLANNING (SEC. 5)

Large corporations always plan ahead. Generals and admirals spend most of their time planning. Every civilian agency does some kind of planning. But most of this planning serves some special interests alone. Most of it is overcentralized. And behind all the fancy talk about free market forces, the radical rightists dream of more and more centralized, special interest, behind-the-scenes planning by organized forces of the rich and the powerful. That is the kind of planning we get from a special interest White House.

The sponsors of this measure believe in public interest planning, not special interest coddling. We believe that the White House should be brought back into the public sector. Toward that end, building on the precedents of the 1946 and 1978 employment planning acts, we ask the Congress to mandate the kind of Presidential program needed to help America achieve its best potentials during the remaining years of this century. That means a program to make basic economic rights a reality.

That also means a program to promote inclusive local partnerships. We reject the idea that the so-called private sector is made up of nothing but big banks, transnational corporations, and get-rich-quick land and development speculators. We believe in participation by all the many private sectors—and that means small and medium-sized enterprise, labor organizations, and professional associations, the unemployed, neighborhood organizations, religious groups, coorperatives, nonprofit enterprises, and foundations. They too are private—and since we believe in private enterprise, we specify how they can be included in local, State, regional, and national partnerships.

Our legislation also proposes the rejuvenation of the thousands of town, city, county, and State planning boards and commissions already exist in existence. This would be done by new Federal incentives to promote:

Local assessments of unmet needs;

Local surveys of available, but unused, labor resources;

Local analyses of potentials for raising private and public funds to put available labor to work in meeting unmet needs;

The local development through open discussion of goals for the future of each area from the immediate present to the year 2,000; and

The local initiation of high priority projects for prompt progress in working toward such goals through cooperation among all private and public sectors.

The passage of this bill would mandate quick action through reductions in real and nominal interest rates, the provision of desperately needed private and public works and services, and voluntary work sharing.

Longer range measures include the expansion of voluntary part-time employment opportunities, staged reductions in paid working time with no corresponding loss in wages, other steps to cope with technological unemployment, the prevention of improper plant closings, and measures to control inflation.

5. IMPLEMENTATION

Experience has shown Americans that without an educated and active citizenry, there is no assurance of the proper implementation of any law. Experience has also shown that any public interest measure can be defeated through budgetary manipulation.

The final section of this bill, therefore, requires a short-term and long-term schedule for the implementation of every section. Two specific requirements are set forth. The first is the promotion of educational activities within each State. The second is a long overdue reform of budgetary practices—namely, estimating net as well as gross outlays. This would mean taking into account any increased revenues and reduced expenditures resulting directly from action to reduce unemployment and increase the number of people working for pay.

The full implementation of these policies would create conditions for more self-empowerment by all people bearing the brunt of the many cancerous prejudices that infect American society. It would enhance the dignity and self-respect of the many millions who, because of their sex, race, ethnic background, age, religion, station in life, political or sexual preference, or personal disability, are victimized by open or tacit prejudice.

But implementation would also serve the basic interests of everyone else. It would provide the rising mass purchas-

ing power—based more on real wages than on debt—and responsible growth needed for full employment. It would promote an improved quality of work and environment. It would create conditions for stabler, less subsidized, longrun business profits. It would thus serve the best interests of the great majority of American business people, farmers, white- and blue-collar employees, consumers, and taxpayers.

It goes without saying, of course, that a public interest measure of this type could not be implemented without a public interest Federal Government.

Its public interest policies could not be implemented if we continue to have a special interest Senate.

They could not be implemented if we continue to have a vested interest White House, even if legislation of this nature were to be passed over a Presidential veto. Economic rights can be translated into reality only when a Congress can work cooperatively and creatively with a President committed to economic rights for all rather than radical rightist reaction.

HUMAN RIGHTS OR "RIGHTIST REACTION"

In 1944, when Franklin D. Roosevelt warned against "the spirit of fascism here at home," he was not suggesting the possibility of Hitler-like dictatorship.

He was warning, rather, against tendencies toward a corporate state dominated by economic royalists. He was warning against what might happen if rightist reaction should trap us into forgetting economic rights. He was warning against the demagogy of the same radical rightists who dragged their feet in the war against the Fascist Axis.

Today, new demagoges have come to positions of power. While expanding the rights and entitlements of today's economic royalists, they attack the hard-won rights of ordinary people. They buy sophisticated position papers from rightwing think tanks to assault the entitlements of working people, of the unemployed, of present and future Social Security recipients, and of small- and medium-sized farmers and business people. They use skilled media communicators to brainwash people into retreating from the very idea of economic rights for all.

This radical right demagogy has had some successes. Elected officials now know that they will face powerful opposition if they treat the "right to earn a living" as more than a rhetorical slogan. They know that to defend the rights of the needy means to be vilified by powerful folk who believe in more privileges for the greedy. They know that if they try to revive the idea of a new economic bill of rights, they will be ignored by the mass media. As a result, many people have retreated from the very idea of economic rights for all.

But if we retreat from the right to earn a living, then whether we know it or not, Mr. Speaker, we undermine labor's right to organize for better wages and working conditions.

If we retreat on the income rights of those unable to work for pay, we undermine the purchasing power needed by our business people and farmers.

If we forget both of these rights, we undermine the living conditions of minorities, older people, and women.

If we yield on these rights, we retreat on all other economic rights. Why? Because only in a full employment society can our economy be productive enough to make a reality of our rights to good education, housing, health, and environment.

If we forget economic rights, we retreat on civil rights, political rights, and civil liberties. Martin Luther King, Jr., recognized this when he led demonstrations on behalf of jobs. That was his message in 1967 when he declared that "we must create full employment or we must create incomes" ("Where Do We Go From Here: Chaos or Community?," pages 161–162).

Above all, if we forget Martin Luther King, Jr., and economic rights, we yield the initiative to the military-industrial complex and give up on civilian alternatives to military spending.

"What we now need to discover in the social realm," wrote the famous psychologist William James many years ago, "is the moral equivalent of war."

Today, Mr. Speaker, what this country needs is an economic equivalent of military spending.

Let us be perfectly frank: the bloated military budget—going far beyond rational security needs—is the jobs program of the present administration. If this high-cost and inefficient jobs program were to be cut without replacing it by civilian employment, more people would be thrown out of work.

But if we can enact a rational package of full employment measures, then the curtailment of wasteful and destabilizing weapon systems would become more feasible. A major purpose of "The Income and Jobs Action Act" is to spark more farsighted and courageous initiatives in developing such a package.

Another purpose of this public interest proposal is to help restore the U.S. Congress to its constitutional position as a coordinate, not a subordinate, branch of Government. The practitioners of the imperial Presidency, on the other hand, want a Congress that stays away from policy legislation. They prefer a Congress that rubberstamps policies written within the executive bureaucracies without guidance from the legislative branch. They would confine serious policy debate to interagency committees and the offices of lobbyists and think tanks. They want legislators who spend their time arguing about administrative details. The administrators in their superior wisdom can then write the laws. They can then select the laws they want to administer and those for which they can become the executioner.

Mr. President, "The Income and Jobs Action Act" is overall policy legislation. It sets up no new agencies. Instead, it establishes policies to help coordinate the fragmented activities of existing agencies.

The measure provides no additional rules or regulations governing business, labor, voluntary organizations, and other private sectors. Rather, it establishes a policy framework for open debate on whatever additional incentives may be needed for inclusive local, regional, and national partnerships.

The measures set forth no new procedures. Instead, it strengthens the existing legal procedures governing the presentation of Presidential programs to the Congress and their consideration by the appropriate committees of the Congress.

The measure authorizes no additional Government spending or borrowing. Rather, in the spirit of the Employment Act of 1946, it mandates a Presidential program that would make more effective use of whatever Government outlays are authorized or appropriate under other legislation. Let us never forget that a large part of the Federal deficit results from, first, the revenues lost when people who would otherwise pay taxes are unemployed, and second, the outlays incurred by transfer payments to the unemployed. Many economists estimate that for every additional million people moving from unemployment to employment, these two factors alone would decrease the deficit by over $25 billion. So if official unemployment were to be cut by only 3½ percent, the effect on the Federal deficit would be a reduction of over $87 billion!

Mr. Speaker, there is a place for legislative action on details of administrative structures, rules and procedures—just as there is for sustained congressional oversight of action or inaction by executive agencies. There is even a greater role for policy legislation to advance American progress in such crucial fields as education, job training, labor relations, health, housing, trade relations, and fiscal, monetary, and military policy.

But every now and then, the time comes when, without reducing our care for the separate trees in the forest, we must look at the forest as a whole. Some people are waiting for the next downturn in the business cycle. That, they think, would be a more appropriate time to consider

overall policy. We think the time is now.

Some people think that moral vision should be left only to preachers in churches on Sunday and in synagogues on Saturday. We believe in moral values that are practiced every day of the week and every week and month of the year. We regard the present levels of unemployment, poverty, and distressed as sinful. We think it is morally wrong to wait for the next recession before taking the kind of action required for true freedom, emancipation, dignity, and opportunity.

That is why our bill enunciates the basic moral principles of the right to earn a living and the rights of those unable to work for pay. That is why our bill embodies the vision of those many religious leaders who suggest that the great American experiment in political democracy should be extended by a new American experiment in economic democracy.

Forty years ago, when Senator James E. Murray, of Montana, introduced "The Full Employment Bill of 1945," he made this statement: "Some Members of the Congress may disagree with the sponsors of this bill. That is how it should be in a democracy. Sound legislation can be developed only by clarifying the differences between conflicting schools of thought. The sponsors of this bill welcome criticisms."

The sponsors of "The Income and Jobs Action Act" also welcome criticisms. The words of our bill are not written in concrete.

Forty years ago, when the predecessor of our measure was first introduced, it was cosponsored by a bipartisan group of Democrats and Republicans. Indeed, the original measure was considerably clarified by amendments offered by four Republican Senators on the subjects of consultation, agriculture, foreign economic relations, and the concept of full employment.

We also welcome proposals for amendments. Any and all amendments will be considered seriously and objectively.

Above all, we ask the Members of this legislative body to look at this measure seriously. We would appreciate the benefit of either first impressions or considered judgments.

Sometimes a truly public interest proposal can transcend the usual distinctions between liberal and conservative and between Democrat and Republican. We think this bill is that kind of proposal and we look forward hopefully to bipartisan support.

Highlights of the Income and Jobs Action Act

The purpose of this bill is to advance the cause of human freedom for all Americans.

It does this by establishing in law an overall economic policy and mandating a coordinated program of implementation.

The policy is to recognize at long last—

The right to earn a decent living, and

The right to an adequate income for adults unable to earn a living through paid employment.

The mandate is for presidential submission to Congress of a detailed program for full employment without inflation.[1]

One element in the program would be incentives for planned conversion from areas of declining employment (civilian or military) to those where expansion is needed.

More significantly, the bill mandates the submission of specific proposals to lower interest rates, shorten hours of work, improve education and training, and provide for needed public and private works. Emphasis is placed on cooperative planning by all private sectors, by all levels of government, and through use of both market and nonmarket processes. Incentives are mandated for bold new local initiatives that would help prevent undue concentration of federal or corporate power.

Provision is made for short- and long-term implementation schedules that include educational activities in all the States and improved methods of calculating federal outlays.

The presentation of such a program would be a productive starting point for action by the Joint Economic Committee, the Budget Committees and the many legislative committees of Congress.

Its presentation would by itself give hope to those in the country's many areas of local recession and depression. Action on it—with whatever improvements the Congress may determine—could be a major step toward reducing the federal deficit.

Serious attention to this bill would by itself promote more confidence by the many business people who now assume that nothing is going to be done to prevent a future recession that could be even more destructive than the 1981-82 recession.

The Income and Jobs Action Act of 1985: Summary

This "call-to-action" bill has six sections. It begins with a short title and statements of two fundamental rights: The right to earn a decent living and the right to an adequate standard of living for Americans unable to work for pay. This is followed by sections on conversion to expanding civilian sectors, locally based over-all planning and implementation. These would create conditions under which the two rights may be freely exercised.

Section 1. Short Title: The Income and Jobs Action Act of 1985.

This is an "action" act because it can be used to inspire constructive activity throughout the country to:

(1) get a President and a Congress committed to work together for genuine and sustainable recovery based on good jobs and income; and

(2) prepare a full package of all the many measures—both private and public, local and state as well as national—required to carry out the Act's aims.

Why "income" before "jobs"? Income from a good job at decent wages is personally and socially preferable to income from transfer payments. But, if jobs at decent wages are not available, then adequate income must be provided.

The long title refers to a full employment society rather than economy. This stresses the social, ethical, moral and political—as well as economic—aspects of income-jobs planning and action.

Sec. 2. The Right to Earn a Living.

"Sec. 2(a). Every adult American able and willing to earn a living through paid work has the right to a free choice among opportunities for useful, productive and fulfilling paid employment (full or part-time) at decent wages or for self-employment."

This commitment reformulates for the 1980's, Franklin Roosevelt's "right to a useful paid employment at fair rates of compensation" in the Hawkins-Humphrey Act of 1978.

The next subsection, 2(b), requires all federal agencies to work together to attain and maintain "conditions under which all adult Americans may freely exercise this right".

Subsection 2(c) is a commitment needed today which provides that: "Neither the Federal Reserve System nor any Federal department, agency, or commission may directly or indirectly promote recession, stagnation, or involuntary unemployment as a means of reducing wages and salaries or inflation."

Sec. 3. The Right of Those Unable to Work for Pay.

"Sec. 3. (a) Every adult American unable to work for pay has the right to an adequate standard of living that rises with increases in the wealth and productivity of the society."

This principle is already embodied in unemployment compensation, public assistance, food stamps, rent subsidies, and other transfer payments to the poor—but in distorted form.

Subsection 3(b) clarifies this dangerous misunderstanding. Distortion one: Many recipients are now regarded "unemployable" even though they are or would be employable if certain minimum conditions—decent job opportunities (including part-time), child day care, relevant job training or education, etc.—were met.

Subsection 3(c) clarifies the income amount. Distortion two: The income received in transfer payments is often inadequate. This subsection, therefore, mandates an adequate standard of living, as defined by the Bureau of Labor Statistics ". . . moderate level of living".

Sec. 4. Conversion to Expanding Civilian Sectors.

Sec. 4(a) creates a Conversion Planning Fund and Office in the Executive Branch, and mandates that the President ". . . shall include specific proposals" for the administration of conversion planning beginning in the first annual message to Congress after enactment of this bill.

Subsection 4(b) provides that this office will "promote short and long-term plans for coping with declines in civilian or military activities".

This office will promote conversion: (a) from military to civilian and (b) from civilian sectors (auto, steel, aerospace and many other industries in which employment has been or will be declining because of labor-displacing technologies, high interest rates and Third World austerity) to areas of needed civilian expansion.

Sec. 5. Locally Based Over-all Planning

This section provides for President-Congress cooperation in planning and implementing a staged program to carry out the intent of the previous sections. This is to be done in a manner "designed to prevent or counterbalance any undue concentration of

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[1] This mandate builds on—and improves upon—the Employment Act of 1946 and the Full Employment and Balanced Growth Act of 1978.

Federal or corporate power." Thus, the government will actively foster non-federal planning for sustainable recovery and full employment by:

Sec. 5(b)(1) town, city, county, and state governments and their agencies in urban, suburban, and agricultural areas of the country;

Sec. 5(b)(2) small and large business enterprises, labor organizations and trade unions, the unemployment, non-profit, voluntary and cooperative organizations (including neighborhood, tenant and home owners associations and corporations), women, and racial and ethnic minorities.

This means inclusive, rather than exclusive partnerships locally and nationally.

Subsection 5(b)(3) explains how the locally based over-all planning works and states what kinds of things local people should be doing. Quick action is mandated to create productive jobs through reductions in real and nominal interest rates, the provision of desparately needed private and public works and services, and voluntary work sharing.

Subsection 5(d) describes improved Federal incentives (guarantees, loans contracts, tax deductions, etc.) would be provided for all organizations listed in Subsection 5(b)(1) and (2). Incentives for larger corporations would be conditioned on "their living up to well-defined standards of corporate responsibility". Thus, appropriate advance notice, termination payments, etc., may be required of a company before it decides to "close, substantially reduce, or relocate its operations".

Longer-range measures include (1) the expansion of voluntary part-time employment with fringe benefits, (2) staged reductions in paid working time (with the average work week in manufacturing cut to 35 hours) with no corresponding loss in wages, (3) other steps to cope with technological unemployment, (4) improved education and training of managers, technicians, the employed and the unemployed, and (5) measures to control inflation.

Sec. 6. Implementation

The program mandated in this bill would be financed by an amount no less than one percent of the amount appropriated for military purposes but also by such larger resource shifts as (1) reductions in the military budget itself, (2) reducing or eliminating wasteful tax loopholes, (3) reducing both real and nominal interest rates, and (4) the more appropriate use and direction of the enormous sums in public and private pension funds, and (5) the creation or promotion of private and public development banks, particularly in neighborhoods and other areas of high unemployment and poverty.

The President shall, as a part of the annual program developed in the economic report to Congress, include a short- and long-range schedule for implementing this Act. The implementation schedule shall include the promotion of educational activities within each state and timetable for attaining policy goals of the Act.

This bill requires a careful distinction between gross and net outlays. This takes into account both spending decreases when people move from unemployment compensation or public assistance to payrolls and the increased revenue received when they pay taxes. Thus, if a gross outlay of $100 million results in (a) $30 million less in transfer payments and (b) $20 million more in payroll and income taxes, then the net outlay is only $50 million. The regular use of such estimates—not currently provided by the Office of Management and Budget or in appropriation measures—will make budgeting more rational.

H.R. 1398

A bill to promote genuine and sustainable recovery and a full employment society by extending and fully implementing the Employment Act of 1946 and the Full Employment and Balanced Growth Act of 1978

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Income and Jobs Action Act of 1985".

THE RIGHT TO EARN A LIVING

SEC. 2. (a) Every adult American able and willing to earn a living through paid work has the right to a free choice among opportunities for useful, productive and fulfilling paid employment (part- or full-time) at decent wages or for self-employment.

(b) All Federal departments, agencies, and commissions shall plan and carry out their policies, programs, projects, and budgets in a manner that will contribute to establishing and maintaining conditions under which all adult Americans may freely exercise this right.

(c) Neither the Federal Reserve System nor any Federal department, agency, or commission may directly or indirectly promote recession, stagnation, or involuntary unemployment as a means of reducing wages and salaries or inflation.

THE RIGHT TO AN ADEQUATE STANDARD OF LIVING OF AMERICANS UNABLE TO WORK FOR PAY

SEC. 3. (a) Every adult American unable to work for pay has the right to an adequate standard of living that rises with increases in the wealth and productivity of the society.

(b) No adult American shall be judged unable to work merely because of the unavailability of suitable paid employment opportunities at a given time or place or because of the lack of previous employment.

(c) In the absence of such opportunities and until such opportunities can be provided under section 2, an adult American able and willing to work for pay shall be provided with whatever income is required to maintain a moderate level of living, as defined by the Bureau of Labor Statistics.

CONVERSION TO EXPANDING CIVILIAN SECTORS

SEC. 4. (a) In the first annual message at the beginning of the first session of the Congress after the enactment of this Act, the President shall include specific proposals for a Conversion Planning Fund, to be administered by such agencies as the President shall determine.

(b) The purpose of such Fund shall be to promote short- and long-term plans for coping with declines in civilian or military activities by developing specific policies, programs, and projects (including but not limited to feasibility studies, education, training on the job, and inducements for whatever increased labor mobility may be necessary and desirable) for the expansion of economic activities in sectors where additional or improved goods or services are needed.

(c) In addition to such other funds as may be authorized, such Fund shall include no less than 1 percent of the amount appropriated for military purposes during each subsequent year.

LOCALLY BASED OVERALL PLANNING

SEC. 5. (a) Within six months after the date of enactment of this Act and thereafter in each annual economic report and budget message, the President shall transmit to Congress a staged program to create conditions under which the rights set forth in sections 2 and 3 may be fully and freely enjoyed and to set forth how the Fund created by section 4 may be most productively used.

(b) Such program shall be designed to prevent or counterbalance undue concentration of Federal or corporate power by fostering recovery and full employment planning by—

(1) town, city, county, and State governments and their agencies in urban, suburban, and agricultural areas of the country;

(2) small and large business enterprises; labor organizations and trade unions; the unemployed; non-profit, voluntary, and cooperative organizations (including neighborhood, tenant and home owners' association and corporations); women; and racial and ethnic minorities;

(3) broad-based local partnerships in which the groups referred to in paragraphs (1) and (2) cooperate—

(A) to assess unmet needs in their areas, including the need for voluntary leisure as well as for goods, services, adequate income, employment at good wages, and volunteer activities;

(B) to survey the supply of labor resources and of managerial, professional, and technical skills that might be used in meeting such needs;

(C) to analyze the potential for obtaining necessary funds from various combinations of private and public sources without undue reliance on Federal funding;

(D) to develop goals for the future (through the year 2000) of their area; and

(E) in the light of the activities conducted under subparagraphs (A) through (D), to initiate high priority action projects that attain prompt progress toward such goals through both private and public agencies and market and non-market processes.

(c) Such program shall be designed to promote conditions for more self-empowerment by people victimized by discrimination in hiring, training, wages, salaries, fringe benefits, or promotion on the basis of prejudice concerning race, ethnic background, gender, age, religion, station in life, political or sexual orientation, or personal disability.

(d) Such program shall include, but need not be limited to, general and specific policies and projects designed—

(1) to provide quick action through reductions in real and nominal interest rates, voluntary work-sharing arrangements, and a program of private and public works and services to use the abilities of the unemployed in repairing and improving the Nation's infrastructure of private industry, public facilities, human services, and natural resources,

(2) to provide improved Federal incentives for small and large business enterprises; labor organizations and trade unions; the unemployed; and non-profit, voluntary, and cooperative organizations (including neighborhood, tenant, and home owners' associations and corporations), with the receipt of any Federal incentives by larger corporations conditioned on their performance in living up to well-defined standards of corporate responsibility, including the obligation regularly to certify compliance with laws and regulations governing working conditions, labor relations, affirmative action, environmental protection, taxation, election

contributions, and bribery at home or abroad;

(3) to provide for Federal grants to promote creative initiatives by local and State governments and their agencies in planning and budgeting for genuine recovery and a full employment society;

(4) to promote staged reductions in paid working time by reducing the average work week in manufacturing to no more than 35 hours without any corresponding loss in weekly wages;

(5) to vastly increase the opportunities for voluntary part-time employment with full fringe benefits;

(6) to take such other steps as may be needed to cope with the threat of increased unemployment caused by the increased use of technology;

(7) to provide for vastly improved education, training, and retraining of managers, technicians, the employed, and the unemployed;

(8) to prevent plant closings through all feasible means (including conversion to other forms of production and ownership) and provide standards (including measures such as appropriate advance notice, termination payments, and extension of health benefits) for any corporation planning to close, substantially reduce, or relocate its operations;

(9) to promote conversion from military to civilian production; and

(10) to control inflation.

IMPLEMENTATION

SEC. 6. (a) As part of the annual program developed by the President under section 5, the President shall transmit in the annual economic report to Congress a short- and long-range schedule for implementing the purposes of this Act.

(b) The implementation schedule shall include, but need not be limited to—

(1) reductions in the military budget;

(2) recommendations for increased revenues through the reduction or elimination of wasteful tax expenditures and other loopholes in the tax laws;

(3) reduction in interest payments on the Federal debt by reductions in both real and nominal interest rates and Federal deficits;

(4) recommendations for the appropriate use and direction of public and private pension funds; and

(5) the creation or promotion of private and public development banks, particularly in neighborhoods and other areas of high unemployment and poverty.

(c) The implementation schedule shall include, but need not be limited to—

(1) the promotion of educational activities within each State on locally-based overall planning, with special attention to educational processes that promote and use the creative abilities of small, medium, and large business, of labor organizations and the unemployed, and of nonprofit voluntary and cooperative organizations; and

(2) timetables for developing the conditions for progress in attaining the policy goals of this Act.

(d) Any outlays proposed by agencies involved in the implementation of this Act shall be presented in terms not only of gross outlays but also of net outlays, computed with a full estimation of any immediate impact additional employment may have in—

(1) reducing outlays by reducing the number of people receiving unemployment compensation, public assistance, and other transfer payments (without necessarily including reduced outlays resulting from improvements in public health and safety); and

(2) increasing tax receipts as a result of more individuals earning income subject to social security and income taxes and more business enterprises, particularly small business, earning the larger, more stable, and less subsidized total profits possible under conditions of full employment.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I want to say that some of the points that the gentleman is making are absolutely essential to the economic discussion that this Nation is going to undertake over the next several weeks. The gentleman makes some excellent points.

I want to congratulate him on making the point that the way to bring down deficits is to bring down unemployment in this country.

Would the gentleman agree with me that the best way to bring down unemployment is to inspire economic growth?

Mr. HAYES. In part I agree with the gentleman. And one of the ways to inspire economic growth is to employ people who are unemployed.

Mr. WALKER. If the gentleman would yield further, I think that is correct, but the gentleman would agree that the way that you put people to work is to have the kind of economic growth that allows jobs to be created; is that not right?

Mr. HAYES. That is right. But I think the Government has to be a partner to this creation of jobs.

Mr. WALKER. If the gentleman would yield further, I assume that the gentleman is pleased by the fact that last year the economy grew at a rate of nearly 7 percent which allowed the creation, in an 18-month period, of nearly 6 million jobs which was pretty much of an all time record. We created a fantastic number of jobs as a result of that rather significant growth.

I am just wondering whether the gentleman as a part of what he is attempting to do would say that what we need to do is make certain that the economy continues to grow at 7 percent a year, or 8 percent a year, or maybe even 10 percent a year. That we ought not put artificial ceilings on the growth of the economy.

Mr. HAYES. Well, the gentleman from Pennsylvania is certainly entitled to enter into the RECORD following my statement anything he wants to do to substantiate the position that he suggests.

□ 1330

One of my problems was, I do not believe some of the figures that have been publicized in terms of economic growth, so long as it leaves so many people unemployed which are not being reported. As long as people are out of work and seek jobs, I think we as Representatives of the Federal Government have a responsibility to at least put forth a program and establish some priorities which will provide jobs for them in terms of building our infrastructure and some of the other things in our major cities in order to provide jobs. This is part of what I consider to be economic growth.

Mr. WALKER. If the gentleman will yield, I certainly agree with the gentleman that there is too much joblessness left. I certainly would not try to defend the amount of joblessness that still exists, and we certainly need to do something about that.

But would the gentleman agree that we are better off creating real productive jobs in the economy rather than creating Government make-work jobs in the economy?

Mr. HAYES. I am not even agreeing that the jobs I refer to are make-work jobs. I think they are necessary jobs. Sure, I agree that necessary jobs should be an objective to achieve. But if we build our infrastructure, build our sewage systems in our cities, build the kinds of houses that are necessary for the middle- and low-income people I think is a plus in terms of giving people work, and certainly I agree that this would help to stabilize our economy and at the same time provide employment for people. I agree with what the gentleman is saying, but I think we may pursue it from a different avenue.

Mr. WALKER. If the gentleman will yield further, the only point I make to the gentleman is that that economic growth has also permitted us to raise over the last 2 years an additional $120 billion in revenue over what we received in fiscal 1983, that we have increased revenues to the Federal Government since fiscal year 1983, where we collected $600 billion in revenue, to a 1985 revenue estimate by the Treasury which is going to be $725 billion.

I think the gentleman would agree with me that the kind of economic growth that produces those revenues helps us to rebuild infrastructure, helps us to do all these things, and in fact that revenue growth has also taken place in many of our States and localities, which has given them additional revenue, in some cases even surpluses, although the surpluses are not what some of the studies have projected. Still, there are some areas that have come up even with surpluses in their budget, as a result of economic growth, that has allowed them to improve infrastructure on their own and thereby employ people doing those jobs.

I cannot imagine that the gentleman and I would disagree on the idea that that kind of rather high economic growth is not a good thing for the

economy so long as that growth is not inflationary.

Mr. HAYES. I think full employment is an objective that I think we ought to try to achieve. I think I have a basic difference with the gentleman from Pennsylvania as to how we achieve that full employment. I do not think it can ever be achieved at the expense of not having some priorities which really commits the Government to provide at least a person an opportunity to a job if he is able and willing to work. And if they cannot find a job, if a job is not available, then it is, too, the responsibility of the Government to provide that person with a livable and decent income until such time as a job is available. I do not think we can ever achieve that kind of plateau so long as we spend the amount of Federal taxes that we now collect for the amount of military that we spend it for. I think it is always going to be at the expense of programs that benefit people. That is what disturbs and bothers me.

Mr. WALKER. If the gentleman will yield, the gentleman does remember that his figure that the full employment is defined by the Federal law which he cited was a 4-percent figure.

Mr. HAYES. That is right.

Mr. WALKER. Where it is 7.5 percent right now, approximately. Which means that in order to achieve the full employment rate we would have to drop unemployment by 3.5 points.

Over the last year we have dropped unemployment by almost 3.5 points. It has really been over about 18 months that we have dropped down unemployment by 3.5 points, largely because of growth. And what I am suggesting to the gentleman is that if we can keep attaining those levels of growth, if we can keep the kind of economic program in place that attains that level of growth, that in fact we have a chance over the next 18 months to drop the unemployment rate back another 3 points, and that would achieve the full employment level that the gentleman suggested earlier.

Mr. HAYES. I just want to suggest to the gentleman from Pennsylvania that I do not agree that the 7.4-percent figure of unemployment actually reflects the number of joblessness in this country to day.

Mr. WALKER. The gentleman will admit that that is the official Government figure?

Mr. HAYES. I know. That is what is publicized. But I am concerned about that which is not publicized.

Mr. WALKER. I thank the gentleman for yielding.

● Mrs. COLLINS. Mr. Speaker, I would like to thank my good friend and colleague Congressman CHARLES HAYES for managing this special order on H.R. 1398, the Income and Jobs Act of 1985.

The need for a coordinated and comprehensive Federal economic policy on unemployment is long overdue, and I would like to lend my support to this important legislation.

Just about 40 years ago, our Nation made a commitment to attaining maximum employment through the Employment Act of 1946. The law essentially established the Government's responsibility to prevent a second Great Depression.

Of course, it was impossible to know back then that depressions were to be replaced by recurring recessions. These recessions have represented a slow death for the disadvantaged people and minorities in our society.

When the business cycle takes a dive, a quick economic fix is pumped in just in time to make the President look good before the next election, and all is well on Main Street U.S.A.

Right? Wrong.

If you look beyond the facade of the pretty buildings and flower boxes, you will see economic suffering as this country has not seen in many years.

Young people, Hispanics, blacks, women—they all paid the price for shortsighted economic policies that led to what has become a selective recovery.

This situation prompted my good friend and colleague Congressman GUS HAWKINS to introduce the Full Employment and Balanced Growth Act of 1978. This bill became law, but was twisted around so much that it has not accomplished its purpose.

So we are essentially in this same sad situation today. It is fashionable to talk about helping the unemployed, but the quick fix has taken its toll. We need a long-term plan for economic justice in this Nation, and we have found one in the Income and Jobs Act of 1985.

The bill's objectives are simple: It states that every adult American has the right to earn a decent living, and if he or she is willing but unable to work, the right to an adequate income.

The Income and Jobs Act is a commonsense piece of legislation. It calls for a coordination of Federal economic policy and mandates a program of implementation, which means the Government needs to get its act together and do some long-range planning with regard to employment opportunity.

Things like promoting realistic plans to convert from declining industries to areas where additional services are needed, and more local involvement in planning to avoid corporate or Government concentration of power show the practical approach taken by this legislation.

And no additional funding is required. This bill would simply guide existing Federal agencies in establishing policy to carry out the will of the people in a manner beneficial to all the people.

The impact of joblessness on this society is far reaching, the Federal Government has an obligation to do what we can to help.

We must think beyond the next few years and consider what the fruit of our actions will be decades from now.

Are we going to take the short-term, easy solution? Or will we act prudently to preserve economic justice for all of our citizens?

We do have a choice in this matter, and I believe it is time to close the gap between economic justice and political democracy through our support of the Income and Jobs Act of 1985.●

● Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 1398, the Income and Jobs Action Act of 1985 introduced by my friend and distinguished colleague from Illinois, CHARLES HAYES. Throughout his career, he has blazed the path for full employment, first as an important leader within the labor movement and now on the Committee on Education and Labor, where his diligence is second to none.

Similar to the bill that we introduced together last session, this bill would make the right to a job a fundamental and enforceable right. If enacted, it would create a conversion planning fund, which, administered by the President, would promote short- and long-term plans for coping with declines in civilian or military activities by developing specific policies, programs, and projects for expansion of economic activities in sectors where additional or improved goods or services are needed. It would be funded in part by a transfer of 1 percent of Department of Defense outlays and would include job training activities in areas which are particularly hard hit by high unemployment. I urge Members to study it closely because it is a bill for which the logical, economic, and human justifications are clear and compelling.

This bill represents an alternative to supply side economics which in my judgment has been a failure even by its own measures. It is the demand-side alternative to supply-side economics which has permanized structural unemployment in major regions of the country. It is an alternative to the current economic arrangements and assumptions which have created unparalleled budget and human deficits.

It is the alternative which represents the most viable method of reducing the need for Government expenditures while increasing Government revenues in the most painless of ways: putting people to work. Not only is it a better alternative for human beings but it is also a better alternative for the economy as a whole. Indeed most historical, international, and empirical evidence supports this.

Contrary to popular myth, the current brand of economic program has

produced the lowest rate of economic growth in the past 20 years. Look at the growth rates in the GNP of the past five Presidents: Kennedy 5.2 percent; Johnson 4.8 percent; Nixon 2.6 percent; Ford 3 percent; Carter 3 percent; Reagan 2.2 percent.

Why? Under the Reagan administration's economic program there have been lower relative levels of capital investment and productivity, lower savings and higher real interest rates, an overvalued dollar, losses of over 3 million jobs in the manufacturing sector and more business failures and mortgage delinquencies.

And these failures do not reflect the human and social impacts which are concentrated primarily among those of the lower economic strata.

This is the situation today for the world's most affluent country: 22 million people unemployed or underemployed; 35 million below the poverty line; a black unemployment rate twice the national rate and six times the national rate for the black youth; a black poverty rate at an astounding rate of 37 percent; 100,000 preventable occupational deaths annually; and all the social and economic ills of lowered productivity as well as demand and higher misery and crime that beset the Nation because of this enormous vault of wasted talent.

Mr. Speaker, there are other costs. The Subcommittee on Crime which I chaired in the 97th Congress, held numerous hearings which recounted the recurring link between joblessness and crime. There are telling relationships between chronic levels of unemployment and chronic bad health, between chronic levels of unemployment and the decay of our infrastructures, our schools and our hospitals.

A full employment alternative is not lacking in empirical or historical rationale. It is lacking only in the political will needed to translate it into reality. Indeed, those countries that have used demand-side economics or full employment as a guiding principle rather than supply-side economics have higher rates of investment, productivity, capital formation, demand, and economic growth, and lower rates of crime, sickness, spending on social subsistence programs and the other social ills that befall an unemployed country. This is not a matter of philosophy, it is a matter of record.

The absence of a national planning strategy in the 1960's, as contrasted to that of other countries, meant that the steel and auto industry became uncompetitive in the 1980's. The poor state of democracy within the workplace today means that there needs to be 10 times as many employees in managerial and supervisory positions than in most West European countries and Japan where full employment is the guiding principle.

The human and economic waste wreaked by unemployment is enormous—approximately $30 billion for every 1 percent increase in unemployment—also chokes the economy. And these costs do not take into account the multitude of other costs like $30 billion that we spend on criminal justice enforcement—excluding police enforcement—and the vast array of other costs of unemployment.

High unemployment also dampens demand and is a major cause of lower productivity. Much data shows that our fall from grace in productivity and investment can be directly and linearly traced to the increases in unemployment.

Just $1 billion of the $300 billion military budget 0.3 of 1 percent, could create 70,000 jobs in the civilian sector, almost 3 times the number of those created in the military sector for the same amount of money.

We as a country must believe in the fundamental principles of democracy, security, equality, community, efficiency, and liberty. Our economic beacon must be that economic programs that undermine these values will suffer substantial economic costs and those which support them will reap the benefits of releasing our productive energies and harnessing them to meet human needs.

This is not bleeding heart liberalism, but it is a practical economic plan that offers a better alternative not just for those who are currently excluded from the economy but for all Americans. It is my hope that Members will now consider this demand-side, full-employment alternative as a better plan for our economy.●

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

STEEL IMPORT TALKS WITH JAPAN: A LESSON IN FUTILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, well, it has happened again. Last August, imported steel surged to capture better than a 30-percent share of the domestic market. In December, imported steel again surged past the 30-percent mark. And, just yesterday, we learned that in January, for the third time in the past 6 months and the second time since last September, when the present administration refused to impose specific quotas on steel imports, foreign steel captured more than a 30-percent share of the domestic steel market.

I ask you, Mr. Speaker, is it ever going to slow down? Are we ever going to take some action to insure that we will have a viable steel industry again? How many more steelworkers are going to have to lose their jobs before we feel it's time to do something?

I must admit that I'm not particularly surprised that the Japanese, as reported in yesterday's Washington Post, have broken off negotiations after 2 weeks. After all, if it looks as if U.S. negotiators are not again going to cave in to their demands, what's the point of going on.

It seems to me as if the Japanese are continuing their same old game of delay and obfuscation. After all, the congressional steel caucus made a major sacrifice so this administration could pursue its efforts to reach voluntary agreements on steel imports instead of imposing firm import quotas.

Everyone in this House should remember that the Fair Trade in Steel Act, which would have imposed a quota level of 15 percent, had over 220 cosponsors—surely more than enough votes for passage.

But, in a display of compromise—of willingness to give our negotiators a freer hand—the congressional steel caucus did not push for passage of the Fair Trade in Steel Act.

We agreed to step aside, to let the administration attempt to achieve its goal of limiting steel imports to about 18.5 percent of the domestic steel market through the voluntary agreements.

Quite frankly, Mr. Speaker, I didn't believe it would work when it was first announced. And today, I am even more positive that we are giving up on the steel industry in the United States.

As you will recall, the mid-September decision by the administration called for agreements to be reached with seven steel exporting nations—Japan, South Korea, Brazil, South Africa, Mexico, Spain, and Australia. In addition steel exports from the European Common Market would continue under the existing 1982 agreement. The new agreements were to be for 5 years and to be retroactive to October 1, 1984.

Well, everything seemed to be going along well, even though I had some misgivings. The Japanese agreed to a 5.8 percent market share; South Korea, 1.9 percent; Brazil, 0.8 percent; Mexico, 0.3 percent; Spain, 0.67 percent; Australia, 0.18 percent; and South Africa, 0.42 percent.

In addition, as I was told in a letter from the USTR, Bill Brock, in mid-January, his office was monitoring steel imports from such exporting na-

tions as Canada, Sweden, Austria, Venezuela, Taiwan, and several Eastern European nations.

At any rate, Mr. Speaker, the point I am making is that the Japanese did agree to a market share. The implication in the agreement was that the Japanese also accepted the 5-year term of the agreement and the retroactive date of October 1, 1984.

Apparently, that was not the case, insofar as the Japanese were concerned. The Japanese now are saying that the date or retroactivity should be January 1, 1985. Thus, the Japanese are reneging on their initial acceptance of the agreement, and, by that action, could destroy the fabric of the agreements with the other nations.

And I wouldn't blame them. Why should they accept the October 1, 1984, date, if we will be willing to accept a January 1, 1985, date for the Japanese?

And, even further, given the Japanese style of agreeing in principle to an issue and than seeking to renegotiate it until they get what they want, I believe it will be a cold, cold day before any agreement is finally reached.

Just consider the results of recent negotiations with Japan for the acceptance of wood and wood products from the United States and the efforts of the United States to get a piece of Japan's telecommunication industry's needs.

We have already read what Secretary of Commerce Baldrige told his team. He told them to pack it up and come home because we weren't getting anywhere with the Japanese negotiators.

And if we think we are the only ones suffering from the Japanese style of negotiations, I urge you to read an article by James B. Treece, the Tokyo bureau chief of AP-Dow Jones News Services, which appeared in the Wall Street Journal on Monday.

Mr. Treece has compiled a list of Japan's refusals to work with the developing nations in Southeast Asia. In instance after instance, the Japanese have closed off their market to those nation's raw and finished goods. In fact, Japan takes only 8, that's right, 8 percent of the developing world's exports—and most of that is oil and gas—while the United States takes 50 percent and Europe takes 28 percent.

What really hurts us is that at the same time Japan continues to flood the American market with its steel and other export goods, the United States is also being flooded by goods from the developing nations of Asia who have been unable to market their goods in Japan.

I ask you, is that fair? Is that the action of a nation that says it wants to be a part of the world economy?

The current administration finally recognizes this. When the plan to reach voluntary agreements with the steel exporting nations was announced, this administration hoped that steel markets in Japan and other industrialized countries wouldn't be closed to steel from developing nations. In other words, U.S. officials wanted to be sure that Korean steel beyond the agreed limit wasn't going to come to the United States because it couldn't get into Japan.

This administration's fears were well founded. For, as Mr. Treece reports, Korean steel is unloaded at night onto unmarked trucks by importers anxious not to offend Japanese steelmakers.

I am including Mr. Treece's article in its entirety because it brings a message that every Member of Congress should know.

□ 1340

I think at this point I am going to read. I was going to include it, but I think it is imperative that I read the Wall Street Journal of Monday, March 4. The article has the headline, "Japan's Protectionism Diverts Asian Goods to the United States."

This is datemarked Tokyo:

When a high-level delegation from Japan's Federation of Economic Organizations made an unprecedented swing through Malaysia, Singapore and Indonesia late last year to discuss trade with business and government leaders, it was big news in that part of the world.

But when Japan's press covered Chairman Yoshihiro Inayama's post-trip news conference, it reported only what he said about curbs on auto exports to the U.S. and didn't mention the trip.

Japan takes its Asian trading partners for granted. It is far more inclined to bow to U.S. demands for trade concessions than to Asian ones. That is a poor policy for Tokyo, and, more important from an international perspective, the U.S. and Europe are being shortsighted if they think Tokyo's favoritism helps them.

In fact, the U.S. and Europe become the dumping grounds for Asian goods that can't get into Japan. As U.S. trade representative Bill Brock pointed out in Tokyo recently, Japan takes only 8 percent of the developing world's exports (much of it is oil and gas), the U.S. 50 percent and Europe 28 percent.

I mentioned that in the main part of my remarks.

Continuing on in the article:

Most of the world faces Japanese bars to imports. What makes the Asian examples so striking, however, is how often the blocked products are made in plants of Japanese origin.

□ 1350

Here is an example: "Indonesian tropical hardwood plywood, whose manufacture was developed with Japanese technology, faces a steep 20-percent tariff at Japan's ports."

Outside of this article, in my remarks, I ask, where do you think that goes? It ends up right here. Do not let anybody fool you.

Continuing on with the article:

Japanese steelmakers, fearful of more competition from South Korean mills they helped build—

The Japanese built them; it is their technology, their mills, their machinery—

are holding back on further technical exchanges, and are believed to have pressured domestic buyers against taking Korean steel.

Outside of the article, let me remark, where do you think that steel is going?

Back to the article:

Thai Industry Minister Ob Vasuratana recently complained that Japan buys only modest amounts of Thai manufactured goods, even though 90 percent of Thai plant machinery was made in Japan.

Sumitomo Corp. this year scaled back plans for an integrated textile concern in China, with all of the output targeted for the Japanese market, after domestic textile companies complained.

A string of Japanese prime ministers has traveled to Southeast Asia to affirm that Tokyo values its ties with the region. But lack of progress has allowed Japan's trade relations with Asian nations to unravel even further in the past year;

Tokyo mistakenly thought pomp and ceremony for South Korean President Chun Doo Hwan's historic September visit was all Seoul cared about. Tokyo failed to see the frustrations that led Seoul to ban a huge list of imports from Japan shortly after President Chun returned home.

Toyota Motor Corp. tried to get by with vague pledges of "efforts" to export autos from a planned joint venture with Taiwan. Taipei insisted on something more concrete and, when Toyota fudged, finally scrapped the plan in September.

The Nakasone cabinet made only a minuscule cut in Japan's tariff on boneless chicken—an item as symbolic of Japan's closed markets to Thailand as beef and oranges—

Which are closed here to America—

are to America—as part of a mid-December "market opening" package favoring Asia.

That was a small concession.

Continuing on in the article:

As these examples show, the responses of Asian nations over the past year haven't been positive or productive. Instead of lashing back unilaterally, Japan's Asian trading partners need to build alliances with the U.S. and Europe, to try to ensure that Japan's markets are open to all.

That is, open to all countries, including themselves.

December's series of bilateral talks between the U.S. and countries that export steel to America are an example of how such cooperation might have worked but didn't. The talks were aimed at limiting steel imports into the U.S., however, and Seoul, for example, spent most of the time howling about unfair American quotas. It missed a chance to enlist Washington's help in prying open Japan's market.

When President Reagan first announced plans to limit steel imports, a crucial part of the plan involved guaranteeing that steel markets in Japan and other industrialized countries wouldn't be closed to steel from developing nations, lest the latter's steel be "diverted" to the U.S. market. In other

words, Mr. Reagan wanted to make sure Korean steel wasn't going to the U.S. because it couldn't get into Japan.

The implied suspicion was well founded. Korean steel is unloaded at night onto unmarked trucks by importers anxious not to offend Japanese steelmakers. An agreement last year by Japanese trading houses to import Korean steel under long-term contracts seems aimed at setting up specific import channels that will ensure those imports' share of the domestic market will stay below an informal limit of 10 percent.

Not surprisingly, Mr. Reagan's proposal met with strong criticism in Tokyo. Over the next week, the local press charted the rise in Japan's imports of steel, as if to argue that rising imports proved Japan's market already was open.

Tokyo needn't have worried. The idea went nowhere. U.S. negotiators, lacking strong political backing on the "diversion" issue from U.S. steelmakers, focused only on limiting Japanese imports into the U.S., not on making sure the Japanese market was open.

Asian nations would do well to link future export restraints to the U.S. or Europe with demands that Washington or Brussels join in pressing Tokyo to open its markets to Asian goods. Such a link is in the self-interest of developed nations. Robust U.S. economic growth is pulling in Southeast Asian exports at a record clip, and non-Japanese Asian economies too easily could become addicted to this.

The article goes on and on. My time is short, and I do not want to read it in its entirety, but it will be made a part of the RECORD.

But if it was only steel imports that posed a problem for this country, under those conditions outlined in that article, it would be one thing. But the range of industries that are and will be feeling the pinch is limitless.

In the Journal of the Institute for Socioeconomic Studies, for the winter of 1985, there is a listing of foreign imports as a percentage of total sales for selected products.

For example, in 1950 the imports represented about 10 percent of the apparel market, but in 1983 the import share was up to 40 percent.

At this point I am just going to read these very, very hurriedly. Here is the item, apparel, and the base year. In 1950, 10 percent was coming into this country; in 1983, 40 percent.

Textile machinery: Back in 1963, 9 percent was coming into this country, foreign-made; in 1983, 50 percent of textile machinery was coming into this country from foreign producers.

Back in 1965, automobiles: 6 percent coming into the country; in 1983, 27 percent of all the automobiles in this country were coming from foreign producers.

Radial tires: Back in 1950, zero; in 1983, 15 percent.

Back in 1955, 5 percent of all the machine tools used in this country were foreign-made; in 1983, 37 percent.

Industrial goods: Back in 1975, a short time ago, for industrial goods it was 11 percent; it is now 17 percent.

Carnations: It was zero back in 1970, now over half of all carnations are coming from foreign providers.

Ammonia: 20 percent now, zero before.

Steel: Look at this. Back in 1960, 5 percent. Five percent of the steel consumed in this country was foreign-made back in 1960. In 1983, 22 percent and rising.

Business jets: We always thought we were the exclusive in the world, that we could only make a business jet. Back in 1965, 5 percent foreign made. What are they in 1983? Forty-three percent, almost half.

TV sets and radios: Back in 1950, 10 percent were foreign made, which is a reasonable amount. No complaint there. In 1983, 60 percent. Where do you think those jobs went.

Shipbuilding contracts: Listen to this one. Back in 1950 the shipbuilding in this country was only 10 percent foreign. That is the supplying of the ships. Do you know what it is today? It is 70 percent.

□ 1400

And look at this. Video discs and cassettes. In 1950, 5 percent; 1983, 80 percent. Pretty soon you can kiss it goodbye.

Nuts and bolts, little fasteners and things like that, very important in our economy; back in 1950, 5 percent foreign made. Do you know what they were in 1983? Eighty percent and still rising.

Shoes, all kinds, 1.2 percent back in 1950. They came from Taiwan, Italy, Spain, you name it and it's there. Do you know what they were in 1983? Remember, these are all 1983 figures, not 1984 or 1985. They do not have them yet. Sixty-five percent in 1983 of all the shoes in this country. Those are telling statistics. Let me include a summary of these imports, as follows:

FOREIGN IMPORTS AS A PERCENTAGE OF TOTAL U.S. SALES—SELECTED PRODUCTS AND YEARS

Item	Base year	1983
Apparel (1950)	[1] 10	[2] 40
Textile machinery (1963)	9	[3] 50
Autos (1965)	6	[4] 27
Radial tires (1950)	[1] 0	[5] 15
Machine tools (1950)	[1] 5	[6] 37
Industrial goods (1975)	[7] 11	[8] 17
Carnations (1970)	[1] 0	[9] 60
Ammonia (1950)	0	[10] 20
Steel (1960)	5	[11] 22
Business jets (1965)	5	[12] 43
TV sets, radios (1950)	10	[13] 60
Shipbuilding contracts (1950)	10	[14] 70
Video disks, cassettes (1950)	[15] 5	[16] 80
Nuts and bolts (1950)	[15] 5	[17] 80
Shoes (1950)	1.2	[18] 65

[1] Author's estimate.
[2] American Textile Manufacturer's Institute, as cited in Chicago Tribune, Apr. 10, 1984.
[3] "Competitive Status of the U.S. Fibers, Textiles, and Apparel Complex," Office of the Foreign Secretary, National Academy of Engineering and National Research Council, National Academy Press, Washington, DC, 1983, p. 42.
[4] 1981. "Statistical Abstract of the United States, 1982," p. 617.
[5] Business Week, Aug. 1, 1983, p. 22.
[6] Fortune, Oct. 3, 1983. p. 62.
[7] Fortune, Oct. 3, 1983, p. 62.
[8] Ibid.
[9] Christian Science Monitor, Sept. 20, 1983. p. 19.
[10] Financial Trend (Dallas). Aug. 22–28, 1983, p. 15.
[11] American Iron and Steel Institute.
[12] Forbes, Feb. 13, 1984. p. 50.
[13] Robert B. Reich, "The Next American Frontier," Atlantic Monthly, March 1983, pp. 44–45.
[14] Estimated. Financial Trends, Nov. 15–21, 1982, p. 14.
[15] Estimated.
[16] Christian Science Monitor, Nov. 1, 1983.
[17] The Wall Street Journal, Dec. 23, 1981, p. 1.
[18] Footwear Industries of America, Philadelphia, PA, communication to author, Feb. 7, 1984.

Source: The Journal/The Institute for Socioeconomic Studies, winter, 1985.

So, here we are. Now this administration has decided to not extend the voluntary agreements on auto imports from Japan. We just put those auto workers back to work. They started paying taxes. They paid our Government back money that we lent them, or the money that we guaranteed for them. Do you remember, Lee Iaccoca, everybody loves him, they want to make him President. Now we take off the restraints.

Maybe the American auto companies, except for General Motors, are authentically concerned. General Motors, the single exception, has deals with Japanese to market cars here, so obviously do not care.

But there is great concern, here as well as in Japan. The Japanese Government, of course, worries about a severe reaction from us here in this country if their auto companies flood our market.

Toyota, Nissan, and Honda are fairly happy with the existing current numbers because they have the lion's share of the imports coming into this country; but the pressure is coming from the other Japanese car and truck manufacturers who have been limited in getting a growing share of the American market. They have a little competition over in Japan, too. With no more limits, they want to ship big numbers of cars here, and let us not think they will not. They will.

Here in this country, Americans are also confused. Many economists say the end of import restraints on cars from Japan will lower the price of all cars, American as well as Japanese, which will be a boon for the consumer, and you hear this continually repeated.

But, Mr. Speaker, are not autoworkers, like steelworkers, like textile workers, shoe workers, are they not all consumers, too? If they lose their jobs to imports, how will they be able to cash in on this great boon? That car is cheaper, and granted it may be, but where are you going to get the money to pay for it if you are not working? Regardless what people say, unemployment compensation is grossly insufficient to enable recipients to pay for an automobile, please believe me, and in most instances you and I and everybody else who are not on unemployment compensation, not on the so-called dole or the take, after you have been on it, you never want to go on it again. What more tragedy is there in a country that could befall or beset a country than not to provide a job for its citizens? I cannot comprehend, for

the life of me, anything that is more devastating, more unacceptable and a breach of the obligation we have to our citizens than not to provide a job for those people who want to work and are able to work. It cannot be justified.

Just yesterday, in USA Today, the newspaper, Thomas O'Grady of Chase Econometrics forecast that 150,000 jobs will be lost when those voluntary restraints on autos, which I just mentioned, are lifted at the end of this month.

Mr. O'Grady even lists those plants that will suffer most if the Japanese flood the market, and one of those plants, the Volkswagen Golf plant in Westmoreland, PA, is in my district; so I have real concern, but the pain will be felt in a broader way. Look at these. Plants in Kenosha, WI; St. Louis, MO; Newark, DE; Belvidere, IL; Kansas City, MO; Edison, NJ; Wayne, MI; Lakewood, GA; Janesville, WI; and Leeds, MO, are among those targeted by Mr. O'Grady for production cutbacks.

It really all comes down to one point and one question and that is jobs. According to some strong estimates, the United States has lost 1.4 million, almost 1½ million manufacturing jobs over the past 4 years, and that is a net figure; so even if we are gaining some jobs in the exporting and importing sections of the economy, we are still losing more.

Perhaps, Mr. Speaker, we made our mistake last fall when we, the congressional steel caucus members, backed off on the Fair Trade in Steel Act. Perhaps if the House at the very least had passed that measure, I do not know what the other body would do, it would have been a signal to the Japanese that we were really serious about preventing the total demise of our domestic steel industry and our auto industry and that they had better recognize that it would be in their best interests to deal fairly and openly with us.

As I said earlier, Mr. Speaker, if it were just steel that was in trouble, the Japanese might have a leg to stand on; but as we all know, it is steel, it is automobiles, it is textiles, it is electronic equipment, and I could go on and on. I could tell you about women's junk jewelry, so to speak. We used to have 20,000 jobs in this country making this small what they call junk jewelry. It is the cheaper jewelry, a pair of earrings, necklaces, bracelets, and those things. Those 20,000 jobs went down the drain a long time ago.

I can tell you about the television sets. I can tell you about so many different things; Christmas tree bulbs and all the things that we used to do in this country that make employment for our mentally retarded, our physically impaired citizens who found solace and found some need for themselves to be able to go down and make this jewelry, to make the earrings, to participate as a working individual, all those things, all down the drain; not making them anymore, but I see other countries that kind of attach importance to it and think that it is farily good stuff in your economy to be able to make earrings and jewelry and employ 20,000 people and make some profit.

I could go on and on and talk about socks and shirts, anything, you name, it, I can talk about it; all that stuff is down the drain.

There is also the reluctance and the arrogant intransigence—and I repeat that, arrogant intransigence of our Japanese traders. I do not want to call them partners, Japanese traders in the economic world of trade. Arrogant intransigence to negotiate with us. They know better. They walk out. They refuse to give. They control international trade. They continue to put up barriers to American products. At the same time they demand that we open our doors to their finished goods. Arrogance. You only get arrogant when the other guy lets you get arrogant. I am going to take a special order in the not too distant future and we are going to talk about that arrogance.

I thought we defeated the Japanese some 30 or 40 years ago. I thought they were asking us for things. We are now begging them for things. It has got to end. We must be the masters of our own fate. We must decide what we as a nation can accept in terms of imported goods. We cannot let other nations make these decisions for us.

Mr. Speaker, I include the article from the Wall Street Journal of March 4 on Japan's protectionsim, as follows:

[From the Wall Street Journal, Mar. 4, 1985]

JAPAN'S PROTECTIONISM DIVERTS ASIAN GOODS TO THE UNITED STATES

(By James B. Treece)

TOKYO.—When a high-level delegation from Japan's Federation of Economic Organizations made an unprecedented swing through Malaysia, Singapore and Indonesia late last year to discuss trade with business and government leaders, it was big news in that part of the world.

But when Japan's press covered Chairman Yoshihiro Inayama's post-trip news conference, it reported only what he said about curbs on auto exports to the U.S. and didn't mention the trip.

Japan takes its Asian trading partners for granted. It is far more inclined to bow to U.S. demands for trade concessions than to Asian ones. That is a poor policy for Tokyo, and, more important from an international perspective, the U.S. and Europe are being shortsighted if they think Tokyo's favoritism helps them.

In fact, the U.S. and Europe become the dumping grounds for Asian goods that can't get into Japan. As U.S. trade representative Bill Brock pointed out in Tokyo recently, Japan takes only 8% of the developing world's exports (much of it is oil and gas), the U.S. 50% and Europe 28%.

Most of the world faces Japanese bars to imports. What makes the Asian examples so striking, however, is how often the blocked products are made in plants of Japanese origin:

Indonesian tropical hardwood plywood, whose manufacture was developed with Japanese technology, faces a steep 20% tariff at Japan's ports.

Japanese steelmakers, fearful of more competition from South Korean mills they helped build, are holding back on further technical exchanges, and are believed to have pressured domestic buyers against taking Korean steel.

Thai Industry Minister Ob Vasuratana recently complained that Japan buys only modest amounts of Thai manufactured goods, even though 90% of Thai plant machinery was made in Japan.

Sumitomo Corp. this year scaled back plans for an integrated textile concern in China, with all of the output targeted for the Japanese market, after domestic textile companies complained.

A string of Japanese prime ministers has traveled to Southeast Asia to affirm that Tokyo values is ties with the region. But lack of progress has allowed Japan's trade relations with Asian nations to unravel even further in the past year:

Tokyo mistakenly thought pomp and ceremony for South Korean President Chun Doo Hwan's historic September visit was all Seoul cared about. Tokyo failed to see the frustrations that led Seoul to ban a huge list of imports from Japan shortly after President Chun returned home.

Toyota Motor Corp. tried to get by with vague pledges of "efforts" to export autos from a planned joint venture with Taiwan. Taipei insisted on something more concrete and, when Toyota fudged, finally scrapped the plan in September.

The Nakasone cabinet made only a minuscule cut in Japan's tariff on boneless chicken—an item as symbolic of Japan's closed markets to Thailand as beef and oranges are to America—as part of a mid-December "market opening" package favoring Asia.

Continued intrasigence by Japanese industry on Malaysian requests for technology transfer prompted even Prime Minister Mahathir Mohamad, Japan's top cheerleader in Asia, to blast Japanese businessmen for attitudes that are costing them friends in Asia.

As these examples show, the responses of Asian nations over the past year haven't been positive or productive. Instead of lashing back unilaterally, Japan's Asian trading partners need to build alliances with the U.S. and Europe, to try to ensure that Japan's markets are open to all.

December's series of bilateral talks between the U.S. and countries that export steel to America are an example of how such cooperation might have worked but didn't. The talks were aimed at limiting steel imports into the U.S., however, and Seoul, for example, spent most of the time howling about unfair American quotas. It missed a chance to enlist Washington's help in prying open Japan's market.

When President Reagan first announced plans to limit steel imports, a crucial part of the plan involved guaranteeing that steel markets in Japan and other industrialized countries wouldn't be closed to steel from developing nations, lest the latter's steel be "diverted" to the U.S. market. In other words, Mr. Reagan wanted to make sure Korean steel wasn't going to the U.S. because it couldn't get into Japan.

The implied suspicion was well founded. Korean steel is unloaded at night onto unmarked trucks by importers anxious not to offend Japanese steelmakers. An agreement last year by Japanese trading houses to import Korean steel under long-term contracts seems aimed at setting up specific import channels that will ensure those imports' share of the domestic market will stay below an informal limit of 10%.

Not surprisingly, Mr. Reagan's proposal met with strong criticism in Tokyo. Over the next week, the local press charted the rise in Japan's imports of steel, as if to argue that rising imports proved Japan's market already was open.

Tokyo needn't have worried. The idea went nowhere. U.S. negotiators, lacking strong political backing on the "diversion" issue from U.S. steelmakers, focused only on limiting Japanese imports into the U.S., not on making sure the Japanese market was open.

Asian nations would do well to link future export restraints to the U.S. or Europe with demands that Washington or Brussels join in pressing Tokyo to open its markets to Asian goods. Such a link is in the self-interest of developed nations. Robust U.S. economic growth is pulling in Southeast Asian exports at a record clip, and non-Japanese Asian economies too easily could become addicted to this.

In addition, a Japanese market closed to developing nations' exports could threaten to derail the solution of the international debt crisis, since almost all Third World debtors have been told to boost exports to gain the cash to pay their bills. If the second-largest economy in the Free World is closed to their exports, the Third World countries will flood the U.S. and the Common Market with goods instead.

Some Third World leaders realize that. Last year, Japan's ambassadors to Latin America united in calling on Tokyo to open its markets wider to goods from developing countries. The problem is even worse there. Japan's exports to Latin America last year grew 34% to $8.6 billion while imports rose only 12% to $7.2 billion.

Japan would benefit from opening its markets. Not only would consumers, so commonly ignored by Tokyo's trade negotiators, find prices lower on some products, but Japan's economy would gain from healthy Asian economies. After all, 21.6% of Japan's 1984 exports went to East and Southeast Asia, well ahead of any other county or region except the U.S. with 35%. If Tokyo's policies choke off the export growth of other Asian nations, it will soon find that the U.S. market alone isn't enough to keep Japan's export engines going.

(Mr. Treece is Tokyo bureau chief for the AP-Dow Jones News Services.)

□ 1410

THE SEATING OF RICHARD McINTYRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, over the last several days we have heard quite a bit of talk about the situation as it relates to the Indiana case of Rick McIntyre and his seating in the House of Representatives. We had some discussion of it on the floor on Monday, as we sought to bring a resolution to the floor to have Mr. McIntyre seated.

Last evening the gentleman from Arkansas, Mr. ALEXANDER, read into the RECORD some documents pertaining to the Democrats' side of this case. I thought it important, perhaps, to put that into some perspective and also to try to put some other documents in the RECORD which I think focus on the issue as it comes from the minority side of the aisle.

First of all, let me say that it is our concern, on this side of the aisle, that this decision is being made wrongfully based upon precedent; and also is something less than fair in its application.

We consider it to be decided wrongfully by precedent because there have been 82 similar instances before the House of Representatives in the past, and in each case those decisions have been made with regard to a seated Member based on the fact that that Member had already been allowed to take his or her seat and was in fact functioning as a representative of their district while the decision was being made; a decision similar to the one being made in the question of Mr. McIntyre.

In fact in the documents that the gentleman from Arkansas [Mr. ALEXANDER] read into the RECORD last night from the Congressional Research Service, that document indicates that that is precisely what has generally happened in this body. That document says, and I quote:

> Generally the person holding the necessary credentials from the State is allowed to be seated and exercise the functions of a Member of the House until the election contest is decided.

That is the point; that is what we have generally done. That has been the precedent; that has been the procedure. That is what we should be doing in this instance. We should not be depriving the people of Indiana of their basic right to have a representative in this body during the time that we are making decisions in this body relative to the election contest.

Now, we are told that we have no reason to be fearful of that process because after all what we are doing is we are clearing up confusion and we are doing it in a way which is fair.

I refer to an article that appeared in this morning's Washington Times, where the gentleman from Texas, the majority leader [Mr. WRIGHT] and the distinguished Speaker of the House, the gentleman from Massachusetts [Mr. O'NEILL] are commenting on precisely this thing, and the article says that:

> Mr. Wright and Speaker Thomas P. O'Neill, Jr. said the Democrats' handling of the matter and the House Administration Committee's study of the race "couldn't be fairer."

The gentleman from Massachusetts [Mr. O'NEILL] was quoted later on, talking about the whole process, and it says that he characterized the counting of the ballots in Indiana as "utter confusion." And that he expected—get this—the General Accounting Office to come up with an accurate count.

And then once again he says, "It couldn't be fairer."

Well, let's look at the fairness issue. First of all, is it fair to deny the State of Indiana the right to count its own ballots? Let's think what we are doing here. We are taking the ballots cast in the State of Indiana and we are giving not the officials in Indiana who are elected to the job of being the official counters of those ballots, not letting them make the determination, but bringing it here to Washington to the General Accounting Office and saying that we are going to rely, according to the gentleman from Massachusetts [Mr. O'NEILL] on the General Accounting Office to come up with an accurate count.

Does the General Accounting Office have election laws? I was not familiar with the fact that they did. Now, there is no doubt that this House does have the ability to consider the qualifications of its own members.

I think that is kind of interesting because the fact is Mr. McIntyre is not a Member. Mr. McIntyre has never been sworn into this body. In fact, in a colloquy with the gentleman from Arkansas [Mr. ALEXANDER] the other day, I asked whether or not Mr. McIntyre was Member enough to be seated for the official photograph, and I was told "no." No.

And so do we have the right to judge the election returns of someone who is not a member? I quote the Constitution, section 5 of article I: It says:

> Each House shall be the judge of elections, returns and qualifications of its own members.

No doubt about what the Constitution says.

We do not deny the fact that if Mr. McIntyre was seated in this body, and there was some question about the ballots that were cast in his election, that the Committee on House Administration has every right to be looking at that, and if they find that Mr. McIntyre was not really elected, then to ask him to step aside and Mr. McCloskey to take the seat.

That is exactly what has happened in precedents in the past; there is no doubt that that could happen here again.

What we do question is whether or not it is fair to deny Mr. McIntyre the seat, run a question about his election through the General Accounting Office here, and in so doing perhaps deny him the right to ever be seated here, period. Is that fair?

And then we also question, we also raise a question about the makeup of the committees of the Congress that

are making these decisions. That, for instance, have decided evidently to allow the General Accounting Office to do this work.

First of all, you have the overall Committee on House Administration. Is that a fair committee? Well, it is stacked against the minority by numbers greater than what the numbers of the majority in the House should allow them to have in terms of membership on that committee. It is a stacked committee. It is not a fair committee in terms of the ratios of majority to minority membership.

Was that done purposely? Some of the committees around here were permitted to have fair ratios this time. We congratulate the majority for finally understanding that the autocratic way in which they had dealt with committee ratios in the past was not proper.

In this particular instance, this is one of the few committees where they decided not to do that; is there a reason for that? One has to wonder. The fact is that this is one of the few committees that does not have a fair committee ratio.

Then that unfair committee ratio decided that they were going to set up a task force to look at this election. That is what we usually do. There in fact is precedent for that as well. That is the way the Committee on House Administration handles it.

The task force, was it set up in a way that, for instance, the Ethics Committee is set up, where you decide very serious questions involving the Members, on an equal basis, was there an equal ratio of majority to minority members? No. No; it was stacked 2 to 1 against the minority.

Decisions within that task force will be decided by a 2-to-1 majority against the minority membership of this body of which Mr. McIntyre will be a Member. Is that fair? Do the American people really believe that a 2-to-1 stacking of that task force is fair?

The Speaker is quoted as saying, "it couldn't be fairer." It couldn't be fairer? At the very least, if you were going to be really fair, what you would do is do 2:2 or 3:3 on that task force; you would allow everybody in the body to have an equal voice in making this very basic decision about one of our own Members? That would be fair.

This is not fair; 2 to 1 is not fair. Now, I must admit that based upon the way we have operated around here for about 20 or 30 years, 2 to 1 probably does seem fair to the majority; that is the way they are used to operating. That is the standard on which we usually operate and that probably seems fair.

But I will tell you as somebody who tries to pursue legislative direction from the minority side that we do not regard that as fair. Those are not fair ratios, when you start off with two-thirds of the vote against you; that is not fairness.

To suggest that it couldn't be fairer suggests that it couldn't be fairer because the majority has decided that it won't be fairer. That that is what they intend to do.

Then you take that and you build upon that the issue of the sophomore class of the Democratic Party who, the other day, elected Mr. McCloskey, who has never won anything in the election—but they elected him as the president of their class.

Now why is that important? Because their class functions under the House rules as an official unit of this body.

□ 1420

It is an official organization within this House of Representatives. They elected him as their president and they said in a press release that they sent out after that election that "We expect that Mr. McCloskey is going to be here with us within several weeks."

Do they know something that we do not know? Do they know why the process is being stacked against the minority? Has the decision already been rendered that they can send out that kind of press release? One has to wonder. At least on our side of the aisle one has to wonder. One has to be very, very suspicious when you see this whole pattern of events developing. And we are indeed suspicious because we feel very strongly that Mr. McIntyre has won the seat. He deserves to be seated and every precedent of the House would suggest that he should be seated. At least until there has been a judgment rendered about whether or not his election was conducted properly.

It is also interesting to note that most of the arguments coming from the other side in recent days on this case have suggested that the reason why they are concerned about the McIntyre matter is because of voting irregularities that have taken place in Indiana.

We have a law. It is called the Federal Contested Elections Act. It was put in place in order to assure that if a candidate for Federal office believes that there was voting irregularities that he would have some recourse after the election to take appropriate action to assure that those irregularities would be properly investigated.

Mr. McCloskey, if he really believes that there were voting irregularities, has the power under that act to use that act on his behalf.

Has Mr. McCloskey filed anything under the Federal Contested Elections Act? No. Not a thing. He has not used the act at all.

Now the only thing that I can gather from that is that he does not believe he has a case under that act, that if they in fact used that act the whole concept of voting irregularities would be totally thrown out and therefore that would not be an arguable case in this body.

If the case that is being made about voting irregularities has any kind of validity at all, why did not Mr. McCloskey file timely under the Federal Contested Elections Act? That is a serious question from our point of view. And the only thing that we can determine is that there was no case there and so what Mr. McCloskey intends to have happen is, he intends to have the majority in this body autocratically impose their will on the minority and give him his seat. That would be an absolutely irresponsible, an absolutely horrifying precedent to set in this body.

Imagine what we would say at that point. That if you have the majority in this body, be you Democrat or Republican, if you get a fairly close election, somebody comes here with a certificate, we by majority vote in this body will determine whether or not you can sit here. That the politics of the matter will be that you have to win two races. You have got to win a race back in your State and then you have got to come to the House of Representatives and you have got to hope that you are popular enough here that we will let your certificate be permitted on opening day.

The forefathers would cringe at the idea that the House of Representatives would become that kind of body. The forefathers specifically wanted the States to have the power to elect their own representatives here. They wanted us to be able to judge the qualifications of those people. But they wanted us also to make certain that those were people truly representative of the areas from which they came. They did not want Washington power to be imposed on the Nation. I would ask anybody who has read the Federalist Papers to find where the forefathers thought that the best solution to our problems in this country was to have Washington continually foisting its power on the States. In fact, they felt the other way, that power should flow from the States and from the localities into Washington.

They would be horrified to think that we were going to now have a two-step election process. One where you got elected by your district, where the people elected you and one where the politicians elected you in Washington after you got here.

But that is what we are setting up in the McIntyre case. We are setting up a situation where the politicians in Washington can overrule the people of the States.

Now, I suggest to my colleagues that that is not what we want to have happen for the future of this body or for the future of this country. That that kind of precedent would be a

precedent that would ill serve every elected Member of this body today and every future elected Member of this body. And we ought not let it happen.

Now, the State of Indiana feels very strongly about that. As of last night they filled before the U.S. Supreme Court a case alleging that the State of Indiana has been denied its rightful representation, its rightful full representation, in the House of Representatives, that precisely what the forefathers feared is taking place because of the arrogance and autocracy within this body. And that the Supreme Court is going to have to settle this because it is a serious matter that affects the entire federalism of this country.

I intend to read portions, as much of this case into the RECORD as I can because I think it is important as a counterpoint to what the gentleman from Arkansas put into the RECORD yesterday.

At this time, Mr. Speaker, however, I would yield to the gentleman from North Carolina [Mr. COBEY].

Mr. COBEY. I thank the gentleman for yielding.

I was really interested in the debate that happened on the House floor on Monday where the Speaker said that two wrongs do not make a right. I find it interesting that that, I guess, the first admission that there has been a wrong committed.

Mr. WALKER. Would the gentleman repeat that statement because I heard the same statement. What was it the Speaker said out here on the floor that day?

Mr. COBEY. He said that two wrongs do not make a right.

Mr. WALKER. And that was in response to the minority leader, was it not, when the minority leader suggested that we had come to the floor with kind of an unusual procedure here, but the reason why we had done it was that we thought that we had been subjected to some rather unusual procedures prior to that. Is that not the case?

Mr. COBEY. That is the case.

Mr. WALKER. And the Speaker's reply to that was that two wrongs do not make a right.

Mr. COBEY. That is right.

Mr. WALKER. The gentleman is correct.

Mr. COBEY. I found that interesting. I guess that that is the way he was raised. It certainly was the way I was raised that two wrongs do not make a right. But it seems to me it was an admission that a wrong has been committed and a serious wrong.

I would like to encourage Members of the majority party to head over to Rayburn right now, room 2318, where I have just come from, room 2318, where the secretary of state from Indiana is over there answering questions on this situation. I mean, he cared enough to come all the way here to Washington. And, as the gentleman has pointed out, there is litigation now before the courts. He cared enough to come all the way here to Washington to answer the concerns of any Member of Congress and particularly the Members of the majority party. I wish that they would go over and ask questions so that any concerns that they may have could be addressed.

I noticed there was a Member from North Carolina, a member of the majority party, that was over there. I was encouraged to see that. I hope any questions he has will be answered.

But in fairness the State of Indiana needs a hearing. I know as I am at home in our district the people of our district are very concerned about this issue. I do not think it can be assumed that the people of America are not becoming aware of this issue, because they are. Time and time again when I speak to groups in my district they raise this question. It is the first thing that they ask me about. It is the first question that they ask.

This morning I spoke before a group in Washington and the first question—in fact, they even interrupted my talk to ask me questions about the McIntyre situation. I find that very interesting. The level of awareness is really getting out there.

I submit to the Members of this distinguished body that this is a issue that we are so concerned about and willing to fight on because it is a constitutional issue.

□ 1430

It is an issue that, for the sake of democracy and for the sake of this country, we cannot afford to lose it. But I submit to the majority party and the Members there that this is something that they cannot afford to win, because I know they care this much about our country. I would not impugn motives on the other side. And I wish that they would just carefully consider the fact in an objective manner, and I think that there is no question in my mind that if they do, they will come to the same conclusion. I have considered this matter—I am a freshman Congressman, this is the first time I have been in this body—and I know that they take the oath of office as seriously as I did to protect the Constitution and to uphold it, and to me this is a constitutional violation.

Mr. WALKER. If I could go back to the point that the gentleman made a little bit earlier, the gentleman from Indiana, Mr. Simcox, who is the secretary of state for the State of Indiana is here to answer all of the Members' questions at the present time.

Mr. COBEY. Right. Right now.

Mr. WALKER. This is the man who has been accused by some on the majority side of rigging this election somehow and therefore is somebody who has been basically on the firing line, who has been the subject of a lot of criticism from the majority side, and he is over there and he is perfectly willing to answer questions with regard to some of those charges. Is that correct?

Mr. COBEY. That is correct. And it is a very good opportunty.

Mr. WALKER. And this is an open meeting, so that whatever is said in there is certainly open to being quoted, and so on.

Mr. COBEY. Yes. The media is covering it.

Mr. WALKER. The media is covering this. So in other words if Mr. Simcox really does have something to hide and if there is really a problem there, and somebody goes over and raises those kinds of questions, he stands to be corrected in a public forum; is that what the gentleman is telling us?

Mr. COBEY. That is correct. And I really know that the majority party Members care about the Constitution and want to do what is right. I do not want to impugn their motives or anything like that. Like I said earlier, I would really encourage anybody who has any questions about alleged irregularities to get over there and have their questions answered firsthand.

But what I was getting around to saying is that I just went through the elective process, like everybody else did, and there are serious issues that we need to get on with and to work with. There is general agreement among the people of our country, and rightfully so, that we cannot continue to tolerate these enormous deficits. We have to balance the budget. I think they are going to start focusing on the fact that we have to pay off this national debt of nearly $1.5 trillion. We cannot continue to carry this kind of debt in our country. It straps us, it eats at the seed corn of our country, it erodes confidence in our system, it keeps our interest rates so high. This is a very, very important issue that we need to deal with. And yet we necessarily, because we want to uphold the Constitution, are distracted by this situation and are not able to devote the kind of energies and attention that we need to just that one problem, the serious thing, in a meaningful way, reducing Federal spending here.

Mr. WALKER. In a large part, I think it needs to be understood the reason why we are concerned about the issue of McIntyre is because we see that the issues are so substantive and so controversial that literally we may have issues in this Congress that will affect the entire future, particularly the financial future of this country, that will be decided by one vote.

Mr. COBEY. Right. There is no question about it.

Mr. WALKER. We could easily have those. We had issues that were decided back in 1981 by just a mere handful of votes—two or three votes. We could easily have major issues decided this year by one vote. And what we are concerned about is that some of those issues come to the floor before the majority deigns to decide the McIntyre issue, that is one vote that the minority will not have to be looking at its view of the issue and consoling with those 500,000 people in Indiana who have been denied representation.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Sure, I will be glad to yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding, because he has confirmed what I though we have been dealing with here, which is the elephant stick.

Mr. WALKER. Excuse me, I did not hear the gentleman.

Mr. FRANK. The gentleman has confirmed my view that what the minority has been giving us in this case is an example of that famous device, the elephant stick. You know, the elephant stick is the thing the man is carrying down at Dupont Circle, and he is asked why he is carrying that stick and he says it is to keep away the elephants. And someone says, "Well, there have not been any elephants here at Dupont Circle." And he says, "See, the stick worked."

In other words, what the minority is doing is preventing the majority from sealing an election that the majority has no intention of stealing.

It was interesting, to me, that in the debate that happened Monday we heard affirmation, which I was pleased to hear, from many speakers on the minority side about the fairness of the process that has been set up for deciding this issue. Now, I realize there were two separate questions here: Should Mr. McIntyre be seated provisionally? And what is the procedure for deciding ultimately who should be seated?

And I was pleased to hear that Members of the minority, in fairness, said that they had no question about the fairness of the procedure. They paid tribute to the gentleman from California [Mr. PANETTA] and the others on that task force. We ought to make that very clear. And it suggests——

Mr. WALKER. If the gentleman will allow me to reclaim my time, and then I will be glad to yield back to him——

Mr. FRANK. Am I doing too well? Is that why the gentleman wants his time back?

Mr. WALKER. I will get back to the gentleman in just a second. I just wanted to make the point that I think the statement that was made was they had no doubt about the fairness of the individuals who were involved. I do not remember anybody from the minority suggesting that we agreed to the fairness of the procedure.

Mr. FRANK. Will the gentleman yield back?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. FRANK. Well, now I am a little puzzled, because apparently we have very fair and honest individuals whom the gentleman thinks are going to run a crooked procedure, maybe. That seems, to me, to be a bit of a problem. Maybe they are sorry that they agreed that these people are fair. I would think if you talk about the gentleman from California [Mr. PANETTA] and his colleagues who are on that task force as people of fairness and honesty that you have a hard time trying to prove to people that all of these fair and honest people are going to run a crooked deal on you. No one has suggested that. Is the gentleman suggesting that somehow the procedure is going to be unfair? Because it has been my view that everyone agreed that the procedure was going to be fair. I am a little bit puzzled to hear that, yes, we have all these good people doing it but it is not a fair procedure.

Mr. WALKER. Maybe the gentleman can explain to me why it was that the House Administration Committee was unfairly stacked against the minority.

Mr. FRANK. Is the gentleman yielding back to me again? I am not sure whether he has ruled when I can talk and when I cannot.

Mr. WALKER. Yes; I posed a question to the gentleman.

Mr. FRANK. OK.

I cannot explain that.

Mr. WALKER. No; we cannot either.

Mr. FRANK. I guess I am lucky that I am not married so the gentleman cannot ask me when I stopped beating my spouse. No; I cannot explain to him why something I do not think happened——

Mr. WALKER. If the gentleman will let me reclaim my time——

Mr. FRANK. I realize the gentleman is going to reclaim his time any time he does not like what I am saying.

Mr. WALKER. OK, I want to follow up on that, because it is the gentleman's caucus that makes the decision on those committee ratios, and so the gentleman did in fact participate in the decision, and so it is not a question of why you beat your wife, it is a question of why you made the decision you made. I will be glad to yield back to the gentleman.

Mr. FRANK. I thank the gentleman for giving me another minute or two here before I lose the time again.

I did not deny participating in the decision. I deny that the decision to set it up was unfair. But that is a separate question. The gentleman wants to get off the basic point. I will be glad to debate with him the ratios at some other time, I may even take out a special order——

Mr. WALKER. Will the gentleman——

Mr. FRANK. Here I lose the time again. The gentleman is very fair with his time.

Mr. WALKER. And I am very glad to yield to the gentleman, but I think it is important——

Mr. FRANK. Is the gentleman yielding to me?

Mr. WALKER. It is important to have a dialog here. And I am trying to have a dialog.

Mr. FRANK. The gentleman is trying to have a dialog the way Edgar Bergen had a dialog with Charlie McCarthy.

Mr. WALKER. Well, I am not certain which role the gentleman sees himself playing. I hope not the dummy.

Mr. FRANK. Under your rules, I am afraid that is what I am relegated to.

Mr. WALKER. I would say to the gentleman that it seems to me that that stacking of the committee is indeed an important issue, because one of the reasons why the minority feels strongly that there is a chance of unfairness is the fact that that was one of the few committees that your caucus made the decision to stack against the minority.

Now, there was some reason for being selective about which committees you stacked, and this one was stacked unfairly. That is the reason why we do not think there is basic fairness. And we do not think it is basically fair to have a task force making decisions that are 2 to 1 against us, regardless of the individuals involved. There were fair individuals on task forces in the past, and we have testimony from our side of the aisle, in fact we have committee reports, that suggested that those task forces, regardless of the fairness of the individuals involved, made some bad decisions, from the minority standpoint.

I will be glad to yield to the gentleman.

Mr. FRANK. I am about to break this off because I am disappointed that the gentleman is insisting, because he controls the time, on such a one-sided discussion, and every time I try to respond at any length to what he said, I lose the time.

□ 1440

He took out the time and he is entitled to stack this particular deck any way he wishes. I do not think that the Administration Committee was stacked, but, in particular, I do not think it is relevant to the issue we are talking about here, which is the fairness of the procedure.

I want to reiterate: Members of the minority on Monday were very clear as to the people in charge of this task

force are fair people and honest people. They do not want to impugn honest men as dishonest, but they somehow want us to believe that honest people are going to do some dishonest procedure. In fact, I do not think anyone thinks there is going to be a dishonest procedure. I think the minority knows that. I think the minority wants to have a good issue, so they are going to rant and rave right now and object to an unfairness that no one plans so that when the procedure works honestly and legitimately, they can take credit for the fact that it was honest and legitimate. I will make that as my prediction: That we will have a fair and honest procedure, and the minority will then be taking credit, like the man with the elephant stick, for preventing something that was not going to happen in the first place.

Specifically, I wanted to respond to the gentleman's point about deciding things by one vote. People whose soap opera was off for the day and happen to be watching this would not necessarily understand that we intend by the guidelines that are laid down to have this issue resolved by the end of the month. So the notion that there will be a vacant seat and one vote will turn on it all year is simply not true. By April 1 we will have someone seated. So we are not going to have this situation that the gentleman suggested and I think people watching might have thought, well, they are going to leave this open all year and we will have that one vote thing.

To date, of course, we have not done very much. The major thing we have done is to vote on whether or not to seat Mr. McIntyre. So if Mr. McIntyre had been seated he would not have had anything to vote on. The rest of us have only had something to vote on mostly because we had not yet seated Mr. McIntyre.

The question is: Does it make sense to seat someone provisionally, pending a decision, then if that is the decision, unseat him? This is an election that has already been called one way once and another way another time and another way another time, and it seems to be perfectly reasonable if you think the procedure is fair.

Now, if the gentleman honestly believes that the House Administration Committee Task Force composed of honest people is prepared to do a dishonest thing, then that is a matter for concern. I do not. We have a commitment that everybody agrees is there. Honest people on the task force, they are going to bring in a report and we are going to vote on this at the end of March. I intend to be guided by who I think got the majority of votes. I think the Members will do that, and we will solve it fairly.

My prediction is that once we have a legitimate and honest solution to this, the Members of the minority side will be taking credit for having brought about a result that was going to happen anyway.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman, and I just would go back quarrel with a couple of points that he made.

First of all, he says he does not agree that the House Administration Committee is stacked. He is certainly entitled to his opinion, but the fact is that the House Administration Committee has a greater majority membership than the majority party is entitled to by virtue of the number of votes that they have in this House. That to me is a stacked committee. I realize that the way the majority behaves around here, that they regard that as simply their right, so that that kind of arrogance within the process we have gotten used to. It is the kind of thing that we are concerned about. That is stacking.

The gentleman says that we do not have very many important issues anyhow, and so that one vote is not going to make very much of a difference between now and March 30. I would disagree with the gentleman that we have not had some important votes this week. We had a vote on the Farm bill yesterday.

Mr. FRANK. Will the gentleman yield? What was the margin on that?

Mr. WALKER. Well let me make my point; I allowed the gentleman to make his.

Mr. FRANK. It was about a 100-vote margin.

Mr. WALKER. That was an extremely important vote. We are likely to have a veto override vote come back here; that will be an extremely important vote. It could very well rest on one vote in this House. The people of Indiana deserve to be represented on those kinds of important votes, particularly since Indiana has a very strong farming community and Rick McIntyre's district has a very strong farming community.

It seems to me to suggest that his presence not being here during the time that we are deciding that kind of a fundamental question is to suggest that the American people are foolish. I do not think so. I think the American people are wise enough to know that when those important decisions are made, the rightfully certified Member deserves to be seated.

I yield to the gentleman.

Mr. FRANK. I thank the gentleman. He speaks with far more certainty that I think it possible about what the great bulk of the American people think about a complicated election dispute.

Yes, I agree that the farm vote was important. I was not saying, and did not say, and I am sure the record will bear this out, that there were no important issues decided. What I said was that the gentleman's suggestion that there was going to be a whole year of important issues decided with that vacant, wait a second, if the gentleman did not mean that and if I misheard him, I apologize.

Mr. WALKER. I would say to the gentleman——

Mr. FRANK. Did I lose my time again?

Mr. WALKER. I did not say that, and I just want to make it clear, and, in fact, I made reference to the fact that the majority is supposedly going to decide this issue by the end of this month. Nevertheless, that is a quarter of the year that that seat has been decided. I would say to the gentleman that he did say that the only important vote that we had taken this week was on the McIntyre issue, and that was what I was quarreling with.

Mr. FRANK. If the gentleman would yield, I should have been clearer. The margin, of course, was so overwhelming that one vote would not have made a difference. But that is no reason not to have it there. Obviously, it should be filled as quickly as possible, and I look forward to voting to fill that as quickly as possible.

I just want to talk, if I might, about the committee ratios. I think I am a fairly good student of democratic theory. I do not know any set of rules, constitutions, theories, texts which say that when you have got a majority in a legislative body every single committee must represent exactly the ratio. That is not the common practice in many other parliaments. The democratic theory is vindicated by the ability of people on the floor to vote, and we should make it very clear, by the way, that the House Administration Committee is not making a decision. The House Administration Committee, first through its task force and then through itself, will be making a recommendation to the floor. So the decision will not be made solely by the committee. The reason I alluded to the fairness of the gentlemen involved is that many of us in the Congress are in the habit of deferring to those committee members who we know to be diligent, who make a specialized examination. In this case, my point was that those charged with making the special examination by unanimous discussion of those you mentioned on the minority side Monday, are people of great integrity.

The decision will be made not by any stacked committee or unstacked committee or whatever kind of committee, the decision will be made by the House. The recommendation will come from people of unquestioned integrity, and I think that when you have got people of unquestioned integrity, the minority testified to their integrity, making a recommendation to the

whole House, you have the best possible answer.

I thank the gentleman for yielding.

Mr. WALKER. I would point out to the gentleman that the gentleman from California [Mr. DANNEMEYER] has made a rather extended study of the business of committee ratios, and he has found that there are several other parliamentary bodies around the world that do in fact stack their committees unfairly against the minorities within those bodies. All of those parliaments, though, just happen to be behind the Iron Curtain.

I would suggest to the gentleman that that is not exactly a standard that we would want to heed.

I yield to the gentleman.

Mr. FRANK. I am appalled that the gentleman from California or the gentleman from Pennsylvania would take seriously the notion that there are meaningful parliaments behind the Iron Curtain and that they have minority parties. There are no minority parties in most Iron Curtain countries. We are in a fantasy world.

The gentleman has got no point to make. There are none. In fact, there are other parliaments which do not always go with the exact numerical ratio. But if the gentleman is suggesting that the Soviet Union, Communist Party unfairly treats a minority, they have no minority parties in there. So I do not understand that one at all.

The gentleman from California is not always easy to follow, but this time he has left me completely.

Mr. WALKER. The gentleman is simply helping me make my point. That is that that is exactly what happens and that we are a little bit concerned that the House of Representatives of the United States is the single other parliamentary body that takes that kind of a route.

If you take a look at our brethren across the building here, in fact they do try to stick very, very closely to proper ratios. We have suggested that in this House we ought to do the same things. What we found was this year it became a powerful enough argument that many of the committees were put on a proper basis. There were just a few that were not. Rules being a good one. But, of course, that controls the entire process out here on the floor, and good heavens, the minority should not be fairly represented there.

Ways and Means, I mean, that only decides tax issues and important social issues and welfare issues and so on. But, good heavens, the minority should not be fairly represented there. Appropriations; I mean, that only decides the whole budget, the whole spending of our country. Good heavens, the minority should not have fair representation there.

Then there is House Administration. We have got all of those, and then we put House Administration and we decide there that we are not going to get fair ratios either. I am not certain that that is the whole list, but that is a pretty good group of the list. All the rest, we went with reasonably fair committee ratios. The question that rises is: Why was House Administration singled out in that illustrious group and what is it that we are doing?

Well, for one thing, of course, we are protecting majority perks around this place. That is one reason for doing it. But we also know that very, very important questions about process, particularly process about qualifications of Members, is also decided in that committee, and will be decided on this issue. It makes us rather suspicious.

I yield to the gentleman.

Mr. FRANK. Is the gentleman suggesting that the House Administration Committee was given a higher Democratic-Republican ratio for the specific purpose of finagling in this seat? I do not like "cuteness" as a general, political thing. I find that a preposterous suggestion.

If the gentleman wants to make it, he ought to make it; if he does not want to make it, he should not make it. But I think cutely hinting at it is really not a very worthy way to discuss it. Is that what the gentleman is charging?

Mr. WALKER. The gentleman is simply saying, and I made mention of the fact that what we may be doing by stacking it that way was protecting majority perks around here.

Mr. FRANK. The gentleman also suggested that it might have been for the purposes of fixing an election. If that is what he is charging, I think he is wrong. But he ought to be fair and charge it.

Mr. WALKER. I suggested that there may be other things and I do not think that the gentleman from Pennsylvania that they are fixing the election.

Mr. FRANK. Well, I thank the gentleman for that.

Mr. WALKER. The gentleman has simply said that he thinks that an unfair determination may be made here, and the gentleman sticks by that. I would also say to the gentleman that we are concerned about the fact that also not only a stacked full committee, we then went to the task force which we made 2 to 1.

Mr. FRANK. Of honest people.

Mr. WALKER. I will say to the gentleman, in the case of the Ethics Committee here, we specifically decide that that ought to be an equal number of Members on both sides because the issues that we are dealing with concern us as individual Members and that both the majority and the minority have an equal stake in those determinations.

□ 1450

I would be far more sanguine about the question of the overall committee ratio if, in fact, the task force itself had been made even, but it was not. It was stacked 2 to 1 against the minority as well, so that you have a stacking all the way through the process.

Mr. FRANK. If the gentleman will yield further, I appreciate the fact that he has just said that he is not charging that the House Administration Committee maneuvered the election.

Mr. WALKER. I said I did not think they would fix the election.

Mr. FRANK. Well, the gentleman is not prepared to make the charge. If the gentleman wants to get into innuendo, I do not do innuendo, so I am going to have to go back to another meeting. But I do think again, it ought to be said in fairness, when you are talking about the possibility that this task force is going to do something improper that we make it clear that your own copartisans made it very clear on Monday that they have great confidence in the integrity of these people. The notion that people of unquestioned integrity plan to do something improper is a very hard one for me to get my mind around, but perhaps that is just due to the limitations of my own particular makeup.

Mr. WALKER. I certainly understand the gentleman's problem on that. I would simply refer the gentleman to past reports where people of unquestioned integrity, it seems to me, made decisions but where the minority, in the minority reports, made it quite clear that they did not think that the decision by the task force or by that particular committee had been a fair decision. That did not question the integrity of the people involved. What it did was question the process by which we arrived at the decision and that we felt that that process was unfair.

We see that same unfair process now manifesting itself in this particular case, and that is this gentleman's great concern.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Montana.

Mr. WILLIAMS. I thank the gentleman for yielding.

Mr. Speaker, I was involved elsewhere and heard part of the discussion concerning committee ratios and the fact that the committee ratios are not in completely parallel ratio with the percent of Members the Democrats have versus Republicans here in the House.

As the gentleman may recall, that has been of some interest to me, and although I do not have the precise figures in my head, I can tell the gentleman this: The last time your party

controlled this House, which was, according to the purpose of the American people, more than a third of a century ago, the ratios by which you controlled the committees had a much greater disparity to your percentage control in the House than does the ratios of today.

In other words, under your definition of fairness, the Democrats in this Congress are much fairer than the Republicans were when they were in the majority a third of a century ago.

Mr. WALKER. I have to say to the gentleman that I appreciate his point. When that Congress met, this particular gentleman was in grade school, so I did not have very much say in the party processes at that particular time.

We have come a long way in 30 years. We have passed civil rights acts, we have made substantial changes in the processes of this place, there have been major reforms in the way this body conducts itself. If the gentleman continues to want to go back 30 years to make his point, then that is certainly up to him, but I would suggest to the gentleman that you can look at other legislative bodies even in this town that Republicans control and find that there the committee ratios are fair.

That is the judgment on which we make what is happening in the present day. What is happening in this generation of politicians? Do not throw up to me generations of politicians who are post-New Deal people. That seems to me to be a rather general argument that does not make much sense in the context of this time and this place.

This is the 1980's. This is not the 1950's. I would suggest to the gentleman that in the 1980's that what we ought to be doing as a legislative body and what we ought to be doing as parties is being fair.

The Republicans in this last election got 49.6 percent of the votes cast nationwide. We got 42 percent of the seats in this body. Somehow we ended up, despite the fact that we got almost as many votes as the Democrats, we got our numbers in the House distinctly down.

Why was that? There may be a variety of factors, but gerrymandering is certainly among them. I would say to the gentleman that having gotten that. We think that we deserve at least the 42 percent of the seats on the committees that we got when we got Members elected to the House.

I would contend that if you really wanted to represent the American people and be fair, we deserve 49.6 percent of the seats on the committees, but I am sure the gentleman would be very apprehensive about moving quite that far.

Mr. WILLIAMS. If the gentleman would yield further, I would agree with the gentleman that we need not repeat history precisely, and I am not suggesting that because something occurred when the gentleman or I were in grade school that it must occur again. I am simply citing what your party did the last time it had authority here in the House.

Mr. WALKER. Mr. Speaker, if I may reclaim my time, it was not my party. I mean, it was the Republican Party, but it was not my party. I was not part of the Republican Party then. I was in grade school. My teachers were still telling me about what Congress was at that point.

Mr. WILLIAMS. If the gentleman would allow me to finish my point, we can indeed learn from the past. For example, the gentleman has given us some description of 80 cases which he says uphold his point in this problem of the matter in Indiana. Those 80 cases have happened in the past 200-year history of the United States. We do not condemn them because some of them happen to be 185 years old. We think they are worth learning from, and I commend the gentleman for the research he has done on that.

But my larger point is this: When you were last in authority in the House a third of a century ago, your party understood what the majority party understands now, and that is because of the diversity of this place, because of the size of it, 435 Members representing the various needs and interests and desires of all Americans, it is difficult, if not sometimes impossible, to move legislation through this place. One party has to have the authority to do so.

When you were that party, you insisted on the authority in even greater numbers than we do. But one party must make sure that it has enough of the authority, particularly on the major committees such as Rules and Ways and Means, Budget, and Appropriations, to run this place.

Your problem is not that our party runs it. Your problem is that your party does not run it.

Mr. WALKER. I thank the gentleman, and yes, I would like to see my party run it. I have to admit to the gentleman that that is the case, and I would hope we would do so on a fair, more democratic—spelled with a small "d"—way than what the gentleman's party does, because it seems to me that what the gentleman is saying is not very responsive to modern times. We do a lot of talking around the world that we want one man, one vote. We say that is an important kind of example for the world to follow.

We had a Supreme Court decision since those days when the gentleman refers to the House committee structure under the Republicans. We had a one-man, one-vote decision by the Supreme Court. We have moved a long, long way. It seems to me that if we want to be a real body representing the people of this country in the right way that this body should begin to take that as its message as well and at least within the deliberative process within that committee structure that we ought to be as fair and equal as possible; that all of us are sent here by 500,000 people who expect us to be a contributing part of the process.

By denying the minority their rightful number of seats in the committees and in the subcommittees, what the gentleman is suggesting is that there are hundreds of thousands of people nationwide who do not deserve their rightful say in the Congress; that rather what we need to have is the kind of arrogance that suggests that a small clique of people, because they happen to be in the majority, ought to run the legislative process and ought to be able to force its way through the Congress.

We have seen a lot of that force used in recent years. We have seen a lot of bad legislation literally forced down the throats of the Members. I would contend that that Rules Committee the other day, when they came to the floor with a rule out of that stacked committee, more than a 2-to-1 ratio, and came to the floor with a rule, the very first rule this year, that decided to burst the budget, decided to just waive the whole Budget Act so that we could do what we wanted to do politically, made a decision that hundreds of thousands, in fact hundreds of millions of Americans would disagree with.

□ 1500

The American people are telling us in no uncertain terms right now they expect us to live within budgets around here; they do not expect us to be waiving them. That Rules Committee, stacked unfairly against the minority, made a conscious decision to send a rule to the floor that just said, "The heck with the Budget Act."

Now, I contend that that is part of the problem. That is the arrogance of power. That is a question of process that becomes an issue of realness. That is a real issue because in that process we have determined to do things that the American people said flatly in November they do not want done.

Now, when we say then that we are going to unfairly stack the situation so that we can do those kinds of things, I think we make a tremendous mistake. I think we communicate to the country all the wrong messages, and it is one of the reasons why, when the polls are read around the Congress about the people's trust in the integrity of this body, it just is not there, and we rate very low on the scales because people believe that a small clique of powerful people, listening primarily to

special interests, force legislation through here and the people do not have a real say.

It is time to correct that. It is time for the gentleman's party to correct that, it is time for my party to correct that.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. And I would say to the gentleman that when we offered our set of rules which, of course, were voted down on an absolutely partisan basis on opening day, when we offered our set of rules, one of the things in that set of rules was fair committee ratios, equal committee ratios. We committed ourselves as a party and put that vote out on the House floor. It was turned down. Had we adopted that package of rules, this House, regardless of whose party controlled it, would have been able to function in fairness. But it was the gentleman's party that turned it down.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, earlier the gentleman—and I am going to change the subject just slightly, if the gentleman will permit me—earlier the gentleman had made some reference to the numbers of votes that the Republican candidates received versus the numbers of votes the Democratic candidates received, and it did not sound right to me, so I asked staff to give me the official count.

They tell me it is a little difficult to give the official count because the State of Arkansas has not delivered theirs yet, and we know that Indiana is still counting. But let me give the gentleman the official count, because he is in error and I would not want it to stand.

Democratic candidates for this body received 41,974,144 votes, and Republican candidates received 36,685,914 votes, for a total of a 54-percent preference expressed for the Democratic candidates.

Mr. WALKER. The gentleman would contend that it is 54 to 46, but with 46 percent of the vote, under the gentleman's calculations, we still got only 42 percent of the seats. It still makes the gentleman's point that we got more votes nationwide.

I know where the discrepancy lies between the two figures. The gentleman, of course, is counting all votes cast. I think my figures rest on the contested seats.

Mr. WILLIAMS. Well, in every State except Indiana we tend to use all votes cast.

Mr. WALKER. Well, in Indiana we would like very much to use all votes cast. In Indiana, if you counted all the votes in the Indiana election, Mr. McIntyre wins by 34 votes.

What we do not want is a selective taking away of votes, because if you count every vote that was cast in the election, Mr. McIntyre wins. But what we are afraid of is that we are establishing a process around here in an unfair committee, with an unfair task force, that will in fact selectively take out certain votes and thereby give the election to Mr. McCloskey. That is our fear. I hope that is not the case, but that is our fear. That is our concern.

Mr. COBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from North Carolina.

Mr. COBEY. Mr. Speaker, I thank the gentleman for yielding.

I think we need to get back and talk about what the basic issue is here at the moment. At the moment the issue is that the people of the Eighth District of Indiana are not represented. They are being taxed without representation, and there is a duly elected and certified person, Rick McIntyre, who should be sitting in that seat today, who should have been certified the day I was sworn in.

In 82 out of 82 times, it is my understanding, this has happened in our history. The majority party cites a couple of cases that are not relevant to this situation. I am not an attorney, but all it takes is common sense to realize that the two cases they are citing, Chambers versus Roush and the Adam Clayton Powell case, are not precedent-setting cases. But these 82 are, and they are established under law.

Mr. WALKER. For those people who may not be familiar with the case, we should understand that with Roush versus Chambers, the reason that is not a precedent here is because in that case you had two Members and each appeared to have a valid certification. You had one Member with a certification, and you had another Member about whom the Governor wrote and said his certification was not any good and the real Member that should have been certified was the other guy. You had two people with certificates.

Mr. COBEY. Yes, not just one.

Mr. WALKER. Not just one. So the House had to decide which one of those two should be seated. We, obviously, could not seat two certified Members of a delegation, so we had to decide between the two.

That is certainly not the case here. Mr. McIntyre is the only holder of a certificate in this particular instance.

Mr. COBEY. Mr. Speaker, if the gentleman will yield further, that is the issue at the moment, and yet we have to address what the task force is doing because that process is going forward.

I think the gentleman is quite correct. In fact, he cites that there are two members of the majority party on that task force and only one of the minority party on the task force. With anything having to do with conduct in this body, the Ethics Committee, it is always balanced.

My question to the majority party is "Why can't there be two of each party?" Because I am concerned about what is going to happen when that task force goes out and they start looking at the votes and then follow the criteria they establish in going in there to select which votes to count.

I do not think they should even have that right because it is the right of the people of Indiana, through their representatives, to set Indiana State election law, which has been followed.

Now, the gentleman from California was correct in saying that they can only recommend and the recommendation will come to this floor. But if we look at the vote on Monday, we know there is enormous pressure on the members of the majority party to vote with the leadership, and if the leadership decides that there should be a certain vote, it seems like they go along. I mean this is a highly, highly partisan body. It is a very discouraging thing to me because we should put partisanship aside when it comes to constitutional matters.

I guess there is a time and a place for partisanship, but I am concerned about the pressure and the strong-arm tactics that can be used in this situation.

As I was saying earlier, there are serious matters that this House needs to address—for instance, the deficit. I know down in my own State there is enormous concern with the textile industry and the imports.

Mr. WALKER. Mr. Speaker, will the gentleman allow me to reclaim my time for a moment?

Mr. COBEY. Yes.

Mr. WALKER. The gentleman was making the point just a moment ago about how highly partisan this body is and the fact that partisanship may manifest itself on this issue.

We were accused on the floor the other day of putting out press releases in the Members' districts suggesting that they had voted badly on this issue and that was partisanship. I have just been handed something astonishing, given the Democrats' contention in that regard. I have been handed a copy of a press release that was put out by nobody else but the Democratic Congressional Campaign Committee. They put out a very, very misleading press release into a Member's district suggesting that they had voted on this floor the other day to deny American citizens, including 1,000 blacks, despite two recent Federal court rulings, their right to have a proper vote.

Now, that is another reason why we think what is being done here is pretty partisan. This Member of Congress had that kind of statement put out

when really what she was doing was voting to seat a Member in this body that has been duly elected. This kind of press release, which is very misleading, was put out, contending that what she was voting to do was to throw out 5,000 votes. That was not the case at all, and I think it is time we recognize what has been going on here.

The SPEAKER pro tempore. All time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

□ 1510

THE DISPUTED ELECTION IN THE EIGHTH DISTRICT OF INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. COBEY] is recognized for 60 minutes.

Mr. COBEY. Mr. Speaker, I wanted to continue this discussion and I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I imagine the gentleman is as shocked as I am, based on the discussion we had on this floor the other day that such a press release would be put out after there was so much criticism of the Republicans for putting out press releases relating to Democratic votes on this issue that the Democrats would turn around and use exactly the same tactics after using it as a criticism in order to win their point on the floor the other day.

Mr. COBEY. Well, let me see if I understand this thing correctly. On election night there was a tabulation error that showed Mr. McCloskey in the lead. When that tabulation error was corrected, Rick McIntyre won by 34 votes; is that correct?

Mr. WALKER. That is right, so if all the votes are counted——

Mr. COBEY. If all the votes are counted.

Mr. WALKER. Rick McIntyre wins the election.

Mr. COBEY. That is Mr. Simcox's, the secretary of state, certified the election, just like he did the gentleman's election and my election on that basis; is that correct?

Mr. WALKER. That is my understanding.

Mr. COBEY. Now, we had a recount that took place and was completed in early February where some 5,000 votes were thrown out because they were not initialed properly and the vote then showed that Mr. McIntyre was ahead by some 418 votes, so I do not understand this kind of press release, because if all the votes are counted, Mr. McIntyre is elected and certified. If 5,000 votes are thrown out because of some irregularities in the election process of Indiana, Mr. McIntyre still wins.

My question is why does not this House seat Mr. McIntyre?

Mr. WALKER. Well, let me say to the gentleman, he should understand this press release. This press release is a partisan distortion of the issues involved in a very serious matter. That is what this is. It does not take much to understand that. This is a partisan distortion of the process by which we are deciding the case with regard to Mr. McIntyre and it is precisely this kind of action on the part of the majority, arrogant enough to do this, that causes fears on our side of the aisle, because when you stack the committee, when you stack the task force, when you use your votes partisanly on the floor and overwhelmingly vote on every issues and then put out press release of this kind, we have a hard time believing that out of the process they intend to seat Mr. McIntyre.

We have to believe that perhaps it is in the back of someone's mind to deny Mr. McIntyre a seat and come up with something fair, maybe like a special election.

"We are very confused about this and so what we will do is we will simply say that neither of them won, deny the people of that district their seats and go to a special election. That is a fair way to decide this," or some other fairness type of solution.

I personally, I must say to the gentleman, I personally do not believe they would have the unmitigated gall to seat Mr. McCloskey. I mean, I really would find that hard to believe. I mean, if they really followed through and actually seated that guy, I think at that point that we would really have blown the lid off on the question of the absolute arrogance of this particular body; but my guess is that they are going to try to come up with something that allows them to deny Rick McIntyre his seat.

I am pleased that the gentleman yielded to me.

Mr. COBEY. Well, I am very concerned and in a sense the free press is a referee in a free society, would the gentleman not agree, and that they sometimes can get partisan even in the press.

Mr. WALKER. Surely.

Mr. COBEY. But they will throw a flag when they think something is wrong.

Mr. WALKER. If the gentleman will yield further, we put out a partisan press release, too. That was what was referred to on the floor the other day. I mean, our congressional campaign committee put out a press release in the Democratic districts pointing out the way they had voted, so in fact we put out such a press release, but that was complained about on the floor the other day and was used as an example of why Democrats should not vote to seat Rick McIntyre on the floor. It was used that way on the floor and now we find out that right after that vote the Democratic Congressional Committee went out and used the same tactic.

The question is, you know, what is their real point over there?

Mr. COBEY. I want to make a statement before I yield. I was following up on a point that the free press which we all hold so dear in a democratic society in a sense is a referee in our free society.

I wonder how long the majority party is going to ignore the fact that editorial after editorial after editorial across our country is bringing attention to the fact that this is wrong.

Now, I admit there are probably a couple editorials on the other side, but even the Washington Post, the paper right here in Washington, DC, that has tended to support the majority party, and I think they would admit to that, has come out and clearly said that Mr. McIntyre should be seated.

I would be glad to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding in this rebuttal and so forth of press releases.

I would just like to enter into the RECORD the press release that the gentleman from Pennsylvania referred to that was put out by the National Republican Congressional Committee, if that is all right.

I thank the gentleman for yielding.

Mr. COBEY. Mr. Speaker, I ask unanimous consent that that article be inserted at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SYNAR SUPPORTS STEALING OF HOUSE SEAT; VOTE LEAVES 500,000 WITHOUT REPRESENTATION

WASHINGTON.—Oklahoma Congressman Mike Synar supported attempts Thursday to steal a seat in the House of Representatives, leaving over half of a million people without representation in the U.S. House.

Synar bowed to the wishes of the Democrat powerbrokers in the House and voted to refuse to seat Indiana Republican Rick McIntyre as a Member of the House. Synar's vote came despite the fact that McIntyre was certified as the winner of the election in Indiana's Eighth Congressional District. A recount has been completed and confirms that McIntyre won.

"Mike Synar has sent the House of Representatives down a treacherous path," said Joe Gaylord, Executive Director of the National Republican Congressional Committee. "Never before in history has the House refused to recognize a valid election certificate issued by a sovereign state. Synar and his Democrat colleagues are refusing to honor the wishes of the voters in Indiana and are continuing to delay the seating of McIntyre until they can construct a system that will enable them to steal the seat for their Democrat candidate.

"McIntyre was the winner of this race by 34 votes. The ballots were counted and the Secretary of State of Indiana certified the results. Later, the ballots were recounted and McIntyre's lead increased to 418 votes.

Despite these facts, the Democrats in the House are abusing their power by refusing to seat the winner.

"Republicans asked that the House seat McIntyre provisionally while the recount procedures in Indiana are examined. But Synar and the Democrats voted against even this reasonable request, denying over half of a million people their voice in Congress.

"The residents of the Eighth Congressional District in Indiana have a right to representation. Mike Synar and his colleagues should be ashamed of their abuse of power. The vote to refuse to seat Rick McIntyre was an arrogant action that will not go unnoticed by fair-minded persons of both political parties."

Mr. WALKER. Mr. Speaker, will the gentleman yield further to me?

Mr. COBEY. Yes, I would be glad to yield.

Mr. WALKER. I think that that is very useful for the gentleman from California to enter that in. It does not negate the point that that press release was sent out prior to the vote the other day and that it was used on the House floor in the course of the debate by several Democratic Members to indicate why they thought that the tactics being used by the Republicans were unfair and that this was a distortion of the process.

Now what we find out is that having said all those things and used it to win their point out here on the floor the other day, they turned around and did exactly the same thing.

Now, what is going on around here? I mean, you know, if what we did was wrong, then I guess the Speaker was not correct the other day when he said two wrongs do not make a right. The Democrats have just shown that two wrongs do make a right. Conventional wisdom is thrown out. I do not know. I cannot quite figure it out, but the fact is that they have now engaged in what can only be stated is absolute partisan distortion of the issues at hand.

I thank the gentleman again for yielding.

Mr. COBEY. Mr. Speaker, what I find extremely troubling in this whole process is that I was elected by the people from North Carolina to come and deal with serious issues, like the deficit, which I pointed out earlier, and the people of our district are concerned about textitles, the tremendous glut of textiles coming into our country that is destroying jobs in North Carolina and elsewhere in this country.

There is the issue of the sanctity of human life that we need to deal with. We need to have meaningful debate on that issue.

Pornography is a concern in this country and we need to legislate in that area so that we can protect our young people and people of this society from the kind of garbage that is being put out there through various forms of the media.

So it is so troubling to me, having run in support of balancing the Federal budget, ultimately paying off our national debt so that we can be strong as a nation, hopefully helping our textile industry and other basic industries by coming up with some kind of industrial strategy that would be meaningful, so that we could have fair trade in the world. We do not have fairness right now in the world that we are dealing in; that we can address the fact that thousands, in fact millions of unborn children are being killed before birth, the pornography issue and on and on. These things need to be addressed, and yet we are put in the position, and rightfully so, but it is expending so much time of defending our Constitution; but we have to, because that is what we were sworn to do.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, I know that many of those issues the gentleman just raised were the issues he ran on in his district this last fall. He conducted a very outstanding campaign there, but as I recall, the gentleman was running not on an open seat, but he was running against an incumbent Member of this body and that in fact in defining the issues that he just made note of, that the people of his district decided that his view on the issues was more in line with their thinking than the view of the person that had represented them for a reasonably long time. He came to Washington based upon that particular vote.

□ 1520

The gentleman would have to admit that if we developed the standard here that this gentleman suggested earlier, that that was only the first contest you had to win, that the gentleman would have been a little leary of the next vote, having run against an incumbent, coming back here to where that incumbent was the known person in this body, had made all of the friends. And suppose that we had that two-tier test, that first you had to win in your district and then you had to come up here and win in the Congress. I think the gentleman probably would have had some real concerns about that while he was running and speaking on those very vital and yet controversial issues in his district, because the fact is that on many of the issues that he won on in his district, the establishment opinion in this body and in this town is very much different from the views voiced by his constituents. And so you would have this establishment having the opportunity to make a decision as to whether or not he was qualified to serve in this body. And they might just decide that they did not like the way the people chose in North Carolina, just like they have decided they did not like the way people chose in the State of Indiana.

I thank the gentleman for yielding.

Mr. COBEY. Like I said, it is very troubling and let us just take one issue. I really think that the people in this town, in fact in this body, get insulated from the people of America. Let us take the deficit problem, for example. I think that this town is out of step with the people of America and certainly out of step with the people of my district. They gave me a very clear message that I was to go to Washington and do everything in my power to balance this Federal budget.

I think it is immoral that we have been spending like there is no tomorrow, passing this on to future generations, this tremendous cost of bloated and overregulating, overspending government. And yet we have not been able to meaningfully deal with that issue. And we have not caught up with the people of America.

They have much more courage than the people that are running government in this town.

Mr. WALKER. If the gentleman will yield again, the gentleman makes an excellent point. Don't you love it in this House when the very people who have spent us into this problem come out to the floor and say, "Oh, it wasn't me. I didn't do it." You know, "It is that nasty President downtown," or it is somebody else, somebody else is doing all of this spending.

I had my staff do some research the other day. It is just kind of interesting to find out how much we in Congress have overspent over our own budget over the last 5 years, how much spending over what we said we were going to spend have we done over the last 5 years. We have spent in a 5-year period $171 billion more than we said we were going to do in our own budget resolution. That is not the President's budget resolution. If you take his budget resolution, the figure is something over $200 billion. But our own budget resolutions we have exceeded by $171 billion.

If you also take into regard the misestimates of our revenues that we have done around here, we have in fact exceeded our own budgets over the last 5 years by $305 billion. That is not the President's budget. That is not what the President has done. That is what we have done.

The spending by this body, by the big spenders here, has in fact resulted in this situation. That is what the American people are disgusted about. That is the reason why they are sending people here like the gentleman from North Carolina, to do something about balancing the budget, because they look at Washington and they think Washington has no will to balance the budget and, by golly, they are right.

I thank the gentleman for yielding.

Mr. COBEY. There is no question in my mind, I have not seen the will here nor the courage to take the necessary steps to balance this budget. I think the people of America need to get that message, they need to get that message here to Washington, and they cannot assume that most of the people even in this body can relate to the fact that this budget has to be balanced in order to preserve our Nation.

I wanted to relate that to the fact that it bothers me that we have to spend so much time and so much money fighting this constitutional battle when it is clear and obvious that the right decision is to go ahead and seat Rick McIntyre and then, OK, go ahead and investigate this election.

But I agree with the gentleman from Pennsylvania that what it looks like is happening is that we are kind of rolling toward a special election. Can you imagine what that is going to cost?

Mr. WALKER. If the gentleman will yield, it will certainly be one of the more expensive special elections in history. It will mean that both candidates will have to raise inordinate amounts of money. It will mean that the people of that State will be denied their representation for another period of weeks until the election is resolved. It will mean that during that period of time when we are likely to be deciding budget issues and some of the many things the gentleman from Massachusetts referred to here earlier, that Rick McIntyre will not be seated if that, in fact, is the decision.

You know, one just gathers along the way that that is the kind of thing that is being contemplated here, that it is so confusing, there are so many irregularities, despite the fact that they were not filed under the Federal Contested Elections Act, there is just so much here, and so what we have got to do is probably go to a special election. And I have the feeling that that is the kind of scenario that we are being led toward.

I would find that very disturbing because that would throw out what was already a very expensive election last fall. It would literally say despite the fact that 34 more people voted for Rick McIntyre, if you count all of the ballots, do not just take the recount, count every one of the ballots, every one of them that was in those ballot boxes, count them all and Rick McIntyre wins by 34 votes, despite the fact that that happened in that election, we will figure out a way to throw out that election and hold another one. That would be a very disturbing outcome to this particular process.

Mr. COBEY. In looking at this situation I think particular note should be taken of the fact that most of the Members of the freshman class, if not all the Members of the freshman class, have made this an extremely high priority, because we have talked among each other and we had a feeling before we got here that if you won by one vote in a democracy, and were certified by the State, you have won. And all of a sudden we come here and find that there is some other critical mass.

In that dialog the other night we asked questions about what is that critical mass. I mean, how many votes do you have to have to win by before there is going to be an investigation. Is it 50, is it 100, it is 150?

And I will tell you, I have to admit that I have been accused all of my life of being somewhat of an idealist, and I admit that I am. I happen to believe that right will prevail, that you can trust people to do the right thing, and this is really shaking my confidence in the process, that if a person like we are taught in civics class, as we come through school, wins by 1 vote, I was always taught that they won. If they got 50 percent plus 1 vote, they won the election. And now I am not convinced of that fact, given what has happened, what the majority party has done.

Mr. WALKER. If the gentleman will yield, I am quoting from the newspaper today. The majority leader is quoted as saying, and he is talking about this committee study ongoing, and he says, "Whoever emerges the winner will be seated." That is his statement.

I think that the American people think that the person who gets one more vote than the other guy on election day wins the election. I mean we have done that. We have talked to the American people in that regard with anecdotal materials for years. Practically before every election day there are a whole series of stories printed about the elections decided by one vote. And the League of Women Voters and other people have ads out that say "Your one vote counts," and they talk about all of these things.

And we have a belief in this country that if you win the election by one vote you have won; you are the victor and you have been elected. And it was not until we got here this year that we find out that when you are running for the House of Representatives that ain't necessarily true. If the majority decides in its arrogance that you are not somebody who has won by enough, then what we may be able to do is deny you your seat on the floor until we decide whether or not there are enough votes there for you to be elected.

□ 1530

I mean, we will make some sort of decision around here ourselves. That is scary. That is scary. Think how that can be applied in other instances in other times and places. You know, the gentleman talked earlier about the Adam Clayton Powell case and the Supreme Court of course eventually threw out what the House did there. Now in fact the House seated Adam Clayton Powell in that instance and then decided specifically to throw him out. The Court came back and said, "You cannot do that." But is it not interesting that if we set this precedent, that what you could probably do then in those kinds of instances is just decide not to seat a person on opening day and then have an investigation around here and drag it out and out and out and out and thereby get around what was done wrongly to Adam Clayton Powell? How is that going to be applied? Is it going to be applied on a standard of the number of votes? Is it going to be applied on the standard of whether or not we like the person's views? Is it going to be applied on a standard of whether or not we like the person's looks? I mean, what are we going to do in the future with this precedent if we decide that is how we are going to run this body? It is very, very disturbing and I think that it makes clear that the American people are right to assume that if you win by one vote and you are certified as having won by that vote you deserve to be seated in this body because it not only is what we have always done, it is good common sense. Anything else will wield power to a majority here that has no particular will to accommodate or to respect the rights of the minority. What we heard from the gentleman from Montana a little bit earlier about committee ratios, all he was saying is "We are the majority and we don't have to respect the rights of the minority." That is true. They have got the votes. They can behave that way. But the question is: Is it fair? Is it right? I think on those questions the American people say no, it is not fair, and no, it is not right.

Mr. COBEY. As the gentleman was saying, this is a very, very dangerous precedent that we may be in the process of setting. And when we look to the fact that we had these general charges of irregularities and yet we have no specific charges; where are the specific charges? Why has Mr. McCloskey not gone to the Federal Contested Elections Act and made specific charges? It leads one to believe that there are no specific charges that could be brought in this case.

And certainly I do not want to and I know the gentleman from Pennsylvania does not want to be party to anything that would be wrong in an election, but that is why we have the laws.

Why are they not appealing to these laws?

I would be glad to yield back to the gentleman from Pennsylvania.

Mr. WALKER. Well, the gentleman is absolutely right. You know, our side has never said we want to be party to any kind of situation that would have

a winner that was not really a winner. All we have said is we need to have an election decided fairly. What we are concerned about is unfairness.

Mr. COBEY. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. All time of the gentleman from North Carolina has expired.

LEGISLATIVE UPDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent I may be permitted to extend and revise my statements and to include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I rise to continue in anticipation of what I hope to do tomorrow, the introduction of the bills that I have been introducing and resolutions for about some five or six Congresses, having to do with what I consider to be the prime underlying reason for what now seem to be crisis manifestations in the farm belt, in the rust belt, which used to be the glory of the world until very lately, that is 4 years ago.

The favorable balance of trade that we managed to have, even though at a meager ratio, was due mostly to the fact that America's farmers have had a tremendous capacity for production, far exceeding anything the Nation demanded or needed and had, in effect, been the breadbasket of the world. As it was the arsenal for democracy during the war it has been the breadbasket of the world.

But coming events cast their shadows before.

I have felt all along that those of us who have very special and significant responsibilities, depending upon the particular assignments to committees, and those assignments having a direct relevance to these events that unmistakably are in the making, have a duty to speak out. For he who knows the truth or has possession of the facts and for whatever reason does not shout them out from the rooftops, is in conspiracy with liars and with cheats. I have always felt that way.

So that when these issues are not quite apparent, except to those who have scrutinized diligently and over a period of many years, it is not difficult to understand why very suggestive criticism and facile dismissal of what one is trying to say is the common lot one faces.

I have spoken thus far in this Congress in anticipation of the introduction or rather the reintroduction of some of these measures, on the fact, and I have made reference to three or four specific Presidents and great leaders of the Nation since the founding of the Nation as bearing out the Federal premise of what I have had to say and what has motivated my legislative behavior as a member of the Committee on Banking.

Originally when I came here 24 years ago it was known as the Banking and Currency Committee. Today it is the Committee on Banking, Finance and Urban Affairs. I happen to also have the honor of being the chairman of the largest subcommittee in the whole Congress, the Subcommittee on Housing and Community Development.

There are only eight members of the full committee who do not belong to this subcommittee.

On top of that, prior to my becoming the chairman of this subcommittee, exactly 4 years ago, I had for a period of 10 years been the chairman of the subcommittee on what was known as international finance and later revamped to international or multinational banking institutions.

So that I have been in a position of what I consider to be great strategic location and importance and therefore have been a witness, and even though it seems as if I am an isolated voice, I have drunk deep from the well of wisdom and experience of some of my predecessors, great Americans, such as the chairman of the Banking Committee who became chairman 1 year after I came to the House of Representatives, the Honorable Wright Patman, may his soul rest in peace, a great fellow Texan, one whom I had long admired before I dreamed I would be in the Congress, and was honored to have been able to be his ally and help during his great moments of constant obstruction, inveterate enmity on the part of the vested interests that knew who the enemy was to their doings and their actions that certainly have not been and are not now in consonance with the best interests of the greatest number of this Nation.

□ 1540

So I must give credit where credit is due. Some of the things I have done and some of the things I have said have been independent of what has been said or what has been recorded or what has been introduced in this House of Representatives.

That has been borne out of my own individual experience in these committee assignments as well as my prior experience of 5-year service in the Texas State senate, where I also headed the State senate's banking committee, as it was known then, and then also the 3 years on the city council.

I think they have all been indispensable; and have allowed me to reach this cumulative point where I can speak the way I am.

Now I have said, and I have said it in the presence, in the last 2 weeks, of those colleagues of mine that have the most and direct relevance to the farm crisis, which continues. There is an old Irish saying that says, "It's easy to sleep on another man's wounds." This is what has been happening in our country.

Our country is so great, it is so diverse, it is so strong that we tend to take many things for granted. We take for granted what we consider, in our actions and thoughts to be, a self-sustaining, self-operative system of Government.

The fact is that we are not. We have yet to celebrate the bicentennial, the 200th birthday of our form of Government. We have celebrated the bicentennial of the Declaration of Independence, but we have yet and we must wait until 1989 before we can say that we have functioned under this form of Government successfully for 200 years.

There is nothing that vouchsaves our being able to do that in 1989. I consider ourselves to be like any other human institution; a fragile thing that requires our constant effort to uphold and to work at diligently.

I, for one, am firmly resolved and always have been, out of a profound sense of gratitude for this great country that gave birth to me, for the privilege of having served and of the privileges that I consider to be the highest honor any citizen in any country could hope to have, where the majority of his constituents or his fellow citizens, have chosen him to represent them in the legislative halls from the lowest local level to the highest in the Nation.

This is a matter of profound gratitude to me, and one which I want to uphold. And I have sworn that in all my actions and thinking and behavior that if I could not add, by way of increment, an improvement then I certainly would behave in such a way never by one iota to reduce that great heritage which forebears enabled me to come up under.

I have been, by way of explanation, the subject of attack by almost every single group one could label, whether it is a conservative or a liberal or as labels—and I detest labels, let me say for the record—or whether it is "ethnic" or "minority," strangely enough for adhering to a straight, given straight-lined course.

Nobody fought and nobody has fought greater battles in defense of securing the liberties and freedom and rights of every American entitled to them at birth in America than I have. Very difficult times. Of course, today those issues are so accepted that nobody considers them issues.

I can recall in 1954 in the city council chamber standing up and resisting

the incredible action of a body which insisted, after over 130 years of municipal existence, that the city of San Antonio pass regulatory ordinances, in the light of the Supreme Court decisions of 1954.

I thought it was incredible; said so, and found myself immediately a minority of one, and being told that I was a political suicide. Since I had not visualized myself making politics a career at the time, that did not bother me very much; anymore really than it does today, for I have always felt that unless you have basic reasons for what it is you are trying to do at the moment that one can find one's self either disillusioned, disappointed, or perhaps at great loss.

I found that the people of that area, even though strict segregatory practices had been invoked as far as any Southern State could have invoked them the presence of strong Jim Crow laws in the State legislative enactments and the constitutional provisions of the State of Texas, made it look as if it was a Don Quixote tilting at windmills.

I found, incredibly, that the biggest criticism I received after I went to the Senate and found that that was the No. 1 issue there, was leaders then of the community who happened to come from the same background as I did or the same ethnic or particular segment of our society, they were the biggest critics. For the simple reason that can be understood when one understands the average human being's desire to be acceptable and to be recognized by his fellow citizens, particularly those that are looked upon as the dominant and prevailing forces in the community.

The reason was that my stand jeopardized the group that I came from; and that they certainly did not desire to be lumped in with what they considered to be the lesser group who did face these injustices and deprivation of basic constitutional rights.

I am here today, after 33 years of elective public office, and I think that should be one testimony as to the greatness and the inherent goodness of the overwhelming and predominant majority of the American people, be they where they may be.

I think that is the greatest thing that I could offer by way of a testimonial.

So these have been the impelling reasons. If there had been political motivation, I certainly could have been accused of being one of the dumbest politicians ever, for the particular people affected and the target of these unjust laws—represented, and even today do not represent much over 7½ percent of the total population. What kind of political mileage could anyone get?

It is the same thing on the national level. What mileage is there in introducing a resolution calling for the impeachment of the Chairman of the Federal Reserve Board? That is, at first glance.

All I have asked, and I have not asked it because I thought it was going to bring me publicity; I do not go out and handle press releases. Sometimes somebody reports a speech and sometimes they do not. Today is this day of television coverage of the House proceedings I get letters saying, Well, isn't it a shame that you addressed an empty chamber?

My reply is: I am not addressing a TV audience. I was doing this the first week I came to the Congress on issues that I considered to be relevant to my position as a member of a national policymaking body which might have had yes, local applicability, but that the purely parochial was transcended in the inherent nature of the matter of discussion that I wish to communicate for the record, to my colleagues.

So if at any time anybody can point to the record to say that I have addressed anybody but by colleagues during the use of this high privilege, of what we call special orders then I will admit to the error and will confess to it publicly. But nobody can because at no time have I.

□ 1550

Now I am glad we have TV coverage. I have always been a great believer in having as much communication as possible of my actions because I am proud of what I do. And I know I work hard at it. So I am the first in my area that started TV reports back as soon as the TV stations accepted it when I got elected to the State senate. I was the only one in the State senate doing it. But those were specific reports to the people and constituency of the 26th senatorial district of Texas, which then consisted of the entire county. My first 8 years in the House of Representatives, the 20th Congressional District of Texas consisted of the whole county of the State.

So I say all of this in order to implore my colleagues, who if they may be watching on their closed circuit TV sets, will know that I am not raising an issue for any particular angle, either political or any other, other than a purely legislative intent on a matter that the record will show I have been speaking out in some instances for 20 years.

I would like, as a matter of record, to present for the RECORD an article I wrote. I actually wrote it in November 1964. That will be 20 years, over 20 years. It was printed in the Quarterly Report, the winter issue, 1965, of the Personal Finance Law publication. The title of it is, "Bank Interest and the Federal Law."

I have kept up a fight that this illustrious forebear and great chairman, Wright Patman, had initiated and had sustained for many years. I believe I have carried it much further than he conceived he would do and the reason is that I lived after his demise at a point where it was obvious that the forebodings both he and I had expressed—he far longer than I—were about to be realized to the great detriment and well being of our people of this country.

I offer this article because it shows the basic research I did on the history of interest rate control in our Nation and to do away with this mischievous myth that such an agency as the Federal Reserve Board is first a Federal agency—which is not. And second, that it is an independent agency as if it had been conceived in heaven or some place on high. It is really a creature of the Congress. All I am doing is reminding my colleagues of that. Also that interest rates are not an act of God. They are man-made, manmade problems and they are susceptible to manmade solutions if we care to bring about a solution.

Now, that is easier said than done. I recognize that.

The article follows:

[Reprint from winter 1965 Issue of the Personal Finance Law, Quarterly Report]

BANK INTEREST RATES AND THE FEDERAL LAW

(By Henry B. Gonzalez, Member of Congress)

James J. Saxon, Comptroller of the Currency, ruled recently that National Banks may charge interest at the maximum rate permitted by applicable state law to any competing lending institution including small loan companies.[1] The significance of this ruling is seen in the fact that in Texas, under the Regulatory Loan Act of 1963,[2] small loan companies, may charge rates up to 300% on loans of $100* or less. Banks were excluded from this law and they may charge no more than 10% interest. The new ruling would permit National Banks to charge the maximum rates permitted under the Regulatory Loan Act of 1963. The State Banks, of course, would still be excluded from that law.

The Comptroller's ruling is based on Section 85 of the Federal Banking laws.[3]

Last August, in his testimony before the House Banking and Currency Committee on the proposed Federal Banking Commission Act,[4] Mr. Saxon submitted for the record written answers to 29 questions which had been propounded to him by the Committee. Answer No. 26 was an explanation of his ruling on interest rates that National Banks may charge. In his answer, Mr. Saxon states that his ruling:

". . . is merely a restatement of relevant court decisions (see, for example, *Rockland National Bank of Boston* v. *Murphy*, 110 N. E. 2d 638, Mass. 1953) and is entirely consistent with the objectives of Congress beginning in 1863 and 1864, as was clearly stated in the legislative history of section 85, as has been uniformly recognized by previous Comptrollers, and as is reflected in the applicable court decisions."

[1] Footnotes at end of article.

* ED. NOTE: On loans above $100 the rate is much less, i.e., on a loan of $1500 the true annual rate would be 21.14%.

BACKGROUND SKETCH

A brief sketch of the background and development of the current Federal rate of interest provisions (12 U.S.C 85) is helpful to the understanding of the problem created by Mr. Saxon's recent ruling, particularly as it affects Texas. The present law is derived directly from the National Bank Act of 1864,[5] which was in turn based on the Act of 1863.[6] Section 46 of the 1863 Act stated:

". . . every assocation may take, reserve, receive and charge on any loan, or discount made, or upon any note, bill of exchange, or other evidence of debt, such rate of interest or discount as is for the time the established rate of interest or discount as is for the time the established rate of interest for delay in the payment of money, in the absence of contract between the parties, by the laws of the several States in which the associations are respectively located, and no more . . . "

There was considerable debate in Congress on the proposed changes of this section of the law during the discussion of the National Bank Act of 1864. Obviously, the substance of this debate is of extreme importance in the construction of the law as there is very little else to shed light on the intent of Congress in enacting this provision. Hearings were not then recorded or published. Therefore, almost all we have of what the members of Congress intended is what was printed in the Congressional Globe, a commercial predecessor to the Congressional Record.

The bill setting forth the National Bank Act of 1864 originally provided for a uniform Federal rate of interest in the amount of 7% per annum. The Senate Finance Committee proposed to delete the uniform rate from the bill, and the following amendment was offered on the floor of the Senate:

"The rate allowed by the laws of the State or Territory where the bank is located, and no more. And when no rate is fixed by the laws of the State or Territory, the bank may take, receive, reserve, or charge a rate not exceeding 7%."[7]

POINTED DEBATE

The debate which followed was quite pointed. Sen. James Grimes of Iowa spoke first. He said that in Iowa the legal rate of interest was 6%, but for special contracts it could be 10%. Under the proposed language, he said, the State banks would be limited to 6% while the National banks could charge 10%. He thus vigorously opposed the amendment. Sen. John B. Henderson of Missouri took the same position and said succinctly:

"I desire to allow these banks to charge just exactly what other banks of issue in the State charge. I do not want to make any difference between them."

Several other Senators spoke up in agreement, including Sen. John R. Doolittle of Wisconsin who said:

"I can only say, for one, that I will never vote for a bill allowing national banks to go into the States and Territories and charge a rate of interest equal to 10 percent, unless that State or Territory where they are located allows its banking associations to do the same."

The opponents to the amendment remained firm, and no arguments from the other side could explain to their satisfaction why National banks should be given the power to charge higher rates of interest than State banks. This, of course, is precisely the issue raised by Mr. Saxon's ruling. The issue was not immediately resolved when it was taken up in 1864. The amendment first came to the floor on May 5, 1864. The statements I have quoted were all made on that day. Instead of taking a vote, however, the matter was passed over and then taken up again the following Saturday, May 7, 1864. On that day, the following additional language was proposed, to be inserted after the words "no more":

"except that where by the laws of any State a different rate is limited for banks of issue organized under State law, the rate so limited shall be allowed for associations organized in any such State under this Act."

This amendment to the amendment was agreed to, and the amendment as amended was passed, all without any debate. The language finally adopted and incorporated into the 1864 Act was therefore:

"Sec. 5197. Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at the rate allowed by the laws of the State, Territory or district where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this Title. When no rate is fixed by the laws of the State or Territory, or district, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum . . ."

Except for the insertion of a clause bearing on another problem, the 1933 Act carried forward the language of 1864 intact. The present law, 12 U.S.C. 85, is thus almost exactly as it was written in 1864.

DEEP CONCERN

As I read the debate of the 1864 Act, there was deep concern as there is today, that National banks might be given the power to charge higher rates or interest than the State banks. The objections made on the floor of the Senate May 5, 1864 held up action on this section of the bill until new language could be agreed upon. The crucial language is the wording added on May 7, namely, that where State law limited interest rates for the State banks then the National banks would also be so limited. This language could have been added only to remove the objections of Senators Grimes, Henderson, Doolittle and the others who would "never vote for a bill allowing National banks to go into the States and Territories and charge a rate of interest equal to 10 per cent, unless that State or Territory where they are located allows its banking associations to do the same.

The intent of Congress in 1864 was plainly to permit the National banks to charge the same rates of interest as State banks, but no more, regardless of the rates allowed for persons other than banks, as, for example private persons who enter into special contracts. In all the modifications of the banking law over the past 100 years, the law regarding interest rates that National banks may charge has remained the same. So has the intent of Congress.

RULING OPPOSED

I strongly oppose the ruling of the Comptroller of the Currency which would give to the National banks a power they have not had and should not have, that is, the power to charge higher rates of interest than the State banks in a State where higher rates are permitted to small loan companies to the exclusion of the State banks. For the judicial interpretation of Sec. 85 I could quote no case better than the one cited by Mr. Saxon, *Rockland National Bank of Boston* v. *Murphy*. The court stated in that case:

"A national bank in making loans is allowed by the Federal law to take, receive, and charge the same rate of interest, if one is established by the statutes of the State where the bank is located, as may be charged by the State banks. 12 U.S.C. 85. The purpose of this act of Congress is to put national banks on an equality with State banks in competing in the business of lending money. *The lawful rate permitted to State banks is the measure which national banks must adopt in conducting the business of making loans.*" (Emphasis added)

The Murphy case happens to support my views, not Mr. Saxon's. Congress never intended to permit a National bank to charge more interest than a State bank merely because loan companies are permitted to charge more than the maximum rate allowed under State law on small loans. Congress would be particularly opposed to giving the National banks such an advantage where, as in Texas, the State law specifically excludes both the State banks and the National banks from the higher rates.[8] It should also be pointed out that the ruling of an earlier Comptroller of the Currency on which, Mr. Saxon relies, in part, refers to State commercial banks or State industrial banks, not to small loan companies.[9]

Perhaps one benefit that has resulted from this controversy has been the attention focused on the Federal law covering interest rates. I fail to see why, in this day and time, there should be different rates of interest in each State. If there were good reason for permitting higher interest rates in the Western States than in the Eastern States, because of the remoteness of the West and the lack of capital in that underdeveloped area, that reason does not hold true today. The reason for the law allowing higher interest rates in one area than in another has long ceased to exist.

In this regard, the Federal Government follows an obsolete rule of law which undercuts the present policy of eliminating poverty and helping the lower income group. For the sake of uniformity, and to remove those obstacles in the law which militate against the War Against Poverty, Congress should seriously consider legislation establishing a uniform rate of interest for all banks belonging to the Federal Reserve System.

FOOTNOTES

1. Paragraph 7310, *Comptroller's Manual for National Banks.*

2. Art. 6165b V. A. T. C. S., Texas Regulatory Loan Act of 1963.

3. 12 U.S.C. 85.

4. H.R. 107. Also considered at the hearing was H.R. 6885, providing for the transfer of the powers of the Comptroller of the Currency to the Secretary of the Treasury.

5. 13 Stat. 108, Sec. 5197 (1864).

6. 12 Stat. 665, Sec. 46 (1863), the National Currency Act. This Act and the National Bank Act of 1864 remained the basis of Federal Banking Legislation until passage of the Federal Reserve Act of 1913. The amendments of 1864 were designed to meet certain objections of State bankers. See, *Banking and Monetary Studies*, Ch. 2, p. 17 (a project of the Comptroller of the Currency).

7. 38th Congress, 1st Session (1864), *Congressional Globe*, p. 2123.

8. Art. 6165b V. A. T. C. S. Sec. 6(a) (1) and (11).

9. Paragraph 9510, *Digest of Opinions.*

Mr. GONZALEZ. But it is somewhat demoralizing to see that the things we were saying have been fulfilled much to our disappointment. I would much rather have been dead wrong than to see what has happened here to our

country and what appears to be unrestrained continuing to happen.

I referred to the fact that this was an issue from the beginning of our Nation as a nation. We forget that the first 10 years of our Nation as a national existence, those who shaped that government thought so little of such an office of the Presidency—which in the Constitutional Convention they called the Chief Magistrate during the debates—but anteceding those debates they did not even bother to have any kind of an office comparable to an office of the Presidency. It was the First and the Second Continental Congresses. There was good reason for that. As the debates reflect, those that have been preserved during the arguments and consideration that led to the adoption of the Constitution, there was great fear for this office. This is one reason why the power to declare war in the law is vested in the constitutional. It is nondelegable. Only the Congress can declare war. But we are living in eras that we foresaw and we said so. When? During equal crisis, during the Vietnam war. I did not see anybody rising up to say that it was questionable that Presidents would have the right to conscript an unwilling American and compel him to serve outside of the continental United States in an undeclared war. I have not seen anything by way of discussion, other than what I got up and said on this floor. I said it during the regime of a President that certainly was a personal friend. Yes, I was criticized and yes, I became sort of unpopular there with some of his more innermost advisers. But so what? I think if anything that ought to show the continuity of my behavior and the reasons for it. Because attached to it is the most fundamental power of all. I referred to it and said that Thomas Jefferson, if what I have said in using the word "bankers"—and when I use the word "bankers" I am not talking about the 14,200-some-odd commercial banks—I am talking about 7 or 8 or 9 at the most of that 14,000-plus. Those were the classes and the types of individuals and forces and powers that Thomas Jefferson was addressing himself to at the time of the First and Second Continental Congresses and after the adoption of the Constitution and the granting of the first charter of the first bank of the United States.

I am going to quote directly from what he said so that the record will show why I refer to Thomas Jefferson and say, the issue is no different. The only difference today is that we were sold out. The American people have been sold out. They have been robbed of their heritage. They have been sold down the river because whoever was in power during these last three, four decades were abdicating their responsibilities. And I will tell you why. The only difference is they have taken over and they did not at the time of Thomas Jefferson.

I quote:

> If the American people ever allow the banks to control the issuance of their currency, first by inflation, then by deflation, the banks and corporations that will grow up around them will deprive the people of all property until their children will wake up homeless on the continent their fathers occupied.
>
> The issuing power of money should be taken from the banks and restored to Congress and the people to whom it belongs. I sincerely believe the banking institutions having the issuing power of money are more dangerous to liberty than standing armies.

Then Abraham Lincoln. Of course we had in between Andrew Jackson who terminated the second chartered bank of the United States. These were given 20-year charters in succession and Andrew Jackson came in as a populist, as the people or the masses versus the classes and his big fight against the banks. He undid the second U.S. bank for the reasons that were similar in basic issue as those confronting the first occupants of power in our structured government.

But Abraham Lincoln and I quote:

> The government should create issue and circulate all the currency and credit needed to satisfy the spending power of the government and the buying power of consumers. The privilege of creating an issue in money is not only the supreme prerogative of government, but it is the government's greatest creactive opportunity.
>
> By the adoption of these principles, the longfelt want for a uniform medium will be satisfied. The taxpayer will be saved immense sums of interest. The financing of all public enterprises, the maintenance of stable government and ordered progress, and the conduct of the Treasury will become matters of practical administration. Money will cease to be master and become matters of practical administration. Money will cease to be master and become the servant of humanity.

□ 1600

And then again, right about the time he was killed:

> I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country; corporations have been enthroned, a era of corruption in high places will follow and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until the wealth is aggrandized in a few hands, and the republic destroyed.

Woodrow Wilson was the last to really address the issue. It was during his term and just about the time the war broke out that he expressed great concern. It was about the time of the formation as a result of the Federal Reserve Board Act of 1913, and the history of its adoption, and particularly the House committee that had a lot to do after the depression and the crisis of 1907 and 1908. I advise my colleagues whenever they have a little spare reading time to look up that history and look up the history of that particular committee and what tremendous obstacles were placed and how finally the compromise worked over in the Senate, actually, literally taken over by a Senator who had married into the Rockefeller family. And, of course, these loopholes and these possibilities were troubling the mind of Woodrow Wilson. He said:

> A great industrial nation is controlled by its system of credit. Our system of credit is concentrated. The growth of the nation, therefore, and all our activities are in the hands of a few men * * * and we have come to be a government by the opinion and duress of small groups of dominant men.

Men such as Wright Patman, fully conscious of this history, were speaking out at a time when it was very difficult. Even I, in 1965 and 1966, when we saw the clear evidences of things to come in the credit crunch of 1966, the first so-called credit crunch, spoke out. But even then I could not persuade our distinguished chairman, the late Wright Patman, who was in the meanwhile preoccupied with other issues the President and other Members of Congress were pressing upon him, and frustrated in his efforts to obtain the necessary moneys from the House Administration Committee to conduct the necessary work, because in order to do what we should have done 20 years ago at the latest—it was even late then—the Congress would have to equip itself, and the committee such as the Banking and Currency Committee, as it was known then, came on this House floor and asked for a request that would enable it to go into areas of such things as interlocking directorates could be investigated, the acquisition of one bank of another bank through the hypothecation of banking stock. These are all issues that I joined him in. I was fervent in that joinder. Why? Because everybody treats banking institutions as if they are God ordained. They are the most powerful, and they have the greatest privilege of all, for they now actually coin our money through our fractional system.

What is more, what the Congress established as a regulator has turned out to be the lab creature of six of our biggest banks. All the policies that the Federal Reserve Board has pronounced and promulgated for the last 20, 25 years have really been dictated by the very private bankers that were supposed to be regulated. They are the ones who control the monetary and therefore the fiscal policies of Government, and even our social policies.

I have had the Chairman of the Federal Reserve Board come before the committee, and when I have had my 5-minute question and answer period I said, "Mr. Chairman, why is it that in an election time in a given administration, you suddenly loosen up?"

And they get indignant and deny it.

Yet, finally, the statistics are published.

Why? because what is called the Open Market Committee, which is not open and whose determinations are going to dictate the policies which in turn can make or break any administration—any administration—why, this is the way they used to do it in England, the Exchequer, until they put a stop to it in England, and the Parliament finally said, "Hey, wait a while, who is making policy?"

I had the Chairman of the Federal Reserve Board who is still in power tell me that, yes, it was true that those policies he was advocating would cause a deterioration in the standard of living of some Americans. And I said, "Well, whom will they be, Mr. Chairman? Certainly they are not going to be David Rockefeller. It is not going to be the First City National Bank. Who are you talking about? You are talking about the overwhelming preponderant majority of my constituency. And, therefore, I challenge you."

What good did it do? I mean one voice. It looked kind of flamboyant, it looked kind of bombastic for one voice to take on the Federal Reserve Board's powerful Chairman.

And this attitude has led to great delinquencies and crimes which I have alleged in bills of particulars, in the resolution of impeachment I have introduced on this present Chairman and the Open Market Committee, and I have pointed out and given particulars. I will not go into that. I even printed in the RECORD the report that was finally issued to it. It took 3 years, because I had received information that there had been hanky-panky, that there had been confidential information released by a member or two of the Open Market Committee that had resulted in the wrongful accumulation of great wealth of two of the banks in New York.

My requests were ignored. But finally in open meeting I persuaded the subsequent chairman, Mr. Wright Patman, to at least ask the question and ask them, "Do you have an inspector general in the Federal Reserve Board? Why do you not want an audit of the Federal Reserve Board? What do you have by way of self-policing?"

And at first even the Chairman was going to be ignored until he became insistent. Finally, the Chairman of the Federal Reserve Board said, "We will look into this." I said, "Well, I have specifics. What about this leakage of information and the consequent and inordinate and improper profit to those that were able to benefit by the confidential leakage?"

I gave him names.

So then he said he would look into it. Then, finally, they come back and said they were going to have an investigation, an inhouse investigation. One year later I had to ask what were the results. Finally the Chairman said, "We will send you a report."

What was the report? It was from the law firm of Fulbright and Jaworski, a Texas-based law firm, who conducted one of their lawyers, who also happened to be the lawyer for one of their banks that conducted the report. It was the fox going to the chicken coop to investigate who was killing the chickens when it was he who was doing it all along.

I put all of that in the RECORD.

Now, what does that mean today? What it means is that if the farmers are now in distress—oh, yes, a big segment of them, not all, but those most directly affected—we had foreseen it, we had spoken out, I spoke out no less than 1 year ago. You will recall that the President, who, when he meets with the Federal Reserve Board Chairman, meets as if he is meeting with a foreign potentate. The difference is that at least when he meets with some foreign potentate they have a communique issued. When the President meets with Paul Volcker we do not know what they discuss. We do not know. I have good reason to suspect what it is they decided, but we do not know.

□ 1610

The people do not know; the Congress does not know; nobody gives a hoot. Yet, it is very material to what we take for granted but which is wrong. The reason the Founding Fathers put that proviso in for impeachment is very simple, and it is spelled out in the proceedings of the Constitutional Convention. Those reasons are so apt and appropriate to cover the bulk of the decisionmakers in the Federal level, even though Paul Volcker can say, "Well, I am not really a Federal," he will have a hard time disavowing responsibility.

It is true; the Federal Reserve Board is really now a creature and responding only to the private banking system which it is supposed to regulate. But it is not responsive to the Congress; it has gotten away from that. It is not responsive to the President if it does not want to be. If it is in political disharmony with the President it is not going to be.

Who constitutes the Open Market Committee? Well, the seven members of the Federal Reserve Board plus five of the private bankers meaning the leading bankers of Federal Reserve Board banks and others in New York City. So that what we are talking about is what Jefferson feared, as well as Jackson, as well as Lincoln, as well as Woodrow Wilson. The difference is is that at least they put the power and the majesty of the Chief Executive office of this country on the side of the people. They believed that the power to allocate credit was basic, always has been basic, and is basic to any society or any form of government, should not be in the hands of those who are insatiable in their desire for profits. The more they have, the more they want. This has been true not only in America, it has been true at all times in all countries in all climes in all ages. We have recorded history of that going back 7,000 years before Jesus Christ. As a matter of fact, when the Lord Jesus Christ was preaching, there were rigid laws against usury, punishable by death, in some instances.

The American people have been stripped naked of any protection whatsoever and it is cumulative. Today it is irreversible. So that you have the great production, the great industrial area of our country now known as the "Rust Belt." Why? Because in 4 years our Nation has been converted from a producing nation to the dumping ground.

But why? Back to our monetary and fiscal policies. The great interests that finally have total and complete control of the decisionmaking processes in that respect of this administration for the first time in history.

Yes, we had great trusts that Theodore Roosevelt reviled against, but they never had one-tenth of the power and control that these interests have today. We see banks that are supposed to be chartered. That is, they are granted a permission. For what? Out of public need and convenience. Public need and convenience.

This is why, in 1965, some of us began to raise the issue about the danger, unarrested, of allowing banks to buy other banks through what we call the hypothecation of banking stocks. The findings even with the meager amounts of moneys that were allotted to us to conduct that investigation or study were very disturbing and should have been to anybody, having any kind of serious interest in these basic questions. So that if the farmers are in distress, well, the immediate cause, right now, is that the Chinese Communist Government reneged on its pledge to purchase 6 million metric tons of wheat that the President, with great ado, said he had brought about.

What he has not reported to the people is a side agreement, still secret, on military. Some kind of military alliance we have made with Communist China. But what do we want? Are we so credulous, are we so naive as to think that the Chinese Government is going to look to America's interests first? Of course not. Are we so foolish as to think that the governments of France, West Germany, which now has more gold than we have, and therefore, can agitate just like the Russians did a couple of years ago, just through movements of gold in the Swiss market. Suddenly you have got

pressure on the dollar. You read about it. Suddenly the pressure on the dollar was such that the dollar had dropped but then it went up. The reason we now find, all of this is secret. The Federal Reserve Board will not report on this officially. But we intervened. Mr. Reagan went in and put in about $3 or $4 billion of the taxpayers' money to intervene because of that sudden shift of quick, hot money because, West Germany and a couple of our so-called allies did this. They are looking out for No. 1. This is what we should always at all times do, and we have not.

The American people have been sold down the river, I repeat, by those in exhalted places. For, as Abraham Lincoln says, "We are fighting against high powers in great places with great corruption."

I pointed out in my bill of particulars on the impeachment resolution I was asking, that the Chairman of the Federal Reserve Board was not going to condescend to have a meeting with the chairman of the leading bank, say, in my district, but he certainly did have a private, secret, they thought it was secret, but the chairman of the First City National Bank a couple of years ago in Florida. With whom? With Nelson Bunker Hunt of Texas, who has had to divert $20 billion-plus of banking resources. Remember, banking resources are provided under the law and by charter for public need and convenience. Mr. Bunker's attempt to try and corner the silver market, why that is ridiculous as the bull market. When you go into that area, you are going in there with the heavyweights of the world. Men who have had that kind of power for 400 years in the biggest, controlled, speculative area of all human existence.

So our leaders have, in effect, our Secretary of the Treasury who boasted in 1976, well, we are going to sell our gold. Why? We have demonetized. I was in contact with French financial figures in other European countries that certainly did not seem to think the world had demonetized and pointed out that at least in repealing the 1932 act which prohibited the so-called private holding of gold, that we would restore those protective parts of the law that had helped protect the American general interest. Even the banking interests themselves to no avail. It was as I have said repeatedly: Like a coyote over in the brushwood country of Texas at midnight braying to the moon. That is about as far as it seems.

However, I will have this to say for the RECORD and my colleagues: The people are those; they know. Do not ever underestimate the knowledge and the response I have had over the course of years has been so impressive and beyond my ability to really respond for my responsibility, and therefore resources are limited to a geographical area known as the 20th District. I go back; why and what would motivate the introduction of the impeachment resolution. The fact that once that power has been concentrated in few, unaccountable hands, unaccountable to the people, unaccountable to the peoples' representatives, whether they be legislators or executives, that you have then an unrestrained power which never in the known history of mankind has been able to function without restraint, without regulation, and such must be the case here.

□ 1620

I have introduced a couple of measures, and when my article was written in 1965 I had that in mind. I saw it coming at that time. At that time the Comptroller of the Currency was James J. Saxon. He was the appointment of a very dear, personal friend of mine, President John F. Kennedy.

Nevertheless, I said, "You are wrong, Mr. Saxon." What was it he was trying to do? He was trying to say that national banks could come into a State and would be permitted to charge the highest interest rate legally possible in that State, even though the State-chartered banks were prohibited from going that high. They were limited by usury restrictions. In my State of Texas, I had managed to fight off and ward off the so-called, what they later called, Regulatory Loan Act of Texas. It was supposed to regulate loans of $100 or less, but what did it allow? It allowed for interest rates to go as high as 375 percent. Who are the ones who would have to borrow $100 or less? Certainly not the affluent class, but those that needed the greatest protection of the Government.

So I warded it off in the State Senate until I came here, and then 1 year after I came to the Congress, the Texas Legislature cleared the legislation and adopted that. To my astonishment, I come up here and the next year, the second year, the Comptroller of the Currency says, "Well, in the State of Texas it will be possible for a national bank to go in and do the same thing," even though the State banks cannot do it because the State constitutional provisions of 10 percent maximum interest, which was then prevailing, ruled.

I said it was wrong. I researched the law and showed clearly where he was not only tenuous but wrong in his position, and I think I had a hand in restraining that kind of pronunciamento on the part of the Comptroller of the Currency.

So what I am saying is that the issue is basic today except we are worse off because I do not know of any one single thing that can be done to reverse at this point. It will be a combination of events. It will be a combination of things that have to be done. I do not see them done unless they will be out of events born of crisis, like the farm problem. If we study the farm legislation last week, what was it we were really doing? What we were doing was expending periods of allocation of credit. The version that came out of the Committee on Appropriations was a little bit more definite. It provided for what? For extension of credit so that in those cases of imminent foreclosure, that could be prevented.

I would like to point out to my colleagues that I hope they will be as sensitive, and they were not 2 years ago, to the urban dweller when we were trying to save the homes of at least 100,000 American families. We have converted again, let me say, from a nation that was a homeowner nation. For the time since the depression, home ownership declined in 2 successive years, 1983 and 1984, and it continues this year.

But what we have done, we have converted our country from home ownership, at least some attachment to the soil or the country or the place or the community that a family rightfully could say, "It is mine," for a renter, a transitory occupant. Our Congress, even the great Subcommittee on Housing and Community Development, has not quite grasped that transformation.

We have to address it. I say that pessimistically, and I regretfully say so, that it will come out of crisis when we start getting rent strikes, squatters, and violence. I pointed this out for 4 years, that experiences in Europe, Brussels, Paris, Berlin, London, where you had reached the same absorption point that we have passed now for 3 years.

I have had the privilege to travel around the country, so when I speak I am not speaking parochially. I have gone into every single section of this country as an individual, as chairman, but not in the name of the subcommittee, for lack of funds. I have gone into 33 different States. As chairman and with the subcommittee and in the name of the subcommittee, I have gone from the State of Wisconsin to Texas, from the Eastern Shore here in Maryland where, by the way, I would say to my colleagues, get in your car, especially in season here, drive 1 hour and 15 minutes to the Eastern Shore, and you will see the most abominable migrant labor conditions you will find anywhere in a Third World country. This is in America, 1 hour and 15 minutes from the Nation's Capital.

Those people are invisible, just like the farmers were until last week, and like urban dwellers in their great concentrated areas are at this moment.

This is what I said a while ago, and I make reference and conclude with

that element of thought that happened during the Vietnam conflict. As long as it was a small fragment of our population, of our citizens, who were asked or compelled to serve and die or suffer serious bodily harm, nobody really gave much care.

I recall once vividly attending, on the invitation of President Lyndon Johnson, a briefing which the President very much liked to do, and that is one thing about him. We talk about a great communicator. He was, in the true sense of communication. He would have more accessibility than any public official I have ever known, local, State, or National.

So he would call us over, and I remember going, and at that time the casualties were beginning to come in from Vietnam. I had raised the issue just a few months before. It had antagonized the President. It had raised questions on the part of some of his intimate advisers when I brought out that in the summer of 1965, over 45 percent of those who were going to see action in Vietnam were draftees, and I asked the question, "How come?"

This disturbed people, but it was true, and I was the first to raise that and bring out that statistic. Well, being first is no consolation unless something happens that will address what obviously is a distortion of something. So at the briefing the President expressed his dismay and concern. He had the Joint Chiefs of Staff explaining their particular dilemma and therefore, as the President said, "My dilemma." He said, "The President gets all the unresolved problems my Cabinet cannot resolve. I get them."

One of the Members then of this House got up and said, "Mr. President, what are you worried about? My goodness, 65 casualties a week? Why, we had many times more traffic accidents last week in this Nation. What are you worried about?"

You know, this is the attitude that has puzzled me. I cannot understand it.

I was chief juvenile probation officer for Bexar County after the war. There were a lot of things I could not understand, including theft. I could not understand why an intelligent young man, brilliant in my book, who devised intricate ways of stealing, would use so much brain power to end up getting caught, losing everything, including reputation, when by the same use of that brain power he could accumulate twice as much, his to keep, with no questions.

I am puzzled also the same way on these great national issues. I see us debating and remember that if our dollar is not really good or sound, we have lost the war. I said this at the time of Vietnam when I related that our procurement had reached over $45 billion and that it was impacting the soft underbelly of our country.

□ 1630

I wrote a letter to the President. I asked him to consider invoking some of the things other Presidents had under other circumstances—Harry Truman and Franklin Roosevelt—at least minor things, minor credit controls, et cetera. The President bucked it over to some underling at Treasury—I do not know why he did—and that was the last I heard of it. But it hurt me very much to see some of these things we visualized came to happen. I could not understand the obtuseness of great, great minds.

I respect many, many of the leaders, but I also learned a long time ago that sometimes the ones you have to worry with the most are the so-called experts and the great. And we have to keep in mind that no matter who, no matter what human being, if we adhere to the basics, the basic verities of our form of government and the basic principles, I do not think we would be in much trouble. But we have not.

We are going to be tested. It remains to be seen whether we will rise to heights beginning this year and reaffirm that basic faith that is involved in preserving what we take for granted until we can celebrate its 200th anniversary in 1989, as I said in the inception. I say that it is not too late to reclaim our heritage. But we have, directly or indirectly, permitted our great inheritance to be sold for a mess of pottage.

Mr. Speaker, I yield back the balance of my time.

THE CONTINUING ARREST OF MIKLOS DURAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. DWYER] is recognized for 10 minutes.

● Mr. DWYER of New Jersey. Mr. Speaker, since last May, Miklos Duray has been held in prison in Bratislava, Czechoslovakia, without trial. This is the second time he has been arrested. The first time, he was charged and a trial opened, but was discontinued, resulting in his return to freedom under close police surveillance.

This time the chances for a discontinuation of the case are not bright. The Czechoslovak Government is creating a cause celebre by keeping Duray imprisoned, suggesting the trial will be an even more obvious travesty of justice.

The only new "crime" Duray had committed was to protest the draft law in the Slovak regional parliament which would have permitted the Slovak Ministry of Education to close Hungarian sections in the schools. Duray and 11,000 Czechoslovak parents of Hungarian nationality considered this to be a violation of the constitutional guarantees of the right to education in the mother tongue and protested against it. Because the petition campaign succeeded and the controversial provisions of the draft law were withdrawn by the Government, Duray was selected as the scapegoat. Yet the case is not only an ethnic dispute.

Four outstanding Slovak intellectuals also protested Duray's arrest to President Husak. Duray's prosecution is an excellent example of how anyone who tries to speak out against injustice in Czechoslovakia often finds themselves in prison, charged with activities against the state.

Czechoslovakia is a land where freedom cannot be found. It is a state where not only the Hungarian minority, but also the Catholic Church and other churches are singled out for persecution, where people are arrested for having Bibles printed abroad and where friars and nuns are considered to be subversive.

I would like to extend my congratulations to the American Hungarian Action Committee and the American Hungarian Federation which together have fought back against the unjust arrest and incarceration of Miklos Duray since last May and initiated several congressional actions on his behalf. People like Dr. Z. Michael Szaz and Mrs. Eva DiGioia, a constituent of mine from Perth Amboy, NJ, who is an adviser to the American Hungarian Action Committee, have done yeoman work to bring the issue to the attention of all of us.

I urge my colleagues to renew their attempt to affect the release of Mr. Duray by urging the State Department and the President to undertake strong diplomatic efforts to this effect and to protest to President Hudak about the present unjust state of affairs.●

LEAVE OF ABSENCE

Mr. MCDADE (at the request of Mr. MICHEL), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. MADIGAN, for 5 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. STRANG, for 60 minutes, today.

Mr. COBEY, for 60 minutes, today.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.
Mr. STUDDS, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)
Mr. DWYER, of New Jersey, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)
Mr. CHAPPIE in two instances.
Mr. FIELDS in two instances.
Mr. WORTLEY.
Mr. CONTE.
Mr. GILMAN.
Mr. DORNAN of California.
Mr. GROTBERG.
(The following Members (at the request of Mr. DE LUGO) and to include extraneous matter:)
Mr. MORRISON of Connecticut.
Mr. CONYERS.
Mr. MILLER of California.
Mr. BORSKI.
Mr. BRYANT.
Mr. RANGEL.
Mr. DELLUMS in two instances.
Mr. DINGELL.
Mr. LEVINE of California.
(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)
Mrs. BURTON of California.
Mr. MAZZOLI.
Mr. RANGEL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 592. An act to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between members appointed from the House of Representatives and members appointed from the Senate, and for other purposes; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1096. An act to authorize appropriations for famine relief and recovery in Africa.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 4 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, March 7, 1985, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

691. A letter from the Comptroller General of the United States, transmitting a monthly list of GAO reports issued in January, 1985, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

692. A letter from the Director of Civilian Personnel, Uniformed Services University of the Health Services, transmitting the annual pension report for 1982, and the TIAA-CREF annual report, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

693. A letter from the Chairman, Federal Election Commission, transmitting proposed rules and regulations governing the Presidential election campaign fund, pursuant to IRC, section 9009(c); to the Committee on House Administration.

694. A letter from the Secretary of Agriculture, transmitting the annual report on the Food-for-Peace Program, pursuant to the act of July 10, 1954, chapter 469, section 408(a) (80 Stat. 1537; 89 Stat. 854; 95 Stat. 1282 Executive Order 11963); jointly, to the Committees on Agriculture and Foreign Affairs.

695. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and for other purposes; jointly, to the Committees on Energy and Commerce, the Judiciary and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY:
H.R. 1430. A bill to regulate the transportation and destruction of chemical munitions; to the Committee on Armed Services.

By Mr. ASPIN (for himself and Mr. DICKINSON) (by request):
H.R. 1431. A bill to authorize appropriations for civil defense programs for fiscal year 1986 and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of California (for himself, Mr. MATSUI, and Mr. ZSCHAU):
H.R. 1432. A bill to amend title VIII and XIX of the Social Security Act to treat certain sensory and communication aids as medical and other health services, and for other purposes; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mrs. COLLINS:
H.R. 1433. A bill to establish a Bureau of Motor Carrier Safety within the National Highway Traffic Safety Administration, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GRAY of Illinois:
H.R. 1434. A bill to amend the Internal Revenue Code of 1954 to allow each individual to designate $2 of income tax payments for use for world hunger emergencies; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. RINALDO, Mr. FISH, Mr. LAGOMARSINO, Mr. FLORIO, Mrs. HOLT, Mr. SMITH of Florida, Mr. LUNGREN, Mr. TORRICELLI, Ms. FIEDLER, Mr. KINDNESS, Mr. FRENZEL, Mr. SMITH of New Jersey, Mr. RANGEL, Mr. ST GERMAIN, Mr. RAHALL, Mr. CONTE, Mr. HYDE, Mr. VOLKMER, Mr. DWYER of New Jersey, Mr. OWENS, Mr. MCCAIN, Mr. EMERSON, Mr. HOWARD, Mrs. ROUKEMA, Mr. GILMAN, and Mr. JACOBS):
H.R. 1435. A bill to amend the Age Discrimination in Employment Act of 1967 to exclude from the operation of such act matters relating to the age at which individuals may be hired, or discharged from employment, as firefighters and law enforcement officers by States and political subdivisions of States; to the Committee on Education and Labor.

By Mr. KRAMER:
H.R. 1436. A bill to recognize the organization known as the Retired Enlisted Association, Inc.; to the Committee on the Judiciary.

By Mr. LATTA:
H.R. 1437. A bill to authorize the Secretary of Defense to close or realign any military installation if he determines that such action is in the public interest; to the Committee on Armed Services.

By Mr. LEWIS of Florida (for himself, Mr. BENNETT, Mr. BILIRAKIS, Mr. CHAPPELL, Mr. FASCELL, Mr. FUQUA, Mr. GIBBONS, Mr. HUTTO, Mr. IRELAND, Mr. LEHMAN of Florida, Mr. MCCOLLUM, Mr. MACK, Mr. MACKAY, Mr. MICA, Mr. NELSON of Florida, Mr. PEPPER, Mr. SHAW, Mr. SMITH of Florida, and Mr. YOUNG of Florida):
H.R. 1438. A bill to change the name of the Loxahatchee National Wildlife Refuge, FL, to the Arthur R. Marshall Loxahatchee National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. LOWERY of California (for himself and Mr. DE LUGO):
H.R. 1439. A bill to amend title 10, United States Code, to eliminate the requirement that students in Junior Reserve Officer Training Corps units be citizens or nationals of the United States; to the Committee on Armed Services.

By Mr. PANETTA (for himself, Mr. STUDDS, Mr. LEVINE of California, Mr. MILLER of California, and Mrs. BOXER):
H.R. 1440. A bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California, and in the Atlantic Ocean off the State of Massachusetts; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY:
H.R. 1441. A bill to amend title 10, United States Code, to increase from six to seven the maximum number of Deputy Chiefs of Naval Operations in the Office of the Chief of Naval Operations; to the Committee on Armed Services.

By Mr. RODINO (for himself, Mr. YATES, Mr. LEHMAN of Florida, Mr. DYMALLY, Mr. TRAFICANT, Mr. HAYES, Mr. STOKES, Mr. SMITH of Florida, Mr. SEIBERLING, Mr. HEFTEL of Hawaii, Mr. LELAND, Mr. TORRICELLI,

Mr. DOWNEY of New York, Mr. FAUNTROY, Mr. BERMAN, Mr. MILLER of California, Mr. CLAY, Mrs. BOXER, Mr. WHITEHURST, Mr. ADDABBO, Mr. SCHUMER, Mr. TOWNS, Mr. ROYBAL, Mr. GREEN, Mr. DELLUMS, Mrs. BURTON of California, Mr. DONNELLY, Mr. STARK, Mr. STUDDS, Mr. WHEAT, Mr. MITCHELL, Mr. BEILENSON, Mr. FASCELL, Mr. FORD of Tennessee, Mr. MILLER of Washington, Ms. MIKULSKI, Mr. ROE, Mr. EDWARDS of California, Mr. SUNIA, and Mr. EDGAR):

H.R. 1442. A bill to amend chapter 44 of title 18 of the United States Code to control handgun crime, and for other purposes; to the Committee on the Judiciary.

By Mr. ROWLAND of Connecticut:

H.R. 1443. A bill to establish a 3-year program of Federal aid to States to assist them in cross-matching their welfare rolls on a regular basis against bank records and the records of other financial institutions in order to verify the eligibility of applicants and recipients under the various federally assisted public assistance programs to which such rolls relate; to the Committee on Government Operations.

By Mr. STARK:

H.R. 1444. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for advertising or other promotion expenses with respect to arms sales; to the Committee on Ways and Means.

By Mr. STUDDS (for himself and Mr. PANETTA):

H.R. 1445. A bill to improve coastal zone management; to the Committee on Merchant Marine and Fisheries.

By Mr. TORRICELLI:

H.R. 1446. A bill to require the Secretary of State, in exercising the authorities provided by the Foreign Missions Act, to consider the impact on local communities of acquisitions by foreign missions of property and other benefits within those communities and to consult with appropriate local governments in assessing such impact; to the Committee on Foreign Affairs.

By Mr. UDALL (by request):

H.R. 1447. A bill to amend the Atomic Energy Act of 1954, as amended, to improve the nuclear power plant siting and licensing process, and for other purposes; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

By Mr. ARMEY:

H.R. 1448 A bill to repeal the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

By Mr. BROYHILL (for himself, Mr. LOTT, Mrs. LLOYD, Mr. QUILLEN, Mr. MATSUI, Mr. EMERSON, Mr. COOPER, Mr. RUDD, Mr. BONER of Tennessee, Mr. WHITEHURST, Mr. FLIPPO, Mr. DELAY, Mr. JONES of North Carolina, and Mr. SCHAEFER):

H.R. 1449. A bill to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FIELDS:

H.J. Res. 184. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 185. Joint resolution to provide for the designation of the week beginning on October 20, 1985, as "National Parkinson's Disease Week"; to the Committee on Post Office and Civil Service.

By Mr. MRAZEK:

H. Con. Res. 77. Concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice; to the Committee on Foreign Affairs.

By Mr. ROE:

H. Con. Res. 78. Concurrent resolution expressing the sense of the Congress that the United States should recognize Jerusalem as the capital of Israel, and that the U.S. Embassy in Israel should be relocated to Jerusalem; to the Committee on Foreign Affairs.

By Mr. WHEAT:

H. Res. 98. Resolution to proclaim March 17, 1985, through March 23, 1985, as "Camp Fire Week"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GINGRICH:

H.R. 1450. A bill for the relief of Fiona McLeod; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 1451. A bill for the relief of Guice Uithoven and Felix Uithoven; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. FOWLER, Mr. MCCOLLUM, Mr. SHAW, Mr. MORRISON of Connecticut, Mr. IRELAND, Mr. GINGRICH, Mr. TALLON, Mr. CHAPPELL, Mr. YOUNG of Florida, Mr. NELSON of Florida, Mr. SWINDALL, and Mr. KOLTER.

H.R. 85: Mr. KANJORSKI and Mr. ROSE.

H.R. 280: Mr. BOSCO, Mr. TOWNS, Mr. NOWAK, and Mr. KANJORSKI.

H.R. 386: Mr. DYSON, Mr. ROSE, Mr. WISE, Mr. HORTON, Mr. WHITEHURST, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. BADHAM, Mr. SILJANDER, Mr. OWENS, Mr. PORTER, Mr. BERMAN, Mr. TOWNS, Mr. KOLTER, Mr. ROBINSON, Mr. JONES of North Carolina, Mr. HENRY, Mr. APPLEGATE, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. NIELSON of Utah, Ms. KAPTUR, Mr. HYDE, Mr. LOWERY of California, Mr. FAZIO, Mr. GRAY of Illinois, Mrs. COLLINS, Mr. RANGEL, Mr. FRENZEL, Mr. BLAZ, Mr. DORNAN of California, Mr. ATKINS, Mr. MARTINEZ, Mr. FISH, Mr. SUNIA, Mr. STARK, Mr. NEAL, Mr. WORTLEY, Mr. MITCHELL, Mr. MADIGAN, Mrs. ROUKEMA, Mr. MRAZEK, Mr. CHAPPIE, Mr. HERTEL of Michigan, Mr. Weiss, and Mr. FAUNTROY.

H.R. 423: Mr. MATSUI, Mrs. HOLT, Mr. MORRISON of Connecticut, and Mr. BROWN of Colorado.

H.R. 479: Mr. BEREUTER, Mr. BERMAN, Mr. HAYES, and Mr. SCHUMER.

H.R. 582: Mr. MCCOLLUM.

H.R. 752: Mr. EDGAR, and Mr. KANJORSKI.

H.R. 780: Mr. BEDELL, Mr. FISH, Mr. MITCHELL, Mr. HARTNETT, and Mrs. BOXER.

H.R. 787: Mr. KANJORSKI.

H.R. 871: Mr. WORTLEY and Mr. CHAPPELL.

H.R. 888: Mr. MITCHELL, Mr. TORRES, Mr. NEAL, Mr. MURPHY, Mr. CROCKETT, Mr. SUNIA, Ms. KAPTUR, and Mr. MORRISON of Washington.

H.R. 930: Mr. FASCELL.

H.R. 932: Mr. ROTH and Mr. LUKEN.

H.R. 980: Mr. MITCHELL, Ms. KAPTUR, Mr. SAXTON, Mr. KINDNESS, Mr. YOUNG of Missouri, Mr. DREIER of California, Mr. STOKES, and Mr. IRELAND.

H.R. 998: Mr. DIXON, Mr. WHITLEY, Mr. MONTGOMERY, Mr. FROST, and Mr. MARLENEE.

H.R. 1006: Mr. DOWDY of Mississippi, Mrs. HOLT, Mr. JEFFORDS, Mr. CHAPPIE, Mr. SOLOMON, Mr. HILLIS, Mr. SHELBY, Mr. CROCKETT, Mr. SCHULZE, Mr. ROSE, Mr. LUKEN, Mr. HENDON, Mr. LOWRY of Washington, Mr. RITTER, and Mr. SWINDALL.

H.R. 1017: Mr. BADHAM, Mr. DYMALLY, Mr. GINGRICH, and Mr. MARTINEZ.

H.R. 1020: Mr. KOLTER, Mr. MILLER of California, and Mr. MOAKLEY.

H.R. 1038: Mrs. BURTON of California.

H.R. 1059: Mr. PASHAYAN, Mr. PURSELL, Mr. DEWINE, and Mr. WHITEHURST.

H.R. 1145: Mr. FISH, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Mr. DIOGUARDI, and Mr. BATES.

H.R. 1161: Mr. CROCKETT, Mr. DELLUMS, Mr. EDGAR, Mr. FAZIO, Mr. FORD of Tennessee, Mr. HOYER, Mr. HUGHES, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. ROE, Mr. RUSSO, and Mr. WIRTH.

H.R. 1245: Mr. SENSENBRENNER, Mr. NICHOLS, Ms. KAPTUR, Mr. NIELSON of Utah, Mr. WEISS, and Mr. YATRON.

H.R. 1267: Mr. HEFNER, Mr. LOTT, and Mr. PARRIS.

H.R. 1271: Mr. SILJANDER.

H.R. 1339: Mr. WHITTAKER.

H.J. Res. 27: Mr. O'BRIEN, Mr. SKEEN, Mr. WALKER, and Mr. JONES of Tennessee.

H.J. Res. 111: Mr. PARRIS.

H.J. Res. 141: Mr. COATS, Mr. WORTLEY, Mr. WEISS, Mr. DURBIN, Mr. VOLKMER, Mr. FROST, Mr. HENRY, Mr. DWYER of New Jersey, Mr. DAUB, Mr. YOUNG of Missouri, Mr. CROCKETT, Ms. MIKULSKI, Mr. HUGHES, Mr. LAGOMARSINO, Mr. FEIGHAN, Mr. MINETA, Mr. FRENZEL, Mrs. BOXER, Mr. SOLARZ, Mr. NEAL, Mr. FISH, and Mr. MACK.

H.J. Res. 151: Mr. CONYERS, Mr. VENTO, Ms. MIKULSKI, Ms. OAKAR, Mr. WHEAT, Mr. DORNAN of California, Mr. MCGRATH, Mr. OWENS, Mr. RANGEL, Mrs. BOXER, Mr. CARR, Mr. LEVIN of Michigan, Mrs. JOHNSON, Mr. BUSTAMANTE, Mr. SAVAGE, Mr. HORTON, Mr. DURBIN, and Mr. FORD of Tennessee.

H.J. Res. 161: Mr. SCHEUER.

H. Con. Res. 31: Mr. CRANE, Mr. WAXMAN, and Mr. LUNDINE.

H. Con. Res. 53: Mrs. BURTON of California.

H. Con. Res. 56: Mr. DELLUMS and Mr. FRANK.

H. Res. 68: Mr. SENSENBRENNER, Mr. FRANK, Mr. LEHMAN of Florida, Mr. FAUNTROY, Mr. SMITH of Florida, Mr. MRAZEK, Mr. ACKERMAN, Ms. KAPTUR, Mr. GALLO, Mr. BARNES, Mrs. BOXER, Mr. BERMAN, Mr. HORTON, Mr. BEDELL, Mr. HEFTEL of Hawaii, and Mr. REID.

H. Res. 82: Mr. FAUNTROY, Mr. PEPPER, Mr. HALL of Ohio, Mr. FUSTER, Mr. STOKES, Mr. FRANK, Mrs. BOXER, Mr. HUGHES, Mr. OWENS, Mr. ADDABBO, Mr. HEFTEL of Hawaii, Mr. ACKERMAN, Mr. LEHMAN of Florida, Mr. BEILENSON, Ms. MIKULSKI, Mr. BUSTAMANTE, Mr. KOLTER, Mr. DYMALLY, Mr. FROST, Mrs. KENNELLY, Mr. HERTEL of Michigan, Mr. SCHEUER, Mr. MANTON, Mr. MCGRATH, Mr. WILLIAMS, Mr. MITCHELL, Mr. GLICKMAN, Mr. TOWNS, Mr. COELHO, Mr. SABO, Mr. BARNES, and Mr. BERMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

46. By the SPEAKER: Petition of the American Farm Bureau Federation, Washington, DC, relative to additional credit for farmers; to the Committee on Agriculture.

47. Also, petition of the students of the University of Massachusetts at Amherst, relative to continued support of the Nation's economy and the education of its people through financial aid; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

THE EFFECTIVE SCHOOLS DEVELOPMENT IN EDUCATION ACT

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. HAWKINS. Mr. Speaker, there are public schools in this Nation which evidence continuous improvement and growth in the academic achievement levels of their students, for each day that these students are in school.

These public schools have principals who are more interested in classroom instruction than they are in being administration paperpushers. The teachers in these schools have high expectations for student success, and demand student success. The emphasis is on academics in these schools, and administrators, teachers, students and parents agree on what the academic priorities will be. Stability, effective organization, and sound discipline are key educational factors in these schools. And since students expect to be academically successful in these public schools, they show consistent skills improvement when their academic performance is evaluated.

Where are these public schools? They are in Jackson, MS; Spencerport, NY; Los Angeles, CA; New York City; Glendale, AZ; Richmond, VA; Pittsburgh, PA; Hartford, CT; Portland, OR; and many other cities throughout the Nation.

They are located in big cities, small cities, rural communities, and middle-sized cities; and in industrial States and farm States.

What they have in common is a determination to improve pupil performance, pupil behaviour, and the effectiveness of teaching and learning in their schools. They are adherents and advocates of the late Prof. Ron Edmonds—of Michigan State University and Harvard University—effective schools principles, which emphasize the belief that while public schools realistically can't control what happens in their surrounding communities, public schools can control what happens within their "four walls."

Professor Edmonds and other educator researchers, through years of study and research determined that:

One of the most tangible and indispensable characteristics of effective schools is strong administrative leadership, without which the disparate elements of good schooling can be neither brought together nor kept together. Schools that are instructionally effective for poor children have a climate of expectation in which no children are permitted to fall below minimum but efficacious levels of achievement. The schools' atmosphere is orderly without being rigid, quiet without being oppressive, and generally conducive to the instructional business at hand. Effective schools get that way partly by making it clear that pupil acquisition of basis school skills takes precedence over all other school activities. When necessary, school energy and resources can be diverted from other business in furtherance of the fundamental objectives. The final effective school characteristic to be set down is that there must be some means by which pupil progress can be frequently monitored. These means may be as traditional as classroom testing on the days' lesson or as advanced as criterion referenced system-wide standardized measures. The point is that some means must exist in the school by which the principal and the teachers remain constantly aware of pupil progress in relationship to instructional objectives.

I support effective schools principles because I think these principles advance the Nation's call for quality education in our public schools. I further support the effective schools movement because it has articulated—through theory and practice—that principals, teachers, parents, and students can determine the teaching and learning agenda successfully in their schools. I believe and agree with the National Commission on Excellence in Education's statement that:

The Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest. It must provide the national leadership to ensure that the Nation's public and private resources are marshaled to address the issues discussed in this report.

And because I believe that it is in the national interest for the Federal Government to support and encourage innovation and success in education, I introduced the Effective Schools Development in Education Act in the 98th Congress.

On January 28, 1985, I reintroduced the Effective Schools bill, H.R. 747. The bill proposes that the Federal Government assist the effective schools/school improvement efforts of local and State educational agencies, by providing up to 50 percent of grant funds to an LEA or SEA, which seeks to broaden, expand, or improve their already implemented effective schools program.

The text of the effective schools bill is as follows:

H.R. 747

A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to promote more effective schools and excellence in education, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by inserting after title VII the following new title:

"TITLE VIII—EFFECTIVE SCHOOLS

"SHORT TITLE

"SEC. 801. This title may be cited as the 'Effective Schools Development in Education Act of 1985'.

"FINDINGS AND PURPOSES

"SEC. 802. (a) The Congress finds that—

"(1) there are schools that are effectively teaching the Nation's children;

"(2) there are school children increasing their learning and achievement in schools that have been identified as being effective;

"(3) these effective schools are located in urban centers, inner cities, rural areas, and suburban communities of the Nation;

"(4) there is an increasing body of experience and knowledge built on research which indicates that school effectiveness can be increased;

"(5) where school improvement programs (based on effective school principles and practices) have been instituted, student academic achievement often increases, especially in schools serving poor, minority, or educationally deprived students;

"(6) based on effective schools research, many State education agencies and local education agencies are adopting school improvement programs to enhance school effectiveness in their schools; and

"(7) the process of making schools effective and thereby improving the quality of education for all children, often involves the expenditure of additional funds to which State education agencies and local education agencies do not have access.

"(b) It is therefore the purpose of this title to provide financial assistance—

"(1) to assist State education agencies and local education agencies in meeting special school needs of educationally deprived children incident to improving school effectiveness as that effectiveness pertains to improving student achievement, student behavior, teaching, learning, and school management;

"(2) to encourage State education agencies and local education agencies to participate in effective school programs and school improvement programs;

"(3) for the dissemination of information on school effectiveness research, school effectiveness models, and school improvement programs;

"(4) to encourage State education agencies and local education agencies involved in effective school programs to help other State education agencies and local education agencies implement effective school programs in their school communities; and

"(5) for research and development in effective schooling practices and school im-

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

provement methods which can contribute to an improved formulation of Federal, State, and local policy.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 803. There are authorized to be appropriated $100,000,000 for fiscal year 1986, $110,000,000 for fiscal year 1987, $120,000,000 for fiscal year 1988, and such sums as may be necessary for each of the two succeeding years to carry out this title.

"AUTHORIZED ACTIVITIES

"SEC. 804. Funds made available under a grant pursuant to this title may be used, in accordance with an application approved pursuant to section 805—

"(1) to promote State and local educational agency awareness of effective schools information through conferences at schools and district and multidistrict offices, and through onsite visits to model effective schools;

"(2) to develop and implement data collective systems and systems to analyze and interpret such data and communicate the results back to the school;

"(3) to plan activities under this title, and to conduct reviews and propose revisions of such activities, either by local or State educational agencies or by combined local and State task forces;

"(4) to support related effective schools efforts, such as training, workshops, forums and other mechanisms to improve parent and community organization involvement and participation, demonstration programs, and improved communication and coordination between schools, school districts, and such demonstration programs;

"(5) to obtain technical assistance and consultant services from (A) regional educational laboratories and research and development centers supported under section 405(f) of the General Education Provisions Act, (B) institutions of higher education, and (C) other qualified nonprofit educational organizations and institutions;

"(6) to design, develop, and publish educational materials on effective schools programs;

"(7) to conduct program evaluations; and

"(8) to otherwise identify, document, and disseminate information concerning exemplary effective schools programs.

"APPLICATION FOR GRANTS

"SEC. 805. (a) Any State or local educational agency desiring to obtain a grant under this title shall submit an application to the Secretary. Such application shall be submitted at such time and in such manner, and shall contain such information and assurances as may be required by the Secretary by regulation.

"(b) To be eligible for selection as a grant recipient, the application shall demonstrate that—

"(1) the applicant has an effective schools improvement program in effect;

"(2) funds provided by any grant under this title would be used to pay not more than one-half the cost of any program or actively conducted with such funds;

"(3) such funds would be used to supplement and not to supplant any State or local funds available from non-Federal sources for the conduct of programs or activities assisted under this title; and

"(4) an independent annual evaluation of each such program and activity will be conducted and the results of such evaluation made available to the Secretary.

"(c) In selecting grant recipients from applicants submitted in accordance with subsection (b) and the regulations prescribed under subsection (a), the Secretary shall—

"(1) consider, among others, such factors as (A) the extent the funds provided would be used to improve schools in districts with the greatest numbers or percentages of educationally deprived children, and (B) the extent to which the ongoing effective schools program of the applicant has demonstrated the capacity to improve student achievement or behavior, of both;

"(2) ensure reasonable geographic distribution of the grants throughout the Nation; and

"(3) designate grants as being available for a period of at least one but not more than three years on the basis of the period required for attainment of the purposes for which the grant is awarded.

"TECHNICAL ASSISTANCE

"SEC. 806. The Secretary shall make available information and technical assistance for the purpose of informing State and local educational agencies of the availability of and requirements for obtaining funds under this Act and for the purpose of assisting such agencies to qualify for such assistance in accordance with section 805(b)(1) by bringing an effective schools program into effect before seeking assistance under this Act.

"PROGRAM EVALUATION

"SEC. 807. The Secretary shall, on the basis of the evaluation reports received pursuant to section 805(b)(4) and such further investigation as may be necessary, analyze the programs conducted pursuant to this Act and, not later than September 1, 1987, submit to the Congress a report thereon, together with such recommendations as may be useful in strengthening and improving such programs.

"DEFINITIONS

"SEC. 808. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Education.

"(2)(A) The term 'effective schools programs' means school programs having the objective of (i) promoting school-level planning, instructional improvement, and staff development, (ii) increasing the academic achievement levels of educationally deprived children through early childhood education programs and the use of the factors identified by effective schools research as distinguishing effective from ineffective schools, and (iii) achieving those factors as ongoing conditions in the school.

"(B) For the purpose of subparagraph (A) of this paragraph, the factors identified by effective schools research as distinguishing effective from ineffective schools are the following:

"(i) strong and effective administrative and instructional leadership that creates concensus on instructional goals and organizational capacity for instructional problem solving;

"(ii) emphasis on the acquisition of basic and higher order skills;

"(iii) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

"(iv) a climate of expectations that virtually all children can learn under appropriate conditions; and

"(v) continuous assessment of students and programs to evaluate the effects of instruction.".●

THE HANDICAPPED INDEPENDENCE ASSISTANCE ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. BROWN of California. Mr. Speaker, today I am reintroducing the Handicapped Independence Assistance Act of 1985. Congressmen MATSUI and ZSCHAU are cosponsors of this legislation, which would make certain sensory aid devices reimbursable under Medicare and Medicaid. This action is critical not only for the sensory-impaired, but it would also be of benefit to the Nation. Sensory-impaired citizens are a great untapped resource who, with proper assistance, could be major contributors to the economy.

In this time of fiscal constraints, some may be concerned about the cost of this program to the Federal Government. I am also concerned about the Federal budget and the growing deficit, but I think you will agree that the Handicapped Independence Assistance Act is not another wasteful Federal expense. It is a vital investment utilizing the dormant potential of the sensory-impaired population. Making sensory aids available would give thousands of handicapped individuals a chance to lead productive and fulfilled lives.

For the handicapped, paying the bills for basic needs can often be a severe burden. In most cases, it is not financially possible for the sensory-handicapped to buy needed aids and equipment. It disturbs me that Medicare and Medicaid do not cover sensory aids, especially when other countries not as wealthy as the United States provide these devices for their handicapped citizens. For example, Scandinavian nations consider sensory aids medically necessary. Several years ago, Italy started a program to provide students with sensory aids and to mainstream those students whenever possible. Other countries in Europe provide similar support.

Sensory aids can be life-giving devices for sensory-disabled individuals. Advances in technology enabled Phonic Ear to develop an FM radio transmission system in the 1970's for use in educating the hearing impaired. Other devices include a speech synthesizer specifically developed for use by nonoral individuals.

On the horizon of sensory aid technology is the development of a set of eyeglasses which may enable a deaf person to achieve total communication with the hearing world, even with people who do not know sign language. The revolutionary device, called an autocuer, enhances a deaf person's ability to read lips. Invented by Orin Cornett of Gallaudet College and

Robert Beadle of Research Triangle Institute, the autocuer's complex circuitry produces a light image that appears next to the speaker's mouth, visible only the deaf listener. The images help the deaf person to differentiate between sounds which look alike when spoken. This device, once on the market, will cost $4,000 apiece and will be available to only those who can afford the steep price—Medicare/Medicaid will not cover it.

If sensory and communication aids were provided to disabled children in educational environments when needed, most educable individuals could be trained to become productive wage earners upon completion of their education. Matching advanced technologies with the needs of the handicapped is a priority. It is futile to engage in scientific research if we do not attempt to apply the results for the benefit of all.

Sensory aids coverage under Medicare and Medicaid is a national investment—not a budgetary expense. According to a preliminary analysis conducted by Bob Humphreys, former Commissioner of the Rehabilitation Services Administration, in 3 years time the handicapped community would return to the Government in taxes and reduced benefits all the money spent in Medicare reimbursements. Medicare's cost in the first year would total $21.4 million. In the outyears the program results in significant benefits. By the end of the first 2 years of Medicare coverage, benefits could reach a potential $15.5 million of reduced public assistance payments and increased tax revenues. By the end of the third year, the net gain could be as much as $31 million.

In 1982, the Office of Technology Assessment issued a report to the Science and Technology Committee. OTA's report, "Technology and Handicapped People," concluded that the most important issues to be addressed for the handicapped relate to financing, distributing justice, and coordinating programs and goals. This report clearly indicates the need for Government support of developing technologies to aid the handicapped. I believe this legislation would answer some of the questions the OTA report raised.

We have seen many technological advances since the early sixties. In the last decade, we have taken technology developed for one arena and successfully transferred its application to areas different from the original intentions. For instance, the technological advances developed originally for NASA have been transferred to rehabilitation engineering. We have only to look at rechargeable pacemakers and increasingly sophisticated prosthetic limbs to see the evidence of this transfer of technological innovations. One of the main responsibilities that goes hand-in-hand with advanced research and technology is to apply that gained knowledge for the benefit of as many as possible. If we ignore this responsibility to the handicapped, we all lose.

The goal of this legislation is to generate independence and rehabilitation. I look forward to working with my colleagues again on this and similar legislation to improve the Federal Government's role in helping the disabled acquire employment and achieve independence.

The text of the bill follows:

H.R. 1432

A bill to amend title VIII and XIX of the Social Security Act to treat certain sensory and communication aids as medical and other health services, and for other purposes

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Handicapped Independence Assistance Act of 1985".

FINDINGS

SEC. 2. The Congress finds that—

(1) the increased availability and use of technologically advanced sensory and communication aids, equipment, and devices by individuals who are blind, severely visually impaired, deaf, severely hearing impaired, or vocally impaired would reduce the handicaps of such individuals with respect to employment, education, and self-care;

(2) such sensory and communication aids, equipment, and devices would open many new job opportunities for their users, but are beyond the financial means of many such individuals;

(3) although payment for such aids, equipment, and devices is not expressly prohibited by statutes authorizing Federal health insurance programs, regulations of both Federal and State agencies result in widespread denials of such payments; and

(4) wider acquisition of such aids, equipment, and devices by persons with disabilities would benefit the national economy, disabled persons, and their families through increased employment, independence, and improved education for such persons, and is therefore in the national interest.

AMENDMENTS TO SOCIAL SECURITY ACT

SEC. 3. (a)(1) Section 1861(s) of the Social Security Act is amended—

(A) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15) respectively;

(B) by striking out "and" at the end of paragraph (9);

(C) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (10) the following new paragraph:

"(11) sensory and communication aids designed to substantially reduce or eliminate handicaps to employment and education caused by blindness, deafness, a severe hearing or visual impairment, or the inability to communicate vocally, including training in the use of such aids.".

(2) Section 1864(a) of such Act is amended by striking out "paragraphs (11) and (12)" and inserting in lieu thereof "paragraphs (12) and (13)".

(b) Section 1862(a)(1) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the semicolon at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

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

"(D) in the case of items and services described in section 1861(s)(11), which are not reasonable and necessary for reducing or eliminating handicaps caused by blindness, deafness, a severe hearing or visual impairment, or the inability to communicate vocally;".

(c) Section 1833 of such Act is amended by adding at the end thereof the following new subsection:

"(k) With respect to expenses incurred for items and services described in section 1861(s)(11), no more than $5,000 in any calendar year, and no more than $15,000 in any five consecutive calendar years, shall be considered as incurred expenses for purposes of subsections (a) and (b).".

(d) Section 1905(a)(12) of such Act is amended by inserting after "devices" the following: ", including sensory and communication aids described in section 1861(s)(11)".

(e) The amendments made by this Act shall be effective with respect to items and services furnished on or after January 1, 1986.●

HUMAN RIGHTS CONDITIONS IN EL SALVADOR

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. MOAKLEY. Mr. Speaker, there has been a great deal of discussion in the Congress with regard to U.S. policy toward El Salvador. There are legitimate differences of opinion on how to deal with the situation in that country; and these views will certainly be aired during consideration of the upcoming foreign aid authorization bill. However, regardless of our political leanings, one thing is clear—violence and terror continue to plague El Salvador.

In response to the current levels of violence and civil unrest in El Salvador, I have introduced legislation (H.R. 822) which would temporarily suspend the detention and deportation of Salvadorans now in the United States. The suspension would be for approximately 2 years, during which time the General Accounting Office would be asked to conduct a study concerning the general plight of the Salvadoran refugees and the overall conditions in El Salvador. Senator DENNIS DECONCINI of Arizona has introduced identical legislation (S. 377) in the Senate.

Recently, I received a letter from Ms. Holly Burkhalter, Washington representative for the Americas Watch Committee, detailing some of the current human rights violations in El Salvador. Knowing that many of my col-

leagues are concerned with this issue, I ask that Ms. Burkhalter's letter be printed in the RECORD. I would also like to submit a description of my legislation.

The materials follow:

AMERICAS WATCH,
Washington, DC, March 4, 1985.

Hon. JOE MOAKLEY,
Cannon Building,
Washington, DC.

DEAR CONGRESSMAN MOAKLEY: As you know, the Americas Watch has been closely monitoring human rights conditions in El Salvador for the past several years. Americas Watch representatives recently returned from a mission to El Salvador to prepare our sixth comprehensive report, and, unfortunately, have documented serious ongoing abuses of human rights in that country. Because of continued killings of civilians by the Armed Forces and armed opposition forces, and the upheaval of civil war which has created hundreds of thousands of refugees and displaced persons, I believe that the Moakley-DeConcini legislation mandating a temporary stay of deportation of Salvadorans in the United States is as relevant today as when you first introduced the bill in the 98th Congress.

As you are aware, in one area—death squad killings and disappearances—there have been improvements in El Salvador. Many people conclude that as a result El Salvador's human rights problems are over. Nothing could be further from the case. In the period from July 1984 through December 1984, the human rights monitoring office of the Archdiocese of San Salvador, Tutela Legal, reported 40 killings of civilians by non-uniformed death squads (which have close ties to the Salvadoran armed forces). In the same period, there were 57 disappearances attributable to the same forces. These numbers—as shockingly high as they seem—are nonetheless an improvement for El Salvador, where in the past, death squad killings and disappearances numbered in the hundreds every month.

In another area, however, there has been no improvement in the human rights situation. In our many interviews with salvadoran civilians displaced by violence from the zones of conflict, church officials, journalists, representatives of international humanitarian officials, U.S. Embassy officials, and Salvadoran military officials, the Americas Watch found that the Salvadoran Army and Air Force are attempting to win the war by forcing civilians out of guerrilla-controlled zones. The Salvadoran Armed Forces use both terror tactics to force civilians from conflicted areas (such as bombing civilian targets and assaults by ground forces) and more humane methods (such as physically removing civilians by helicoptering them to displaced persons camps.

Two particularly well-documented massacres of civilians took place during the last half of 1984. In July, the Army massacred at least 68 civilian noncombatants at Los Llanitos in Cabanas Department. Church officials and western journalists visited the site of the massacre days after the incident, viewed the bodies, took testimony from survivors and family members still present in the area, and compiled a list of victims. Roughly half of the 68 dead were children under 14 years of age. The New York Times, Christian Science Monitor and Boston Globe all carried detailed accounts of the incident. The Boston Globe of Sept. 9, 1984 reported the following:

"Villagers of Los Llanitos, a hamlet of 185 residents, said government troops combed the areas for guerrillas three times earlier this year. But in the July campaign, villagers said, the soldiers for the first time avoided open roads. Instead they scaled rocks and cut through bush and brambles to take to the hills above the hamlets before village lookouts spotted them. When word finally went out at dusk on July 18 that the 'enemy' was ready, nearly 1,000 peasants from seven hamlets grabbed their children and set out on a frantic march, stumbling in the darkness down ravines and over promontories, the villagers said. They hoped to reach the caves and gullies where they had hid safely during past army incursions.

"On the morning of July 19 the soldiers came down after them, according to the villagers. With sticks, troops beat in the roofs of empty houses and one elementary school. 'We weren't there,' said Tula Escobar, 'so the houses had to pay'.

"Napoleon Gamez, 35, said he was crowded in the bushes on one side of a ravine with 36 villagers when soldiers fired on them with a machine gun from the other side. Gamez said a woman named Gloria Vides, 24, and her two children, one age 2 and the other 6 months, froze with fear and were left behind as others pressed up on the hill.

Minutes later, Gamez and other witnesses heard a soldier call out to his commander. 'Do I leave her or kill her?' 'Light the fire,' Gamez quoted the officer as shouting. 'Then we heard rifles rattling' Gamez said. Gamez said he found the three bodies when he returned to his home July 22nd.

"Gamez' sister Teresa, 28, fell behind because of a bad hip. Witnesses said they saw her being captured by troops. She did not reappear. Villagers believe that she and six other persons were beaten to death and their bodies pushed into a public school latrine. They said they found clothing tatters and parts of human limbs there.

"Villagers said that later in the afternoon of July 19, soldiers burned 22 bodies, including 9 children, in a wooded clearing. From his hiding place, farmer Aquidio Rosa, 28, saw three bonfires. Reporters who visited the site saw a mound where guerrillas were said to have dug a mass grave. The area was littered with human bones, many burned, and nearby trees were sprayed with bullet holes."

A second massacre took place in August 1984 in Chalatenango Department where approximately 600 civilians (with several armed guerrilla escorts) attempted to flee the village of Las Vueltas and nearby hamlets when the Army began shelling homes with mortar fire. The Army opened fire on the fleeing civilians and at least 50 died in the attack.

In addition to journalists' accounts such as the one quoted above and testimonials from witnesses and family members, the statements of Salvadoran military officials themselves suggest that the Armed Forces consider the areas of conflict "free fire" zones and all civilians living there as appropriate targets. A top Salvadoran commander, Col. Sigifredo Ochoa publicly stated in January 1985 that he has established a number of free fire zones in Chalatenango and the armed forces press office, COPREFA, frequently describes air force bombing operations to "soften up" conflicted areas. When the Americas Watch asked members of the U.S. Military Group at the U.S. Embassy whether there are fixed military installations or concentrations of guerrillas in these areas which would be appropriate targets for bombing, we were informed that this is not the case. Furthermore, the Embassy stated that there are no areas of the country which are sufficiently empty of civilians that they may allow for "free fire". Accordingly, it appears that the Air Forces' "softening up" operations are for the purposes of forcing civilians to flee these areas so as to deprive the guerrillas of the civilian base.

In addition to consistent violations by the Salvadoran Armed Forces, the Salvadoran guerrillas also commit acts of violence against civilians. In the last six months of 1984, Tutela Legal compiled information on 29 killings of civilians and 34 disappearances that it attributed to the guerrillas. In July 1984, the guerrillas executed a group of 9 captured civilians in the village of Cocoapera, Morazan. Furthermore, as you are aware, thousands of civilians fled the Department of Morazan earlier in 1984 because of a policy of forced recruitment of young men into the guerrilla forces.

It seems clear to me, Congressman Moakley, that because of the violations of human rights by both the Salvadoran Armed Forces and the guerrillas, all civilians in El Salvador face particular dangers associated with the massive upheaval caused by a bloody civil war. Therefore, it seems particularly appropriate that the executive branch grant the same relief to Salvadorans that it has provided many other national groups whose homelands are similarly affected. "Extended Voluntary Departure," a temporary stay of deportation, is an administrative remedy for a serious humanitarian problem. I respectfully urge you to continue your efforts to see that this remedy is available for Salvadorans in the U.S.

Sincerely,

HOLLY BURKHALTER,
Washington Representative,
Americas Watch.

MOAKLEY/DECONCINI BILL: TEMPORARILY SUSPENDING THE DEPORTATION OF SALVADORANS IN THE UNITED STATES

Due to the current levels of civil strife in El Salvador, Representative Joe Moakley (D-MA) and Senator Dennis DeConcini (D-AZ) have introduced legislation (H.R. 822 in the House; S. 377 in the Senate) to suspend the deportation of Salvadorans from the U.S. for approximately two years. The suspension will allow time for a study of security and humanitarian problems as they pertain to those Salvadorans who would be deported, as well as general conditions in the Central American region regarding Salvadoran refugees and displaced persons.

The study, which is outlined in the legislation, is to be conducted by the General Accounting Office (GAO), beginning within 60 days of the enactment of the bill. The GAO is an arm of the Congress which assists that body in examining and analyzing problems of special interest to it. The GAO will explore, among other things, the circumstances of Salvadorans deported from the U.S. It will also look at the problems of displaced persons in El Salvador, addressing their assistance and protection needs, and examining other general characteristics of that population. These results are to be compared and contrasted with situations in which the U.S. has granted temporary haven (i.e., "extended voluntary departure" or "EVD") to other nationalities.

Upon completion of the study, which the GAO has one year to finish, relevant Congressional committees are to examine it and

forward their recommendations to their respective houses of the Congress. In addition to receiving the findings of the report, the committees are to consider steps to assure the protection of Salvadoran refugees and displaced persons, pertinent U.S. treaty obligations and how these are being fulfilled, the appropriateness of continuing the suspension of deportation, and other matters.

Finally, the suspension of detention and deportation pertains to Salvadorans who were in the U.S. prior to the date of the bill's enactment. The suspension automatically expires upon completion of the process outlined above, unless the Congress takes action to extend it. This process will require from one-and-a-half to two-and-a-half years, depending the speed with which the Congress will work, the length of Congressional recesses, and other factors.●

JUDICIAL REFORM

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. FIELDS. Mr. Speaker, today I am introducing a proposed amendment to the Constitution requiring that Federal judges be reconfirmed by the U.S. Senate every 10 years.

Mr. Speaker, presently Federal judges once appointed, serve life terms. The only constitutional mechanism for removal of these judges is impeachment. And as we all know, impeachment is a long and arduous process which historically has been exercised on only nine occasions, resulting in actual removal from office of only four judges.

In the absence of any other effective formal procedure for dismissal, Federal judges have been elevated to a stature unprecedented and unequaled by any other Federal official. Unfortunately, as a consequence, there is no procedure for removal of a judge who may be senile, disabled, dishonest, or in any other way unfit to fulfill his or her constitutional responsibilities.

According to article III of the Constitution, Supreme Court Justices and inferior court judges are appointed to their office for a term of good behavior. I certainly recognize and compliment the wisdom of the framers of the Constitution who, by separating judicial officials from the political process, preserved and defined the principle of separate but equal branches of Government. However, I continue to believe that this separation has resulted not in a more effective judicial system but rather in a greater disparity between the various branches of Government. The life tenure of these judges has made them less, not more, accountable for their actions and decisions.

Furthermore, and more significantly, is the increasing use by judges of their judicial power as a forum for legislating social policy. Our judicial system was established to interpret law, not to formulate national policy. However, in the last several years, many of our Federal judges have taken to backdoor legislating on such controversial issues as school prayer, abortion, and school busing.

I sincerely believe that neither this legislative body nor the American public can stand by and watch this transgression of constitutional authority. National policy decisions should not be formulated in our courts but rather should be duly deliberated and decided by the people's elected representatives in Congress.

Mr. Speaker, I urge expeditious consideration of this legislation so that our Nation can once again be assured of three separate but equal branches of Government.

Thank you.●

BLACK HISTORY MONTH

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mrs. KENNELLY. Mr. Speaker, it is my privilege to join my colleagues and my fellow Americans in observing Black History Month. This year's celebration marks the 49th time this Nation has joined to commemorate the outstanding achievements of black Americans, achievements which are far too precious to be overlooked.

Black History Month has special significance to me this year. As the State of Connecticut celebrates the 350th anniversary of its founding, I have come to a new appreciation of how much that history has been enriched and enlivened by the contributions of black Americans.

During the Revolutionary War, for example, blacks served in 25 of Connecticut's militia companies. The roll of honor includes men like Caesar Clark, born in Africa, who was at Valley Forge in the freezing winter of 1777-78. There was Ebenezer Hill, a freed slave, who witnessed the surrender of General Burgoyne. And their was Lemuel Haynes, born in West Hartford, who enlisted as a Minute Man in 1774, joined the army at the siege of Boston, and fought with Ethan Allen and the Green Mountain Boys at the Battle of Ticonderoga. Haynes went on to become one of the best-known Congregational ministers of his day and was the first black to receive an honorary master's degree.

Since the days of the Revolution, the black men and women of Connecticut have made contributions in many fields. As judges and scientists, educators, and painters, editors, political activists, and public servants, theirs is a superb record of achievement. The accomplishments of these outstanding men and women form an impressive legacy that all of Connecticut's citizens—and all of us as Americans—honor.●

HOSPICE LEGISLATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, recently I introduced legislation, H.R. 1316, to extend the Medicare hospice benefit beyond the statutory sunset date of October 1, 1986, to October 1, 1988.

This bill is simple and straightforward. It would amend Public Law 97-248, the National Hospice Reimbursement Act, by changing the sunset date and leaving all other aspects of the benefit intact. This would give the administration some additional time to collect, analyze, and report to the Congress on the costs and quality of hospice services as mandated in the Medicare hospice benefit.

During this 2-year extension period, hospices would be able to continue caring for Medicare-eligible terminally ill Americans. Patients would be able to continue to choose the hospice alternative instead of the more costly cycle of hospitalization, nursing homes, and home health agencies.

There is a need for this legislation because the administration delayed the implementation of the Medicare hospice benefit and failed to set in motion cost collection methods in a timely fashion. The administration should certainly have sufficient evaluation data by late 1988, and Congress would also have an opportunity to improve the hospice benefit at that time.

My colleagues will also be pleased to know that not only would the extension of the Medicare hospice benefit for 2 years help the people, but it would also help our Federal budget. In October 1980, the administration conducted a national hospice demonstration project in 26 sites throughout the Nation. The preliminary report from this demonstration project provides convincing evidence that hospice inpatient care and hospice home care save rather than cost Medicare dollars. In its study of the fiscal impact of the Medicare hospice benefit, the Congressional Budget Office estimated that the substitution of hospice care for the traditional mix of services used by terminal patients would save the Medicare trust fund more than $100 million during the first 3 years of the benefit and would save even more as hospice care become more accessible and available to patients throughout the United States.

To allow Medicare beneficiaries the voluntary choice of living out the final months and weeks of their lives under the compassionate and competent care

of a hospice program is a responsible way to reduce the Federal budget.

In Dade County, FL, there is a hospice, Hospice, Inc., which provides quality inpatient and home hospice care. Hospice, Inc., is one of the Nation's first hospices. As one of the administration's 26 model demonstration hospices, it helped to prove both the quality and the cost-savings potential of hospice services. If Hospice, Inc., were threatened, more than a thousand terminally ill residents of south Florida, who are annually cared for by Hospice, Inc., would be forced back into the much more expensive acute care hospital beds.

Although I would prefer that the Medicare hospice benefit be made permanent, this bill would at least extend this benefit for 2 more years in order to give the administration some additional time to fulfill the reporting requirements of Public Law 98-617. Perhaps, during the consideration of this bill in committee, some ways could be found to improve the benefit during the 2-year extension.

This bill would allow the care and compassion which is provided by hospices for dying persons and their families to continue. In addition, the savings impact on the Medicare trust fund which results when beneficiaries are able to substitute hospice services for the traditional cycle of care in the last 6 months of life would also continue. I hope that my colleagues will join me in sponsoring this legislation to extend the Medicare hospice benefit until 1988.●

WORLD FOOD DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. GILMAN. Mr. Speaker, today I am introducing a House joint resolution which would designate October 16, 1985, as "World Food Day." World Food Day has been supported by Congress for the past 4 years and has proven to be an effective tool for increasing the public's awareness of the global problems of hunger and malnutrition.

Mr. Speaker, at this point, I am inserting the full text of the House joint resolution designating October 16, 1985, as "World Food Day."

H.J. RES. 172

Joint resolution to designate October 16, 1985, as "World Food Day"

Whereas hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world and famine is again afflicting so many of the countries of Africa;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment, including blindness, because of vitamin and protein deficiencies;

Whereas Congress is particularly concerned by the rise of hunger, recurring natural catastrophes, and inadequate food production and distribution now affecting a large number of African countries and the need for an appropriate United States response to emergency and long-term food needs of that continent;

Whereas there is growing recognition that improved agricultural policies, including farmer incentives, are necessary in many developing countries to increase food production and national economic growth;

Whereas there is a need to increase the involvement of the private voluntary and business sectors, working with governments and the international community, in the search for solutions to food and hunger problems;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of land and water resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas the United States has always supported the principle that the health of a nation depends on a strong agriculture based on private enterprise and the primacy of the independent family farm;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in efforts to assist countries and people to improve their ability to feed themselves;

Whereas the United States has a long tradition of demonstrating its humanitarian concern for helping the hungry and malnourished;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and therefore to the security of the United States;

Whereas Congress is acutely aware of the paradox of immense farm surpluses and rising farm foreclosures in the United States despite the desperate need for food by hundreds of millions of people around the world;

Whereas a key recommendation contained in the 1980 report of the Presidential Commission on World Hunger is that efforts be undertaken to increase public awareness of the world hunger problem;

Whereas the member nations of the Food and Agriculture Organization of the United Nations designated October 16 of each year as World Food Day because of the need to alert the public to the increasingly dangerous world food situation;

Whereas the Food and Agriculture Organization was conceived at a conference in Hot Springs, Virginia, with a goal of freedom from hunger and 1985 marks the 40th anniversary of the organization's existence;

Whereas past observances of World Food Day have been supported by proclamations of the 50 States, the District of Columbia, the commonwealth of Puerto Rico, and the territories and possessions of the United States, by resolutions of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than 330 private and voluntary organizations and many thousands of communtiy leaders are participating in the planning of World Food Day observances for 1985: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1985, is hereby designated as "World Food Day". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.●

STOP PAYING DEFENSE CONTRACTORS' PUBLIC RELATIONS COSTS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. STARK. Mr. Speaker, press reports in the last 2 days have highlighted the outlandish billing practices of two major defense contractors: Boeing and General Dynamics. Secretary of Defense Weinberger has announced that strong action will be taken against General Dynamics, and that the Boeing case will be reviewed. This is proper.

But the Boeing and General Dynamics cases which have been made public by the efforts of the gentleman from Michigan Mr. DINGELL and myself do not seem to be exceptions. I fear they are the rule.

Many of our Nation's defense contractors are taking advantage of current Federal procurement regulations and the Tax Code to bill the taxpayers for corporate public relations costs, while dodging the taxman themselves. This is not only unnecessarily expensive, it is damaging to our national security.

The Defense Contract Audit Agency estimates that the Federal Government spends at least $140 million on defense contractors' public relations costs annually. That is a very conservative estimate. GAO's review of just 12 contractors leads to an estimate in the neighborhood of $500 million a year.

I have calculated how many actual weapons we could have purchased instead of plastic desk models and newspaper advertisements. Even using the DCAA's conservative estimate we could have bought 49 M-1 tanks, or 7,000 antitank missiles for the Army, 140 Harpoon antiship missiles for the

Navy, or 7 F-16 fighters—plus fuel—for the Air Force. And don't forget, these figures are based on prices which probably include public relations charges.

Should our tax dollars be buying a plastic and paper military, or one made of steel and titanium?

Today I am introducing a bill, with the support of 44 of my colleagues, which addresses the tax aspect of this problem by eliminating the tax deduction defense contractors currently receive for public relations expenditures. The purpose of current tax law is to provide a deduction for "ordinary and necessary" expenses of doing business. In the arms market, given the dominant role of the Federal Government as the world's largest customer, expediter, and financier of arms sales, there is little advertising and promotion that is ordinary or necessary.

This may seem like a small and arcane tax matter, but it is not. Current procurement and tax regulations create incentives for defense contractors to spend lavishly on advertising and promotional gimmicks because they not only often avoid paying the costs of these activities, but actually profit from them by reducing their tax payments. Several examples of the kind of expenses contractors have billed to the taxpayer illustrate the waste our current situation encourages.

The examples provided below have been submitted by the contractor for payment as overhead contract costs, then questioned by the Defense Contract Audit Agency. On all but two of the examples, the final overhead cost claim has not yet been negotiated; therefore the amounts which will be actually paid are unknown at this time.

DCAA survey of public relations costs supplemental information

Contractor No. and contractor name:	*Questioned*
1. Martin Marietta—Corporate office	$91,829
2. Tenneco, Newport News Shipbuilding & Dry Dock Co.	830,862
3. General Dynamics, Fort Worth Division	2,153,143
4. Litton-Ingalls Shipbuilding Division	184,583
5. Martin Marietta Aerospace, Orlando	.....
6. General Dynamics, Electric Boat	45,000
7. UTC—Corporate office	1,519,185
8. FMC—Corporate office	.....
9. General Dynamics—Corporate office	1,575,590
10. McDonnell Douglas—Corporate office	1,191,708
11. McDonnell Aircraft Co	33,668
12. Rockwell International—Corporate office	643,209
13. Westinghouse Electric—Corporate office	57,000
14. Westinghouse Electric—Aerospace & Electronics Systems Division	.....
15. Boeing—Corporate office	164,366
16. Boeing Aerospace Co	186,363
17. FMC, Ordnance Division Operations	.....
18. Lockheed Missiles & Space Co., Inc	40,486
19. Martin Marietta—Denver Aerospace	259,961
20. General Dynamics, Convair Division	577,531
21. General Dynamics, Pomona Division	206,032
22. Hughes Aircraft Co.—Corporate office, El Segundo	1,272,100
23. Hughes Aircraft Co., Fullerton	0
24. Litton Systems, Inc.—Corporate office	0
25. Lockheed—Corporate office	806,050
26. Lockheed—California Co	0
27. Rockwell International, North American Aircraft Operations	849,567
28. Rockwell International, Space Transportation & System Group	3,035,782

In addition to eliminating the tax deduction for public relations expenses related to arms sales, I hope that my bill will alert the taxpayers and the Congress to the broader problem of what should and should not be allowable contract costs. Let's stop paying the flashy promotional costs of defense contractors, and buy more security for our tax dollars.●

OPPOSE PORT USER FEES

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. BORSKI. Mr. Speaker, since President Reagan unveiled his controversial budget proposal earlier this month, we have heard a lot about how it would negatively affect many American citizens. Reaction from the targeted groups—among them middle-class working families, senior citizens, Federal employees, farmers, and veterans—has been fast and furious.

But there is another concern that also deserves our attention, and that is what the President's budget would do to the Port of Philadelphia. Our port is one of the most important economic assets we have. Over 90,000 jobs are linked to the port, and every year $1 billion in business and $50 million in tax revenues are generated by port commerce. In 1983, Philadelphia edged out Baltimore as the No. 2 regional port on the North Atlantic Coast, and we're well on the way to becoming an international business center.

But we could lose this vital economic cornerstone if the Reagan administration's "user fee" proposal wins approval by Congress. The proposal requires ports and their customers to reimburse the Federal Government for the cost of dredging—an expense traditionally borne by the Federal Government. If enacted, user fees would deal a serious blow to our local economy through lost revenue and jobs.

While user fees would be charged to all U.S. ports, such fees would disproportionately penalize Philadelphia, in relation to other east coast ports, because of the unique characteristics of our waterway. The Delaware River navigation system is made up of 120 miles of channels with unusually large deposits of mud and silt which require difficult and expensive dredging. Our competitors have much shorter channels, and lower operation and maintenance costs. Therefore, Philadelphia would be forced to charge higher user fees, making our port prohibitively expensive. Instead of paying the higher fee, many shippers would choose to move their cargo through the ports of New York, Baltimore, or Norfolk.

It was precisely to avoid this kind of unfairness that our Founding Fathers established Federal responsibility for channel dredging. They understood that transportation was a key to economic growth and national defense. As a result of that Federal involvement, we have the best water transportation system in the world. The Federal commitment to keeping our ports open and functioning has worked well for the past 200 years. That commitment is still valid today.

I strongly disagree with the administation's argument that the cost of channel maintenance is an unjustified drain on the Federal Treasury. On the contrary, the Federal Government benefits from the services it provides to our Nation's ports. In 1983, for example, the Federal Government spent $400 million for channel maintenance, while it took in more than $9 billion in customs receipts.

The administration's plan to abandon Federal responsibility for port dredging would be devastating to cities like Philadelphia. Congress must oppose user fees—not only to protect the economic health of major port cities but, in the long run, to serve our national interests.●

A TRIBUTE TO JACK OSSOFSKY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. PEPPER. Mr. Speaker, I want to call the attention of my colleagues to the 20th anniversary of Jack Ossofsky's service with the National Council on the Aging, the Nation's foremost group dedicated to improving the quality of life for older Americans. Mr. Ossofsky's leadership on behalf of the elderly, particularly during the last 13 years as executive director of NCOA, has served as a catalytic force in our Nation's efforts to assist our

aged citizens to live lives with dignity and security.

Jack Ossofsky is well-known throughout America for his strong advocacy of public initiatives to benefit the elderly. He has worked tirelessly to strengthen the Social Security system and the comprehensive protections it provides to older and disabled workers and their dependents. He played a key role in the enactment of Medicare and subsequent efforts to help ensure that senior citizens receive assistance with the crushing burden of health care bills. And perhaps more than any other single individual in the private sector, Jack Ossofsky has been a leader in our continuing struggle to eradicate age discrimination in employment.

During his tenure as NCOA executive director, Jack Ossofsky has built the National Council on the Aging into a highly visible and effective organization which is working to meet the needs of senior citizens across the spectrum. Always deeply committed to employment as a means of increasing both income and self-esteem for the aged, NCOA now administers 64 projects providing 6,288 jobs to the elderly under the Senior Community Services Employment Program.

Jack's creativity is well illustrated by a new program which NCOA has recently launched which is providing an opportunity for elderly persons to assist families with disabled children. Under NCOA's new Family Friends Program, older volunteers are making regular visits to the homes of these families to help provide care and nurturing for such children. This program has the double benefit of assisting the families involved and also providing a meaningful opportunity for the older volunteers to use their skills and experience in a productive capacity. NCOA, under Mr. Ossofsky's leadership, has also developed the first standards for the operation of senior centers, as well as adult day care standards, and is currently developing programs to reduce illiteracy among the elderly.

Jack Ossofsky's entire career has been directed toward how we as individuals and collectively as a society can work together to help those in need. Earlier in his career he helped lay the groundwork for development of the Foster Grandparent Program as well as nutrition programs under the Older Americans Act.

Moreover, Jack Ossofsky has played a key role in shaping perceptions regarding elderly citizens in our society. He has worked extensively with the private sector to promote employment opportunities for older workers and to encourage the development of comprehensive retirement planning policies which will benefit employers and employees alike. He has also been a leader in the effort to sensitize the media to avoid stereotypical portrayals of the aged and instead to depict them accurately as a diverse group possessing many strengths as well as problems with which they require the assistance of the rest of society.

Jack currently chairs the Leadership Council of Aging Organizations. He writes frequently about the problems of the aging and he also appears frequently on television and radio to help explain how our Nation can best meet its commitments to help senior citizens lead fulfilling lives.

I want to salute Jack Ossofsky on the 20th anniversary of his service with the National Council on Aging. All of us in America who care about the elderly are deeply grateful for the contributions he has made on their behalf.●

THE MICHAEL STEWART CASE IN NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. RANGEL. Mr. Speaker, I rise to bring to the attention of my colleagues an example of how well our criminal justice system can work when given a chance.

On September 15, 1983, a graffiti writer named Michael Stewart was arrested by Transit Authority police officers in New York. He died 13 days later after having lapsed into a coma during what several witnesses said was a beating by the officers. Six of the officers were indicted for Stewart's death on February 21 of this year.

Whether or not the officers are guilty is a question to be answered in a court of law. We should be pleased, however, that our criminal justice system has, in this case, proven itself to be worthy of our trust and respect.

I would like to submit the following article from the New York Amsterdam News for inclusion in the CONGRESSIONAL RECORD. I hope that tragedies such as this will become a thing of the past, for the sake of all of us.

[From the Amsterdam News, March 2, 1985]

THE STEWART INDICTMENTS: AFFIRMATION OF RULE OF LAW

We New Yorkers have recently witnessed a series of events which have led us to carefully re-examine the foundations of our criminal justice system.

It has been an eye-opening month. Bernhard Goetz shot four youths under highly questionable circumstances and was not indicted by a grand jury. A New York police officer shot and killed Eleanor Bumpurs and an indictment was handed down. Chief Medical Examiner Elliott Gross made questionable autopsy findings and is under investigation. Last week, six Transit Authority officers were indicted in the deaths of graffiti writer Michael Stewart.

What conclusion can we make of these events? Does our criminal justice system work to prevent lawless actions by the police, or is it in disarray? I want to suggest an answer to these questions by reviewing the Michael Stewart case within the context of the Goetz, Bumpurs and Gross investigations. I hope that readers of the Amsterdam News, many of whom are simultaneously concerned with crime and with excesses of the policies in the black community, will find this analysis helpful in thinking about the questions being raised in the media and elsewhere.

The Stewart indictments handed down last week involve as many as 11 Transit officers and 40 witnesses. The grand jury investigating the case heard testimony from 62 persons. Three officers could spend as many as 25 years in jail, and the three other officers could be imprisoned for seven years. They have been charged with violating their sacred trust—using the power of the state to commit the crime of murder.

The Goetz, Bumpurs, and Stewart cases all involve fundamental questions of whether the law enforcement system is able to rise above societal and institutional racism to protect all of the citizens of New York, regardless of race. Robert Morganthau referred to the Stewart case as a "classic cover-up". Mayor Koch, who shamelessly demagogued the Goetz and Bumpurs cases, said that he was "pleased" with the Stewart indictments.

What we can conclude from the Mayor's comments is that our City officials have opted to let the criminal justice system run its course. The Mayor seems to recognize in this instance that there is no excuse for any police officer to allow a prisoner in police custody to be harmed. If he is harmed, a grand jury should be convened, and an indictment handed down to continue proceedings before a court of law.

Is this a vindication of our criminal justice system? I would say, yes—partially.

As I said in the great editorial in last weeks Amsterdam News, the failure to bring Bernhard Goetz before a court of law was inexcusable. The recent Bumpurs indictment and Gross investigations have been timely and necessary. Before they were initiated we were in danger of law enforcers becoming as guilty as law breakers. The Michael Stewart indictments, following upon the indictment of the officer who shot Eleanor Bumpurs, has indeed been encouraging.

Excluding the Goetz example, our system seems to be moving in the right direction. But I would add a strong caveat: We must remain alert to the fact that our system will be only as good as the people it serves. If we throw up our hands and make folk heroes out of vigilantes, we are in trouble and our system of equal protection under the law is useless. We must never become complacent or cynical, because it will lead only to a destruction of the fundamental freedoms that protect us from official lawlessness.

We must avoid the easy response, the tendency to allow our concern about crime, the revulsion against the graffiti artists, to allow us to condone citizen or police violence against alleged perpetrators. If we take the easy way out, allowing our emotions to overcome our intelligence, we will undermine the constitutional guarantees of due process that we, as black people, must depend upon. Muggings, graffiti, other actions against society that attack our values must be condemned, but we cannot allow those sworn to uphold the law to sink to the level of the criminal. If we do that, we all are lost. The hope we draw from the Bumpurs and Stewart indictments is that the reaction to vigilante justice in the Goetz case

has not become official policy. Lawlessness is lawlessness, whether committed by criminals—or by the police.●

LIFE IN THE HOUSE OF O'NEILL

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. FIELDS. Mr. Speaker, I want to bring to your attention, and the attention of my colleagues, an outstanding article which appeared in yesterday's Dallas Morning News. The article, entitled "Life in the House of O'Neill," discusses the refusal of the House leadership to seat Congressman Richard McIntyre and other actions the leadership has taken to advance partisan interests, not the national interest.

Those of us who have watched while the rights of 500,000 Indianans have been trampled and ignored, and those of us who have tried to find bipartisan solutions to this Nation's problems but have been confounded by the intense partisanship in this body, identify with the article.

The basic question raised in the Dallas Morning News article is this: Why does the House leadership refuse to do what is fair, what is good, what is right in regard to Mr. McIntyre?

Mr. Speaker, I hope you have a good answer. Because the American people, in increasing numbers, are demanding an answer to that question.

LIFE IN THE HOUSE OF O'NEILL

(By William Murchison)

It is not as though the newly elected congressman from the Sixth District of Texas had nothing better to do with his time. The distraction at hand is a matter of principle—the principle of no-taxation-without-representation, the principle of thou-shalt-not-steal-elections.

This is why Rep. Joe Barton of Ennis busies himself in behalf of a 29-year-old Indiana attorney, Rick McIntyre. So do lots of others busy themselves in McIntyre's cause. Maybe the cause will yet get somewhere.

McIntyre, a Republican, defeated one-term incumbent Democratic Congressman Francis X. McCloskey in the Nov. 6, 1984, elections. It was a narrow victory—34 votes. There was understandably a recount. McIntyre this time came out 418 votes ahead. Indiana's secretary of state certified him the winner.

But what happened when McIntyre went to Washington? The U.S. House of Representatives told him please to wait in the lobby. The House's Democratic majority wanted to do some counting of its own. The job won't be finished before late April. McCloskey, the certified loser, is out. Therefore the 8th District of Indiana, which includes Evansville and part of the university city of Bloomington, has no congressman, no representation, no voice in the nation's affairs. Sorry about that, folks, that's politics—at it's most degrading.

Nothing quite like the McIntyre affair has ever been seen in Washington, perhaps in any democratic venue. Never has a certified winner been denied his seat in Congress, whether pending recount or not.

Among those wroth about it is Congressman Barton, a mover and shaker in the growing movement to seat McIntyre. "It really radicalizes someone like me," says Barton, "who goes to Congress believing it's going to take bipartisan action to solve the deficit problem and this is the first thing they (the Democrats) do."

Interestingly enough, McCloskey hasn't even challenged the election under the Federal Contested Elections Act. No fraud is alleged. Indeed, as McIntyre's supporters point out, if all ballots questioned in the recount were thrown out, McIntyre still would win. Likewise he would win if all ballots contested were disallowed.

McIntyre has filed suit against Mr. Speaker O'Neill and the Democrats who voted not to seat him. Republican congressmen speak out on the matter whenever possible. Republican offices sport posters with an empty chair and the message "Seat McIntyre" superimposed on the text of the Constitution. The Washington Post, seldom mistaken for a Republican rag, says flatly: "Mr. McIntyre ought to be seated."

There plainly are bigger things than the McIntyre case going on in the world—the budget, the farm crisis, tax simplification, Nicaragua. The case matters for two reasons—first, as a question of justice; second, as indicative of the House Democratic Party's ever more petulant, ever more peevish mood.

His corpulence the speaker of the House surveys the changed mood of America. Disbelief wars inside his mind with disgust. The speaker misses the good old days, when to propose a spending program was to pass it. The speaker's ancient eyes soften with nostalgia. Would that the old days might come again.

Meanwhile, darned if the speaker is going to lift a finger to help Ronald Reagan or any other so-and-soing Republican. Far rather had he stick out a foot to trip them all. The rest of the Democratic leadership, if otherwise persuaded, seldom shows it.

Such an attitude goes far to explain why the House will not now seat Rick McIntyre—any more than (so far) it will cooperate with Reagan to reduce the deficit or to protect U.S. interests in Central America or calmly to resolve the farm problem.

The Democratic House leaders are like unto the post-revolutionary French Bourbons: They have forgotten nothing and learned nothing. The same is less true of the rank and file. Younger congressmen like Dick Gephardt of Missouri and Jim Jones of Oklahoma, though they still must cooperate with the leadership, are broader and more flexible in their dealings with Republicans. Ironically, therefore, they pose a larger long-term danger to Republicans than does the obstructionist Tip. Gephardt and Jones sense that the party must move back to the middle; that it must become part of the solution, not just part of the problem.

For now, though, it's Tip who leads. "Leads," did I say? Sticks out his tongue, is more like it. Shakes his fist, drags his heels and wastes the Republic's valuable time playing political games.

Rick McIntyre, if ever he gets in, can't do other than improve the moral tone of the House of Tip.●

REDUCING THE COST OF MEDICAL CARE

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. CHAPPIE. Mr. Speaker, with all the dire news circulating about Medicare financing and spiraling health care costs, I think it is important to note that there are also subtle, but positive changes taking place in this country which are altering our traditional beliefs about medical care.

I don't mean to infer, especially in light of the general aging of America's population, that we no longer be concerned about the future course of health care, but we should acknowledge the progressive forces currently at work in our health system to encourage competition and reduce costs without sacrificing quality.

At this time, I would like to submit for the RECORD an article written by Bernard R. Tresnowski, which was printed in the Wall Street Journal on Tuesday, February 26. The article is entitled "Health Care Checks Out of the Hospital," and it describes these new developments in the area of health care costs.

HEALTH CARE CHECKS OUT OF THE HOSPITAL

(By Bernard R. Tresnowski)

Reports of declining hospital admissions, occupanices and lengths of stay provide a cheerful counterpoint to years of depressing headlines about apparently uncontrollable increases in health-care costs. The declines are modest, on the order of 4 percent or 5 percent, but these are the early signs of profound changes in the organization, delivery and financing of health-care services, and it is likely that many of the changes are permanent. There will be no return to a time when physicians made the decisions about what services would be provided, hospitals decided how much they would cost, and patients and payers made the best arrangements they could under the circumstances.

Of course, it wasn't ever that simple. There have always been some limits on the physician's freedom to practice and order as he pleased, and limits on hospital freedom to establish rates at whatever levels suited their needs and plans. Government exercised its regulatory authority, and payers exercised such constraints as they were able to devise. It was never anything like the reckless, extravagant system imagined by critics in government and elsewhere, but there can be no question that in the past it has been providers who have had control.

They don't have it anymore. When the prices got too high, finally, government and industry—the chief buyers of health services—revolted. Government said: "This is how much we'll pay. Here is your price list." And industry said' "These are the services we'll buy. What is your bid?" Competition burgeoned, and for the first time since Lister discovered antisepsis and Morton discovered ether, medical care has started to move out of hospitals and go back where the people are, in new configurations such as surgicenters, emergency centers, primary-

care centers and other new arrangements—including many that are organized and financed by hospitals themselves. In response to the same competitive forces, health-maintenance organizations and preferred-provider arrangements that combine the delivery and financing functions are springing up and growing more rapidly than traditional health insurance, and group practice is making inroads on the private practice that prevailed in the past. As the editor of a medical-society journal summed it all up, "We'll look back on 1984 as the year the music stopped."

From another perspective, it is possible to consider that the music goes on, but the tune has changed. Along with the professions and institutions whose activities and attitudes are being redirected by the initiatives of government and industry, another cause of the declines in hospital utilization is an underlying change in the public view of hospitals and doctors.

People increasingly find hospitals formidable. Everybody understands that the magnificent medical technology of our time has made possible the precise diagnosis and heroic surgery that restore function and save lives. But that doesn't make it any easier to abide the parade of strangers at the bedside whose errands, however necessary, remain for the most part unexplained or unintelligible.

While doctors may regret changes in the personal bond with their patients as much as the patients do, the interposition of so many people and so much equipment stretches the bond beyond the point where it has much meaning in today's hospital.

After 40 years of multiplying specializations and technologies and broadening health-insurance coverage that encouraged people to think of the hospital as the place you have to be when anything is the matter with you, a precisely opposite view has taken root and is making itself felt: The hospital is a place to avoid unless you absolutely have to be there. Not conditioned by years of experience with it to accept the hospital as inevitable, young people have been the first to reject the notion that the sensible thing to do is get to the hospital right away when there is any question about health.

Today's elders were shocked a generation ago when a few of their daughters announced that they were going to have their babies delivered at home, with their husbands assisting, if not presiding. They wouldn't have doctors and nurses controlling their lives at a critical time. As it has turned out, the home-delivery movement hasn't put hospital obstetric departments out of business, but it has changed hospital obstetric practice. Now "birthing rooms" simulating home conditions are an accepted option, preferred because they eliminate or suppress the thing about hospitals that young people, especially, and increasing numbers of people of all ages, don't like: The hospital robs them of control over their own lives.

In the hospital, somebody else calls the shots. For those who are very ill, and for the very old who are not necessarily very ill, this may be desirable, but for everybody else it is forbidding, and increasingly so as the specialization and segmentation of care and the multiplication of technologies go on and on, saving humans but submerging humaneness. The birthing room is a metaphor for all the new forms and practices that are emerging from the generalized public discontent with what hospitals have become. A cognate sign is the wellness movement that has people of all ages jogging, running, swimming, weight lifting, dieting and disciplining themselves—all aimed at helping people regain control of their own health and own lives.

It isn't likely that we shall completely reverse the process that has seen the hospital develop from a last resort for the desperately ill and dying in the 19th century, to the doctor's workshop in the first half of this century, to the focus of health care in the community that it became in the past 30 years. The knowledge and technology will keep on developing, and the hospital will remain the focal point for technology and for care of the gravely ill. For the rest of the population, the greater part of the health-care enterprise—most of the diagnostic procedures, the lesser surgery, the subacute care—will be dispersed to where the people are, in neighborhood out-patient centers and doctors' offices and group practices that combine delivery and financing of care. Some of the care will be dispersed back to people's homes, where it came from 100 years ago.

There is speculation about the reasons for these changes—the new restrictions on health insurance, the new reimbursement methods, the alternative delivery systems, the new competition, the new health-care conglomerates. However these forces may be measured, it is clear that the movement of health care out of hospitals and into new places and new forms will continue until what is left inside hospitals are only the services that only hospitals can provide. The underlying reason it will happen is that this is what the people want.●

RETREAT FROM MEDICARE MUST STOP

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. FRANK. Mr. Speaker, one of the most disturbing trends in public policy in recent years is the effort to force older Americans to pay more when they are in need of medical care. On the one hand, President Reagan tells us he is dead against new taxes; on the other, he continues to press for what are in effect higher taxes on those older people who make the mistake of becoming ill. The administration's recent proposals to force older people, including the vast majority who are by no means wealthy, to pay more for medical care is another step away from the sort of humane policies that ought to prevail.

An excellent article by Jacob Getson in today's Boston Globe makes this point clearly. Mr. Getson is a very able health policy analyst and administrator, with a great deal of experience and wisdom about these matters.

The essay follows:

[From the Boston Globe, Mar. 6, 1985]

THE RETREAT FROM MEDICARE MUST BE HALTED

(By Jacob Getson)

The President's proposed budget for 1986 contains three important items affecting Medicare. The changes would freeze hospital and doctor fees, impose a $4.80 charge for home-health service after the 20th visit, and raise the Part B premium charge 8½ percent.

While on the surface these changes may not seem significant, they highlight a disturbing trend—an increasing desire on the part of government to shift costs onto Medicare beneficiaries.

Freezing hospital rates and doctor fees are not likely to upset people who are used to hearing about the Medicare trust funds going bankrupt. Nor is a proposed increase in the Medicare Part B premium from $15.50 a month to $16.80 in January 1986 likely to raise many eyebrows. A new daily charge of $4.80 for home-health care might seem understandable—even though it has been covered in full since 1981.

Unnoticed in the public debate are some very significant issues. The federal government is backing farther away from its support of Medicare. This retreat can be measured in real dollars which outstrip inflation.

Originally designed to cover about 70 percent of the cost of health care for older Americans, basic Medicare now pays for less than 44 percent, and the government's share continues to become less and less. This year, senior citizens will pay a greater percentage of their income for out-of-pocket expense for health care than they did when Medicare began in 1966.

Because the public debate over health-care policy has been kept off the front pages, few Bay Staters understand the significance of this trend. It is only when faced with a hospital stay, doctor bill, or an increased premium for their Medicare supplementary insurance that they notice someone changed the rules. By then it is too late.

A closer analysis reveals that both the quality and quantity of Medicare benefits are threatened. Doctors and hospitals will have to absorb some cuts, but other Medicare changes would translate to higher bills for the elderly. In Massachusetts, that means that 750,000 people over 65 will pay more or have less access to health care.

Physicians' fees under Medicare will be frozen for the second straight year. But unfortunately, doctors don't have to treat Medicare patients and many choose not to participate at all in the Medicare program. The President's proposal certainly will not bring more physicians into the Medicaid program, and, as the older population grows, many will find increasing difficulty getting access to a doctor.

The proposed increase in the Part B premium is still another issue. The present monthly charge is designed to cover 25 percent of the cost of Medicare's health services. The new budget would phase in a higher premium until 35 percent was covered in 1990. This major change in federal health policy represents a significant pullback of the government's commitment to the elderly.

Medicare's hospital deductible and co-payment charges are also increasing—as much as three times faster than the Consumer Price index. In fact, they went up 12½ percent for 1985. That first day in the hospital will cost an older person $400 in 1985 as opposed to $180 five years ago.

Most people in Massachusetts won't notice that change right away. That is because more than two-thirds of the state's over-65 population have Medicare supplementary insurance policies that fill the major gaps in government benefits. These "Medigap" policies, of which MEDEX is the state's largest

with more than 450,000 subscribers, fill in most of the important gaps even when they widen as the deductibles did in January.

The federal cutbacks, policy changes, and retreats will be noticed by the elderly, but not until months later when the Medigap insurance rates increase to cover what would otherwise be benefit reductions. When that happens, few people make the connection between what Washington has done and what their supplemental insurance costs.

Social Security has been called a "sacred compact" between the American people and their government. In adding the Medicare amendments, Congress extended that partnership to include health care for older people. It is important that the public understand all the implications of budget changes upon that compact.

We must look far beyond the simple dollar adjustments or seemingly harmless modifications to the text of a budget act. Only by recognizing these trends before it is too late to address them sensibly can we protect both the quality and affordability of health care in Massachusetts.●

BLACK HISTORY MONTH

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mrs. COLLINS. Mr. Speaker, I would like to thank my good friend and colleague Congressman LOUIS STOKES for calling this special order so that Members might properly observe Black History Month. I have always felt that this particular month affords an opportunity for each of us to recognize the contributions and achievements of black Americans.

To that end, my colleagues should be aware that I have introduced a resolution designating the month of February as National Black History Month. The measure, House Joint Resolution 22, has received the cosponsorship of 130 Members; still short of the 218 needed. It is my intention to have the bill amended on the House floor so that a Presidential proclamation can be issued next February.

Mr. Speaker, many do not realize that the observance of Negro History Week was the brain child of Dr. Carter G. Woodson, a noted black historian. He initiated the observance in 1986 after founding an association dedicated to the study of black history. Dr. Woodson believed that there was a need to acclaim and honor the famous and lesser known blacks for their achievements in the arts, sciences, literature, law, medicine, human rights, sports, and politics.

Sadly, many people are either not aware or have chosen to ignore a glorious history replete with heroes and heroines from Crispus Attuck, Harriet Tubman, and Frederick Douglass to today's Dorothy Height and Jessie Jackson. Each has contributed something of note to the long upward climb of black Americans in this country. And, there is scarcely a field of endeavor where blacks have not excelled in the past or are not pioneering in new ways today.

The ministry comes first to mind because of the brilliance and genius of Dr. Martin Luther King, Jr., our own great Gandhi who tried to liberate a nation from bigotry and discrimination as surely as Gandhi liberated India from British control. Dr. King symbolized the great black pastors whose passion for social justice was as fervent as their religious beliefs.

Black Americans have contributed much in the area of arts and letters. Phillis Wheatley was among the first American poets. How many of us know that the author of such great classics, "The Three Musketeers" and the "Count of Monte Cristo" were written by a black author, Alexandre Dumas Pere?

In medicine, black women and men have excelled for generations, beginning in 1800 with Dr. James Durham, the Nation's first black physician. Dr. Charles Drew developed the first blood plasma bank; Dr. Daniel Hale Williams performed the first open heart surgery; and chemist Percy Julian's research in cortisone freed millions from pain and misery.

In the area of law, blacks have again excelled from the days of John S. Rock who in 1865 was the first black to practice before the Supreme Court. No one better symbolizes our great Justice Thurgood Marshall, who led the fight in Federal courtrooms around the country against discrimination and racism.

I could, if time permitted, go on in greater detail about the hundreds of black Americans who have shared their talents, intellect, and selfdetermination for the good of our Nation and all Americans. I do encourage my colleagues and the American public to take the time to learn about the enormous positive influence black Americans have had on our society.●

STRATEGIES TO CUT SPENDING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. HAMILTON. Mr. Speaker, I am inserting my Washington report for Wednesday, March 6, 1985, into the CONGRESSIONAL RECORD:

STRATEGIES TO CUT SPENDING

Most members of Congress would agree that in November of 1984 the voters gave the President and Congress a clear message: the federal budget deficit should be reduced, if at all possible, by spending cuts, not by tax increases. Congress is wrestling with that charge now. It is not enough to advocate cutting a single program, or even several programs. Sufficient progress in reducing the deficit cannot be made using a single-shot approach. A comprehensive strategy of spending cuts must be tried.

The President has forwarded to Congress a comprehensive plan to cut spending, but it has met stiff opposition. Big defense and entitlement programs are actually increased while sharp reductions are proposed in programs that have been cut already. Alternatives to it are being put together on both sides of Capitol Hill, but unfortunately there are no quick answers. The "easy" moves were made in previous years, and most being proposed now would hurt one group or another. An across-the-board freeze in spending has some appeal, though it might hit good programs too hard while not dealing severely enough with inefficient ones. If we do not make the difficult decisions soon, however, interest payments on the national debt will require large spending cuts and tax increases every year simply to prevent the deficit from getting worse. A recent report by the nonpartisan Congressional Budget Office (CBO) suggests strategies for making substantial spending cuts. It deserves careful consideration.

Domestic discretionary spending, 18% of this year's federal budget of $950 billion, has declined in both real terms and as a percentage of the total budget since 1980. One strategy for making further cuts would have people pay more when they use services such as passenger rail or non-profit mail. A second would shift responsibility to state and local governments for federal programs with heavy local emphasis, such as aid to elementary and secondary education. A third would direct programs to those most obviously in need. Limiting veterans' hospital care to the service-connected disabled or poor veterans, for example, could save more than $7 billion over five years. A fourth strategy would restructure credit subsidies by raising low interest rates set long ago in programs such as rural electrification and rural housing.

The federal government will spend 9% of the budget this year on manpower and management—half of which will go to pay civilian employees (mainly in the Defense Department). One strategy to trim spending here would be to refashion programs to reduce the size of the work force, perhaps by closing underused facilities, shifting support jobs to private-sector contractors, or folding more grant-in-aid programs into block grants. Other strategies would call for suspension of federal construction projects, or for cutbacks in federal compensation. Various changes in civil service retirement could save nearly $3 billion over five years.

Entitlements, from social security to farm price supports, provide benefits to anyone meeting the requirements set by law. It is not surprising that entitlements comprise the largest single component of the budget—46 percent this year—and that sharp growth in them is projected. Several broad cost-cutting strategies are possible. First, we could restrict eligibility in many ways, ending, for example, revenue sharing for communities in good fiscal condition. Second, we could lower benefits available to the eligible, reducing dairy price support levels, or limiting social security cost-of-living adjustments to the rate of inflation minus two percentage points. Over five years, this last measure could save $58 billion. Third, we could channel benefit to those who need them the most, lowering deficiency payments for large-scale farm operators or containing increases in social securi-

ty benefits for higher-income retirees. Yet another strategy would trim demand for benefits in certain programs by having beneficiaries pay more costs on their own. Higher deductibles under medicare would be an example.

Spending for national defense—27 percent of the 1985 budget—has grown from 5 percent of the gross national product in 1979 to 6.3 percent in 1984. There are at least five different ways to realize extensive savings in the military. One is to trim increases in the cost of procuring weapons by slowing rates of production, cancelling doubtful and duplicative programs, or substituting simpler weapons for more complex ones. Getting rid of the MX missile alone would save $10 billion over five years. Second, we could trim increases for support and military construction, less important in a shorter, more intense conflict. A one-year freeze in procurement of support equipment, followed by real increases of 3 percent over the next four years, would yield $37 billion in savings. Third, we could trim increases in spending for readiness, which has been improved markedly in recent years. A one-year freeze followed by four years of 3 percent real increase in the budget for operation and maintenance of existing military plant and equipment would save $75 billion. A fourth option would be to limit growth in military pay and benefits, which accounts for approximately one fourth of the defense budget. Reducing the cost-of-living adjustments of working-age military retirees, for example, would save the Defense Department $19 billion in five years. A fifth strategy would be to trim future increases in size of the armed services, though this would produce relatively smaller savings.

Many of these options presented by the CBO will not be adopted by Congress, nor should they be. However, the examples help show the complexity and the difficulty of the task facing Congress. The list includes something to upset just about everyone. Yet that, ironically, is precisely the type of spending reduction package that Congress must put together eventually. Hoosiers with whom I talk are willing to sacrifice, as long as they perceive that the sacrifices are being spread around evenly. If we start to exempt one group or another, showing unjustifiable favoritism, a major spending reduction package will not emerge, and we will face only harsher spending and taxing decisions in the future.●

ADMINISTRATION SUPERFUND BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. FLORIO. Mr. Speaker, last year the House of Representatives voted overwhelmingly to reauthorize the Superfund Program at a funding level of $10.1 billion. The current fund is clearly inadequate to finish cleanup at even 10 percent of the Nation's priority sites and it was our view that the sooner the fund was extended and expanded the more stable and effective the program would become.

Unfortunately, the administration opposed this vital legislation and thwarted our efforts to get it passed last year. The administration said it would not be ready to come forward with a proposal until this year.

That proposal was made public on February 22, 1985. The administration's bill would raise some $4.5 billion in actual tax dollars for Superfund, a funding level which would mean it would take at least 30 years to get the Nation's worst sites cleaned up. The bill would also double the States matching share obligations under the program, at a time when they are having difficulty even meeting their current responsibilities. Finally, the bill would leave the Environmental Protection Agency [EPA] complete discretion to ignore the health standards in other major Federal environmental laws when conducting cleanup.

I would draw my colleagues' attention to the following astute analyses of the administration's position by the New York Times and the Philadelphia Inquirer.

The articles follow:

[From the New York Times]

SCRIMPING ON THE SUPERFUND

The problem of abandoned toxic waste dumps is not going away. New dumps are still being discovered faster than the known sites can be contained. Already some 20,000 dumps have been tallied, and the poisons leaking from them threaten neighborhoods and ground water throughout the country. Yet the Superfund program to clean up toxic wastes is about to expire without having done more than scratch the surface. The Environmental Protection Agency's proposals for renewing the fund are ingenious but inadequate.

Lee Thomas, the agency's new Administrator, is no stranger to Superfund and the strife it engenders. An able manager in South Carolina's safety programs and in the Federal Emergency Management Agency, he was summoned in 1983 to rescue the Superfund from the turbulence that engulfed it under Rita Lavelle. Willlam Ruckelshaus recommended him to be his successor as head of the E.P.A. Mr. Thomas is surely committed to making Superfund work. Yet the terms on which he proposes that Congress renew the fund for five more years offer insufficient promise of success.

Despite the complaints of critics, Mr. Thomas is right in wanting to restrict the scope of Superfund to dumps of hazardous wastes. Other claims being made against the fund, to remove asbestos from schools, clean up mysteriously tainted aquifers or natural foci of radioactivity and diseases, may all be worthy. But they could overwhelm the Superfund. The primary task of cleaning up dumped toxic chemicals is daunting enough.

Less persuasive is Mr. Thomas' idea for financing the new Superfund. The present program is a $1.6 billion fund derived largely from a tax on chemical feedstocks, or raw materials, which are simple to tax and are the source of the toxic wastes. Mr. Thomas proposes that two-thirds of the new Superfund come from a waste-end tax levied on the treatment and disposal of hazardous waste. But no one knows if that much tax can be collected.

Proponents of a waste-end tax say it will encourage manufacturers to generate less hazardous waste. But the exact effects are uncertain: taxing certain forms of disposal, such as landfill, may encourage less desirable forms, such as burning hazardous waste in boilers, or midnight dumping.

The Administration wants to double the states' contribution to 20 percent of cleanup costs, arguing that they can afford it better than can Washington. But securing even the present level of state support has been one of the worst causes of delay. Whatever the accounting merits, doubling the state contribution is likely to cause further delays. It would also hit unfairly at states like New York and New Jersey, which have the largest number of dumps.

Nor has the E.P.A. come to grips with the question of how clean is clean. It wants something less than absolute cleanup standards applied to every site, deciding case by case. Yet without firm standards, many cleanup operations may prove inadequate and have to be redone.

The criteria for Superfund should be whatever cleans up the most dumps the fastest. Restricting the scope of the fund makes sense. Untried financing schemes and uncertain standards amount to a leap in the dark. For the second Superfund, the Administration should not be taking such chances.

[From the Philadelphia Inquirer, Feb. 26, 1985]

TIME TO BEEF UP SUPERFUND

In December, the U.S. Environmental Protection Agency told Congress that the Superfund program would require at least $11.7 billion—and perhaps as much as $22.7 billion—to adequately clean up the nation's most dangerous toxic-waste sites.

Annual funding for Superfund would have to at least double, according to EPA officials, if the cleanups were to continue at their present level. And at that level only a handful of the sites could be dealt with each year.

Despite EPA's projections of need two months ago, the administration's Superfund reauthorization bill, unveiled Friday, calls for spending $5.3 billion over the next five years. That it claims will enable the EPA to clean up more than 900 sites.

Critics question that claim, noting that during Superfund's first five years, a $1.6 billion appropriation enabled complete cleanup of only six dumps. Cleanup operations also were begun, but not completed, at an additional 200. Rep. James J. Florio (D., N.J.), prime sponsor of the 1980 Superfund bill and a key player in the 1985 reauthorization fight, labeled the administration's proposal a "superfraud."

"If the legislation (proposed by the Reagan administration) were to pass, it would take 30 years to clean up the worst Superfund sites," said Mr. Florio. The EPA has listed 2,000 sites as the nation's most hazardous.

Advocates in Congress of an aggressive Superfund program have called for five-year funding of $10.1 billion. That was approved by the House last year. A Senate reauthorization bill last year set spending at $7.6 billion.

Funding levels won't be the only point of contention when Congress takes up the reauthorization bill. While attention will be focused on the bottom line, consideration must be given to other aspects that also will have a major impact on how this nation deals with hazardous wastes.

A strict timetable must be established. The pace of cleanup must increase markedly, for the sites in their present condition pose a serious public health threat. The bill

must contain incentives to develop new technologies to detoxify hazardous substances, rather than simply relocate them in another site that may also pose public health problems. Federal agencies must be required to increase research on toxic substance exposures.

The bill also must be expanded to include federal facilities and underground storage tanks containing petroleum-based materials—now exempt from Superfund coverage. Both have been linked to serious instances of toxic-substance contamination.

Until those additions are in place the Superfund program—no matter how adequately funded—won't be able to do the job it was intended to do.●

H.R. 1082 IMPROVES FBI COUNTERINTELLIGENCE ACCESS TO BANK RECORDS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. STUMP. Mr. Speaker, despite the intention of the Congress in enacting the Right to Financial Privacy Act of 1978 [RFPA] (12 U.S.C. 3401 et seq.), the Federal Bureau of Investigation has encountered difficulties in gaining access to bank records needed in foreign counterintelligence investigations. Section 302 of H.R. 1082, the Omnibus Intelligence and Security Improvements Act which I introduced on February 7, 1985, redresses this situation by amending the RFPA to ensure that the FBI can obtain necessary counterintelligence access to bank records. Section 302 of H.R. 1082 will provide the FBI with the necessary counterintelligence access and will also provide full protection for financial institutions complying with FBI counterintelligence access requests.

I. PURPOSE OF THE RIGHT TO FINANCIAL PRIVACY ACT

Congress enacted the RFPA in response to the decision of the Supreme Court of the United States in *United States* v. *Miller*, 425 U.S. 435 (1976). In Miller, an individual convicted of several Federal liquor revenue offenses challenged his convictions, arguing that the Government had obtained bank records used against him at trial in violation of constitutional rights of privacy stemming from the fourth amendment. The Government had obtained the records by grand jury subpoenas directed to the bank at which the individual had accounts. The individual had no notice of the subpoenas or opportunity to contest them in advance of the bank's compliance with the subpoenas. The Supreme Court held squarely that depositors have no constitutional right of privacy under the fourth amendment to records relating to them possessed by banks.

After Miller, the Congress enacted the RFPA, concluding that, although the Constitution does not create a right to privacy of bank records, a limited right to banking privacy should exist. The RFPA conferred a right to financial privacy based on two key procedural principles: First, "that the customer be given prior notice of the Government's attempt to gain access to his bank records," and second, "that the customer be given an opportunity to contest Government access in court." House Report 95-1383, p. 34.

II. SPECIAL EXCEPTION FOR INTELLIGENCE INVESTIGATIONS

For foreign counterintelligence functions, the RFPA contained a crucial exception to its normal procedural requirements. Section 1114(a) of the RFPA [12 U.S.C. 3414] provided that:

> Nothing in this Act * * * [except cost reimbursement, civil penalties, injunctive relief, and congressional reporting provisions] * * * shall apply to the production and disclosure of financial records pursuant to requests from—(A) a Government authority authorized to conduct foreign counter- or positive-intelligence activities for purposes of conducting such activities. * * *

Section 1114(a) set out a clear procedure for intelligence access to bank records:

> * * * the Government authority shall submit to the financial institution the certificate [of compliance with the RFPA] signed by a supervisory official of a rank designated by the head of the Government authority.

Finally, section 1114(a) made clear that, unlike normal RFPA procedure, in intelligence investigations notice will not be given of Government access to bank records:

> No financial institution, or officer, employee, or agent of such institution, shall disclose to any person that a Government authority * * * [engaged in intelligence activities] * * * has sought or obtained access to a customer's financial records.

Thus, in enacting the RFPA, the Congress recognized the special importance of access to records of financial institutions for foreign counterintelligence investigations. The Congress further recognized that the unusually sensitive nature of such investigations required a simple procedure for intelligence access to bank records under conditions of strict secrecy. The Congress had specifically in mind FBI foreign counterintelligence investigations, as evidenced by the House Banking Committee's statement in discussing the intelligence exception that "this exception is available only to those U.S. Government officials specifically authorized to investigate the intelligence operations of foreign governments." House Report 95-1383, p. 55.

III. FBI COUNTERINTELLIGENCE RESPONSIBILITIES

By section 1.14 of Executive Order 12333, the President has assigned to the FBI primary responsibility for counterintelligence within the United States. Thus, the FBI is responsible for detecting and thwarting espionage and sabotage conducted by foreign powers, including international terrorists. The FBI carries out this responsibility primarily through its Intelligence Division, whose activities consume a substantial portion of the manpower and budget of the FBI.

The counterintelligence role of the FBI is crucial to the security of the Nation. The FBI must identify hostile foreign agents and terrorists, discover their activities and intentions, and render their hostile activities ineffective, often without even letting the foreign agents or terrorists know that the FBI has done so. The FBI must accomplish this difficult task completely within the American constitutional and legal framework designed to safeguard the fundamental freedoms we cherish.

The FBI has an array of lawful, carefully circumscribed methods at its disposal by which it can investigate hostile foreign agents and terrorists. Of increasing importance is the FBI's ability to trace the funds which finance espionage and terrorism in the United States and to trace those who have access to, and make use of, those funds. To accomplish this properly and in a secure fashion, the FBI must be able to make effective use of the Right to Financial Privacy Act special provisions for access to bank records for foreign counterintelligence activities.

IV. DEFICIENCIES IN THE COUNTERINTELLIGENCE PROVISIONS OF THE RIGHT TO FINANCIAL PRIVACY ACT

Despite the counterintelligence access provisions of the RFPA, the FBI has encountered substantial resistance from financial institutions to FBI requests for access to bank records for counterintelligence purposes. The problem is particularly acute in States such as California which have enacted strict State banking privacy statutes. Banks refusing to comply with FBI RFPA counterintelligence access requests have cited two principal reasons for their failure to cooperate: First, they interpret the RFPA to give the FBI the right to request access to records for counterintelligence purposes, but not to require the bank to grant such access to the FBI, and second, they fear that they might be found liable for violating the privacy of their depositors by making depositors' records available to the FBI.

To remedy this problem, legislation is needed to make clear that: First, FBI counterintelligence access requests under the RFPA are mandatory, second, the RFPA preempts State banking privacy statutes which would otherwise restrict FBI counterintelligence access to bank records, and, third, banks complying with FBI counterintelligence requests for access to

bank records are protected from any civil or criminal liability in complying with such requests. Section 302 of H.R. 1082 accomplishes these objectives.

Section 302 of H.R. 1082 provides:

SEC. 302. Section 1114(a) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended by adding at the end thereof the following new paragraph:

"(5)(A) Financial institutions, and officers, employees, and agents thereof, shall comply with a request pursuant to this subsection by the Federal Bureau of Investigation for financial records when such request has been approved by the Attorney General or his designee for foreign counterintelligence purposes.

"(B) Financial institutions, and officers, employees, and agents thereof, shall be immune from any civil or criminal liability for efforts to comply with a request described in subparagraph (A) of this paragraph."

Section 302 of H.R. 1082 will ensure that the FBI has the ability it needs to gain access to bank records in a timely and secure fashion in counterintelligence investigations. The necessity for such access to assist in protecting the Nation from hostile intelligence agents and terrorists cannot be gainsaid. The Congress should act soon to remedy the counterintelligence access deficiencies in the Right to Financial Privacy Act.●

CONDEMNING THE DEATH OF VALERY MARCHENKO, UKRAINIAN ACTIVIST

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. MORRISON of Connecticut. Mr. Speaker, I join with my colleagues from Connecticut, Congresswomen BARBARA KENNELLY and NANCY JOHNSON, and Congressmen SAM GEJDENSON, STEWART MCKINNEY, and JOHN ROWLAND, in condemning the death of Ukrainian human rights activist, Valery Marchenko. Mr. Marchenko, who died on October 9, 1984, is the third prominent Ukrainian human rights activist to perish in the infamous Soviet Gulag. He graduated with distinction from the philology faculty at Kiev University in 1969, and served as editor of the Ukrainian literary magazine, "Literatyuranay Ukraina."

Valery Marchenko was imprisoned several times on charges of anti-Soviet agitation and propaganda for writing articles critical of conditions in Soviet labor camps and of violations of human rights. It was during his second imprisonment, at the Perm Labor Camp for political prisoners, that he developed a serious kidney ailment and high blood pressure, the result of harsh conditions in the camp. Upon his release, he applied three times for permission to travel to the West for medical treatment but was denied permission each time.

In 1983, Valery Marchenko was rearrested for what was to be his last time, and given the maximum sentence possible under the Ukrainian criminal code. He was gravely ill at the time. But, despite appeals from his family and from medical doctors that he be transferred to a civilian hospital for proper medical treatment, Soviet authorities refused to move him. Not until September 1984 was Marchenko transferred to the central prison hospital in Leningrad where he died less than 1 month later.

We are saddened and enraged by the harshness of the Soviets toward human rights activists like Valery Marchenko. He is only one of many who have struggled and fought to gain individual liberty and freedom for his people. But his life, and the life of others like him, will remain an inspiration to us who are concerned about human rights in the Soviet Union.●

ARREST OF MIKLOS DURAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. ADDABBO. Mr. Speaker, it gives me great pleasure to join my House colleagues in protesting the incarceration of Miklos Duray, the unofficial leader of the 700,000 Hungarians living in the Slovak region of Czechoslovakia.

Mr. Duray is an activist for human and cultural rights not only of the Hungarian minority in that beleagured nation but of all the citizens of Czechoslovakia. He was a signer of CARTA 77 and his arrest last spring provoked protests by many Slovakian intellectuals to President Gustav Husak.

Since May 10, 1984, Miklos Duray has been imprisoned. Finally now, charges have been filed against him which are so outrageous that they ought to be rejected out of hand. By speaking out for human rights, Mr. Duray has been charged with sedition, incitement, and two counts of slander against the Republic.

This is not the first time that Czechoslovakian authorities have sought to imprison this Slovakian leader. Similar charges were brought against him once before, and after 1 day of trial the case was thrown out of court and he was freed.

This time, however, his ability to secure some 11,000 signatures on a petition to delete provisions which would have abolished Hungarian language classes in that region contested directly with the determination of the Ministry of Education to bring about that abolition.

It is part of the history of this region that conquerors seek to abolish the language in hopes of diminishing the memory of what was once a free and independent state. When the young cannot speak the language the fierce determination to seek freedom again begins to diminish. Miklos Duray understands this as do the Communist rulers of Czechoslovakia. They are not interested in the public concern and are trying through the arrest of Mr. Duray to intimidate all those who would also speak out for truth and justice.

Mr. Speaker, the illegal imprisonment of Miklos Duray prohibits him from speaking out against what is happening in his homeland today. So we must take his place in making the world aware of what is happening in the Slovak region and we must call upon our President and the Secretary of State to protest strongly against the continuing human rights violations in Czechoslovakia.●

A SALUTE TO THE WOMEN WHO GOVERN SCHLEY COUNTY

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. RAY, Mr. Speaker, Schley County, GA, is a rural county in my district. The people of this area still maintain strong ties to the family farm, and the livelihood of much of the county centers around agriculture. The only incorporated community in Schley County is Ellaville, an energetic town with a population of around 1,762.

In many respects, Ellaville, and Schley County are what many term, "traditional America." The people are hard working and cling staunchly to their values—belief in God, love of America, and respect for the family. There aren't many surprises when you visit this area—it's just pure Americana.

But there is one way in which this county is vastly different from other rural, Southern areas. The top echelon of government leadership in Schley County and Ellaville is comprised entirely of women. The chairman of the Schley County commissioners, the highest county office, is held by Mrs. Imogene McLendon, while Jeanette Peede serves in the voice of mayor for the city of Ellaville. Although Mrs. McLendon has been serving in her post for 8 years, the election of Mrs. Peede to mayor this past November gave the area an unusual distinction.

Both women have been residents of Ellaville and Schley County for most of their lives. Both have also been active throughout their career in the community and held positions with

the State government. Mayor Peede is retired from the Georgia Department of Human Resources after 34 years of service, and Commissioner McLendon was on the board of family and children services for several years.

The credentials for both of these women are impressive, and they are indeed qualified to hold the positions of leadership to which they were elected. Both have told me that they felt it was their experience and their record of involvement that convinced voters to elect them.

Both have also said, Mr. Speaker, that gender was not an issue in their races. They ran as candidates for an office and the voters chose them strictly on their platforms and qualifications.

I have chosen to tell my colleagues about Chairman McLendon and Mayor Peede because we are in the midst of Women's History Week in this Nation. During this week, a tremendous effort is made to remind Americans of the roles that many women have played in our history. I applaud this effort and am proud to be a cosponsor of the legislation which establishes this week.

However, my purpose in these remarks is to encourage women in today's society to become active in the political world around them. There is a place for all citizens to participate in our democratic form of government, and too often women have hesitated to be involved simply because politics is not the traditional career of American women. Mrs. Imogene McLendon and Mrs. Jeanette Peede are living examples that leadership is needed in this country, and gender makes no difference.

Mrs. McLendon said it much more eloquently than I can, Mr. Speaker, when she told me,

> We need to tap the source of leadership, wherever it may be. Women have a lot to offer in this area, since they have a concern for the quality of the community. The important issue now is to encourage these women to come forth and offer themselves for service. If they do, they'll find themselves eagerly welcomed into the government.

I agree with Mrs. McLendon and today I salute her, Mrs. Peede, and the other women who have forged the way into public service. They serve as role models for others who will follow and they deserve our respect and our admiration for their courage.●

IN DEFENSE OF YUBA CITY

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. CHAPPIE. Mr. Speaker, last week the Rand-McNally Co. came out with its list of the best and worst cities in the country to live in. At the very bottom of this list was Yuba City, CA.

Mr. Speaker, this ranking is a sham and I rise today to set the record straight. In order to fit a rigid analytical mold for classification, the Rand-McNally people twisted the true boundaries of Yuba City to include two whole counties. These statistical warlocks recklessly added over 80,000 people who don't even live in Yuba City so it would fit their classification.

The truth is that Yuba City is a small, rural community of a little over 20,000 people. It sits in the middle of farm country where rice, peaches, almonds, and kiwifruit abound. The good people of Yuba City are honest, hardworking folks who have made a conscious choice to avoid the cities in favor of a smaller, community-oriented lifestyle.

The fact of the matter, Mr. Speaker, is this. Yuba City is not a city in the sense that Rand-McNally defines cities. What Rand-McNally chose to do is to take a large geographical area, with no less than five separate communities, and arbitrarily call it a city. It's prepostrous.

Given this crippling disadvantage, nobody in their right mind would expect Yuba City to compete with large metropolitan areas for things like teaching hospitals, universities, major sports teams and quality opera. What in the world would a teaching hospital be doing in a small, rural farm community of 20,000 in northern California. Mr. Speaker, it strikes me the analysis of Yuba City in these terms is not unlike debating the relative merits of the Ford pickup as a luxury car.

Mr. Speaker, Yuba City is a beautiful little community with a warm, sunny climate, very little crime or pollution, two different rivers for camping and boating and plenty of wide-open space.

So let it be known that Yuba City is not the worst city in the country. To everyone but the misguided bureaucrats at Rand-McNally it is not a city at all. It is a safe, clean, and sunny little farm community and it intends to stay that way.●

MICHIGAN WEATHERIZES ITS 100,000TH HOME

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. DINGELL. Mr. Speaker, earlier this year the State of Michigan weatherized its 100,000th low-income home. In 1984 alone, this saved $13.18 million in energy bills. Cumulative savings since the program began in 1978 exceed $35 million in reduced fuel bills. With these savings in hand, the Low-income Energy Assistance Program in Michigan—an essential part of the social safety net for the poor, elderly, and unemployed—has been able to serve more of those in need and at a higher level.

But these energy savings are not the only benefit that has come from the Weatherization Assistance Program. The Weatherization Program provides a healthy and comfortable living environment for low-income residents, educates all of our citizens on energy saving techniques, and provides hundreds of jobs to help reduce the unemployment rolls. It adds a significant economic stimulant to the economy.

Although this 100,000 mark is a time for celebration, it is not time to rest on our laurels. Census data indicate there are over 496,000 potentially eligible households across Michigan. If we weatherize all of these homes, total savings each year in Michigan would exceed $75 million. With continued efforts nationwide we could save billions of dollars in fuel costs, and perhaps we would save some of the over 25,000 people who freeze to death in the United States each year. A lot of work remains to be done.

Unfortunately, the Reagan administration is now proposing to cut the funding for the Weatherization Program. The administration's budget request represents a 20-percent reduction for 1985 levels as part of a proposed 5-year phaseout of the program. This proposal once again puts poor people out in the cold, and quite literally this time.

This Reagan proposal to eliminate a valuable and proven program in the hope of reducing the short-term Federal deficit is ill conceived. In the long term it may end up costing more than it saves. Money saved by not investing in low-income weatherization would soon leak out the door as the poor continue to struggle to keep their families warm.

Fortunately, this year the administration has not renewed its attack on the Low-income Energy Assistance Program, which helps low-income households pay their high energy bills. Bipartisan efforts in Congress have rejected significant cuts in its funding in the four prior Reagan budgets. I hope this shows the administration has learned how valuable a part of the social safety net this program is. Unfortunately, the proposal to phase out the Weatherization Program shows the administration has not learned that energy assistance funds should be spent wisely by helping make those homes we heat energy efficient. It makes no sense to give water to the thirsty by pouring the water into a leaky glass, but this is in essence what the administration's energy conservation proposals would do.

The administration's proposal may be penny-wise but it's pound-foolish. The Weatherization Program is an investment in the future of our country as it improves the low-income housing stock while helping to improve energy conservation and thus reducing our dependence on foreign energy sources. The success of this program in Michigan shows how large the savings are that can be achieved. Now is the time to continue this investment.●

PERSONAL EXPLANATION

HON. JOHN E. GROTBERG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. GROTBERG. Mr. Speaker, due to a previous commitment, I was not present and voting when the House approved the Journal of Tuesday, March 5. Had I been present, I would have voted "nay" on the motion.●

TIME TO STOP PLAYING GAMES WITH AFRICAN AID

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. MAZZOLI. Mr. Speaker, I think it's time we stopped playing games with the lives of the starving peoples of Africa.

The tragic situation in Ethiopia and other famine-stricken nations in Africa—now brought graphically into our own living rooms by the media—requires immediate attention from the Congress. No clear thinking person can possibly not be moved by the plight of these unfortunate people. The Congress must act at once to assure that more aid is in the pipeline.

Unfortunately, it appears that history is repeating itself. Once again a vital humanitarian assistance program is being held hostage in an effort to push through Congress a piece of controversial legislation.

Last year the controversial bill was military aid to Central America. This year it is the emergency farm credit bill.

Last year, Mr. Speaker, the logjam over aid to Central America took months to resolve. Meantime, thousands of people starved to death in Africa. Congress fiddled around with parliamentary and political maneuvering while people died.

Even though the President has hinted that he might veto the African aid bill—on its own—because of the price tag, I do not feel he will.

But, tacking on to it the farm credit bill has sealed its doom for sure and with it the fate of thousands of starving Africans.

So, Mr. Speaker, I voted against the rule we had before us yesterday in the hopes that we could go to conference with the other body on the farm credit bill and send a straightforward African hunger relief bill to the President's desk.

But, it was not to be. I hope when the issue comes before us again in the coming weeks that we act expeditiously on the African relief measure and get the desperately needed aid in the pipeline as soon as possible.●

THE YMCA OF SYRACUSE AND ONONDAGA COUNTY OBSERVES A CENTURY OF OUTSTANDING SERVICE

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. WORTLEY. Mr. Speaker, it is with singular pleasure that I bring to the attention of our colleagues in the Congress the forthcoming 100th anniversary of the Young Women's Christian Association of the city of Syracuse and Onondaga County, NY.

The observance of the century of the YMCA's service to the women and other residents of the community which I am privileged to represent will officially commence on the evening of Wednesday, March 13, in the Landmark Theatre in Syracuse.

How our YMCA has grown and expanded its programs in 10 decades is a remarkable and commendable story.

Our local association had its beginning in 1885 when Mrs. William Allen Butler began providing classes and opened a boarding house for working women at 518 South Salina Street in Syracuse.

Since our YMCA came into existence, through the years since, and to this day, its dedicated staffs have served the needs of women and girls with a high degree of excellence. The YMCA has provided shelter, education, and training, assistance in finding jobs, recreation, cultural opportunities, companionship, and safe travel. And YMCA personnel have helped to develop ledership skills that have benefitted women throughout their adult lives.

As times have changed, our YMCA has changed with the times, providing new and more programs. Boarding homes, camps, food services, a USO center, traveler's aid, job readiness clinics, business women's clubs, health clinics, 24-hour child care, night shift programs, language, and business courses, and assertiveness training are among the activities offered the women and girls of our community.

Mr. Speaker, I am honored to cite the achievements and the continuing service of our outstanding YMCA of Syracuse and Onondaga County on the occasion of its 100th anniversary.●

LEDERLE LABORATORIES: AN EXAMPLE OF CORPORATE INVOLVEMENT IN HUMANITARIAN ASSISTANCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. GILMAN. Mr. Speaker, on February 7, 1985, my distinguished colleagues, Mr. FASCELL and Mr. BROOMFIELD, joined me in introducing a resolution encouraging private sector involvement in the worldwide effort to alleviate hunger. Today, I am pleased to bring to the attention of the House, one example of private sector involvement which aids the 2.5 million Ethiopians in immediate life threatening jeopardy from one of the worst droughts in that country's history.

I would like to commend Lederle laboratories, a pharmaceutical concern, located in my congressional district in Pearl River, NY, for its contribution to the health needs of so many starving people in Ethiopia. Lederle, a division of American Cynamid Co., has recently sent a total of $835,000 in vitamins and antibiotics to aid the suffering citizens of the drought and famine ridden nation of Ethiopia. This amounts to almost one-third of the total $3 million contributed by the entire U.S. pharmaceutical industry.

Founded in New York City in 1906 by Dr. Ernst Lederle, Lederle Laboratories has responded to international health needs for the past 79 years. In 1981, Lederle contributed products to the victims of an earthquake in Italy, as well as to a medical emergency in a children's hospital in Poland. More recently, Lederle contributed antibiotics for the relief of victims of the tragedy in Bhopal, India.

It is with pride that I recognize the humanitarian concerns of many of my constituents, who, through their employer, are participating in the campaign to assist Africa in its hour of need. Through these generous contributions, Lederle has helped to save thousands of lives. But it is estimated that some 14 million Africans still remain at risk from the current drought, needing urgent assistance in terms of food, medical care, and shelter if they are to survive.

Lederle Laboratories is a notable example of private sector humanitarian assistance in the best tradition of America and the values for which America and the West stand. I pray that others will join this international effort to end world hunger and health tragedies in our lifetime.●

CENTENNIAL ANNIVERSARY OF SAILORS' UNION OF THE PACIFIC

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. MILLER of California. Mr. Speaker, 100 years ago tonight—March 6, 1885—a group of labor activists and oppressed sailors met on the Folsom Street Wharf in San Francisco and founded the Coast Seamen's Union. That organization formed the nucleus for the revival of the trades union movement in California, and grew into the Sailors' Union of the Pacific, which I know the House of Representatives will join me in saluting on its centennial anniversary.

The conditions under which sailors lived a century ago cried out for organization. Boardinghouse keepers and ship owners ruled the wharves with iron hands. Shanghaing—drugging a sailor and putting him aboard an outbound ship—was commonplace. On board, physical punishment, brutal working conditions and cruelty—including denial of food—were used to enforce discipline.

Efforts to organize met with fierce resistance and poor results in the 1850's and 1860's. The first association, the Seamen's Friendly Union and Protective Society, was founded in 1866, but fell victim to a chronic problem which plagued subsequent organizational efforts: the absence of shoreside leadership to administer its affairs while its members were out at sea.

Not until 1880 did a truly promising organization surface—the Seaman's Protective Association. Labor activists, including Frank Roney, A. J. Starkweather, Thomas Hagerty and S. R. Wilson realized the need for stable leadership, and recommended the creation of a shore-based secretary to administer the union's finances and to recruit new members. While this proposal was not accepted by sailors, the activists actually did administer the union for most of its brief history. By 1882, however, the combination of a poor local economy, the strength of the boardinghouse keepers' alliance, and the transience of the union's membership, the association collapsed.

The sailors were still without a union in early March 1885, when rumors of a proposed wage reduction swept the waterfront. Spontaneous demonstrations broke out on March 5. Sigmund Danielewicz, who had gained prominence during earlier organizational activities, was passing by the wharves when he was asked to address the crowd of angry sailors and other maritime employees.

Danielewicz lectured the sailors on the need for a union. Heartened by their enthusiastic response, he called upon them to gather the following evening at the Folsom Street Wharf for an organizational rally. The following night—100 year ago today—a tumultuous crowd of several hundred sailors heard speeches from Danielewicz, J.J. Martin, P. Ross Martin, and the erratic, though spellbinding, Burnette G. Haskell.

The speakers called for organization and higher wages. Before daybreak, over 200 sailors had signed up as members of the new Coast Seaman's Union. Within 10 days, that number more than doubled. Eventually, nearly 90 percent of San Francisco's sailors held union cards, and the CSU had branches in Port Townsend, Eureka, San Pedro, San Diego, and other cities along the coast.

The new union moved quickly to avert some of the problems which had overcome earlier organizational attempts. Only coastwise sailors were admitted, since they, unlike ocean-going sailors, were not absent for long from San Francisco and the other western ports. Nonsailors, including owners, captains, boardinghouse keepers, saloon keepers and any professional politician were specifically barred from membership. In an unusual departure from common practice of that time, the union was open to black sailors.

News reports from the spring of 1885 describe demonstrations, marches and enthusiastic meetings which illustrated the new union's confidence. More important, the union virtually shut down San Francisco's port, forcing a recission of the proposed wage cut. The union also won its own boarding house and shipping office.

The events that took place on the Folsom Street Wharf 100 years ago tonight helped lay the groundwork for the modern labor movement of San Francisco and much of the Pacific Coast. Organization of the Coast Seaman's Union—the precursor of the Sailors' Union of the Pacific—was soon followed by the revival of the city labor association, the federated trades and labor organizations and later the San Francisco Labor Council.

Recalling those organization efforts, against tremendous odds and brutal repression, can only serve to inspire us all. The sailors who vainly fought against exploitation for so many years before the triumph of 1885 can teach us much about facing, and overcoming, the harshest of adversity. From their struggles, we learn that victory requires patience, organization, courage and struggle, but the victory on behalf of the disenfranchised, the poor, the unorganized and the powerless can and must be won, no matter the odds against success.

On this centennial of the founding of the Sailors' Union of the Pacific, I would like the men and women of this body to take a moment to recall the great achievement that occurred on the Folsom Street Wharf 100 years ago tonight. I know that we will all want to join in congratulating the sailors' union on this historic occasion.●

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. LEWIS of Florida. Mr. Speaker, today I am introducing legislation to honor an individual who has contributed greatly to the enhancement and protection of Florida's natural resources. I am pleased that the entire Florida congressional delegation has joined me in sponsoring this bill to rename the Loxahatchee National Wildlife Refuge in south Florida after Arthur R. Marshall. Mr. Marshall's academic work and personal efforts in the field of environmental protection have had a tremendous effect on south Florida's ecosystem, particularly the Everglades. It is fitting that the Loxahatchee National Wildlife Refuge bear the name of Arthur Marshall as this area is, in fact, a small part of the Florida Everglades and one of the largest freshwater marshes on the North American Continent.

The Loxahatchee National Wildlife Refuge was established in 1951 for the purpose of managing and protecting a portion of the Florida Everglades and its native species of wildlife. It is an area where one will find shallow water flats interspersed with dense strands of sawgrass encompassing 220 square miles in Palm Beach County. The primary objective of the wildlife refuge is to maintain the habitat for a full spectrum of wildlife native to the Florida Everglades so that they might be preserved for the enjoyment of future generations.

Art Marshall is highly regarded as an early champion of theories regarding the effect of growth on south Florida's natual resources, particularly the Everglades. He designed and advocated policies aimed at restoring the Everglades system to permit the sheet flow of water across them as once had occurred naturally. He also supported acquiring the lands now known as the Big Cypress National Preserve, an area purchased by the Federal Government in order to ensure protected sheet flow of water necessary for the survival and livelihood of Everglades National Park.

Art Marshall was a pioneer in environmental conservation and has justly earned the respect and recognition of major environmental organizations in the State of Florida. He has received many awards and commendations

from organizations including the Florida Audubon Society, the Sierra Club, and the Izaak Walton League. Just last fall, the Florida Wildlife Federation voted him the Conservationist of the Decade. He served as adviser to three Florida Governors and worked for 15 years for the U.S. Fish and Wildlife Service in south Florida.

Art Marshall felt the protection of our south Florida ecosystem was worth fighting for. He waged one conservation battle after another and saw many of his ideas and initiatives put into constructive action. His recent death will be a loss to the fighters of conservation battles yet to be waged, and it is highly appropriate that an example of the habitat and natural systems he worked so diligently to preserve bear his name. For this reason, I am pleased to offer this legislation to rename the Loxahatchee National Wildlife Refuge in honor of Arthur R. Marshall.●

H.R. 1239—EMERGENCY FAMINE RELIEF

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. DORNAN of California. Mr. Speaker, I wish to commend my colleagues for their efforts in considering and passing H.R. 1239, which made an urgent supplemental appropriation for emergency famine relief and recovery in Africa. I voted for this measure because humanitarian considerations are extremely important in the foreign policy of this country. At the same time, I am concerned that our concern to be nonpolitical about something so vital as food for the starving may lead us to overlook an important point.

While Ethiopia has made headlines by its terrible famine, its neighbor Somalia, a country with which the United States has a close friendship and a practicing cooperative relationship in security matters, sometimes goes unnoticed. While I am not proposing a formal earmark of resources under this bill for Somalia, I want the record to show that there is substantial need in Somalia.

For the information of my colleagues, I am introducing into the record some facts on Somalia's food needs.

FACTS ON SOMALIA'S FOOD NEEDS

First. Somalia has suffered for over a decade from drought, especially in the western and northwestern part of the country. Thus, livestock herds and cereal reserves declined.

Second. Somalia is housing 700,000 refugees from Ethiopia, mostly ethnic Somalis from the Ogaden, but also Oromos and other ethnic groups from Ethiopia, in camps administered by the U.N. High Commission for Refugees. Already in September 1984, the Somali Government appealed to the UNHCR for additional food as the camps' reserves were critically low.

Third. In addition, Somalia also houses over 1 million refugees, again ethnic Somalis from the Ogaden and other Ethiopian ethnic groups, outside the camps. They live with relatives or other clan members.

Fourth. Somalia, under agreement with the IMF, has undertaken a major liberalization of its agricultural policies, restoring the functions of the individual farmer and is focusing on improved productivity rather than State-controlled farms.

Fifth. According to the New York Times of February 24, 1985, an imbalance of aid to Ethiopia versus Somalia would result in the return of some of the Somali refugees to Ethiopia under Communist rule in order to survive. We should not countenance such imbalance. If we want to feed our enemies, we should make sure that at the same time we are feeding our friends.

Sixth. The Agency for International Development is presently planning only $20 to $25 million in food aid to Somalia out of an appropriation of $480 million in the emergency supply act. It only plans to allocate $2 to $3 million in refugee assistance to Somalia out of $37.5 million total for African refugee aid under this measure.

Seventh. The unmet needs of Somalia, according to the Somali Government, are $40 million to meet food deficiency and $25 million to take care of the shortfall in refugee assistance. Since Somalia is on the back burner in Western European plans for food assistance, a fair allocation of U.S. aid under H.R. 1239 would be nearer $30 million, or about 6 percent of the total aid for Africa, certainly not a disproportional percentage. The refugee assistance needs cannot be covered, but even $5 million would make a difference, which still would be only about 14 percent of emergency refugee assistance to Africa while Somalia has to deal with the second largest number of refugees in Africa—1.7 millon refugees.●

A TRIBUTE TO PROGRESSIVE BAPTIST CHURCH

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. DELLUMS. Mr. Speaker, I offer on this day of March 6, 1985 congratulations to the Progressive Baptist Church for its 50 years of outstanding service to the community. For half a century this church has been a guiding light, not only to the residents of Berkeley but to the entire East Bay community.

Under the leadership of the late Rev. Edward Stovall, the church in its early years began not only its spiritual outreach into the community, but its educational, economical, and civic outreach as well. During those early years civic and political leaders alike sought the council of Reverend Stovall. He educated not only his congregation but the entire surrounding community. He and his congregation fought for justice and fair representation, they picketed for equality, and preached togetherness. The doors of Progressive Baptist Church were opened to the downtrodden, the weak, and the homeless.

The present leadership of the Rev. Earl Stuckey has continued in that respect. The services offered by the Progressive Baptist Church include: Youth outreach, senior programs, drug and alcoholism programs, and community programs. They all give testimony to the church's commitment to improving the quality of life for its members and those in need. I commend Rev. Earl Stuckey and the Progressive Baptist Church for their never-ending determination to inform themselves and the community on the burning issues of today, be they local, State, national or international.

It is this type of leadership and activism which is needed today. The guidance and leadership which the Progressive Baptist Church has demonstrated over the years can only make the world a better place to live.

May the Progressive Baptist Church continue to set an example for the world community.●

TRIBUTE TO THE LATE DR. JOHN WILLIAM THURMOND

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. DERRICK. Mr. Speaker, I rise today to pay tribute to one of South Carolina's finest physicians, Dr. John William Thurmond of North Augusta, who died November 9, 1984, at the age of 84.

To his devoted wife, Elisabeth Tarver Thurmond, and children, Mrs. Ellen Senter, Mrs. Elisabeth Printup and Dr. J. William Thurmond III, I express my deepest sympathy.

I also offer my condolences to his sisters, Miss Gertrude Thurmond, Mrs. Mary Tompkins, Mrs. Martha Bishop; and to his brothers, Dr. Allen George Thurmond and U.S. Senator Strom Thurmond, our colleague in Congress.

Dr. Thurmond, first-born of the late John William and Eleanor Gertrude Strom Thurmond, enjoyed a remarka-

ble life. Following the example of his parents, he pursued a life dedicated to helping others—a characteristic which is evident in the lives of his brothers and sisters.

William Thurmond felt that one of the best ways he could serve humanity was through the medical profession, so he pursued that vocation with energy and enthusiasm, always mindful of his obligation to serve his fellow man. Achieving this objective would require discipline and dedication, but William Thurmond was willing to pay the price.

For members of the Thurmond family, discipline and regimen have always been a way of life. William Thurmond developed his perfectionism during his formative years at Bailey Military Academy in Greenwood, S.C. where he graduated in 1919. In 1922, he received his undergraduate degree from the Medical College of Georgia.

Dr. Thurmond served his residency in obstetrics and gynecology at University Hospital in Augusta and did postgraduate work at Margaret Haige Hospital in Jersey City, NJ, and in New York.

For over a half-century, Dr. Thurmond provided excellent medical care to thousands of patients. In fact, it is said that he delivered more babies in Georgia and South Carolina than any other doctor in those States. He was widely admired and respected by his colleagues in the medical field, and was held in high regard for all who knew him. Even the children he delivered were drawn to his affectionate personality because he loved young people as if they were his own.

Indeed, Dr. Thurmond was a gifted and skillful gynecologist; yet, his genuine concern and deep sense of compassion for others, particularly for the less fortunate, was a quality that elevated him to a place of prominence in the community.

Providing medical attention often meant sleepless nights for Dr. Thurmond. However, making sacrifices for his patients was the rule rather than the exception It was simply his nature to consider the needs of others first and foremost.

To illustrate the positive impact Dr. Thurmond made during his lifetime, it is worthwhile to quote a few of the numerous comments which friends and colleagues expressed to Senator THURMOND and his family at his death:

He will be especially missed by the many families who lives he touched during his 50 years of service to his community and state.—Governor Richard W. Riley of South Carolina

Dr. Thurmond was a man of extraordinary capacity who lived a fulfilled life of outstanding service to his fellow man.—Honorable G. Anthony Campbell, General Counsel, Flowers Industry, Thomasville, GA.

I knew him very well and he was a gentleman of the old breed. He, too, rendered great service to his mankind in his long and successful medical career.—Honorable G. G. Dowling, Dowling, Sanders, Dukes, Svalina, Ruth & Williams, P.A., Beaufort, SC.

His was certainly a long and successful life. It was my privilege to have met him and he obviously was an outstanding man with 50 years as a practicing physician. In the true Thurmond tradition, he lived a life of service.—Judge Thomasine G. Mason, Administrative Law Judge, Columbia, SC.

Dr. Thurmond lived a full and happy life and the legacy of memories left by him will provide a continuing source of pride and satisfaction to you and your family.—Honorable John C. West, former South Carolina Governor and Ambassador to Saudi Arabia, Hilton Head Island, SC.

We have a special place in our hearts for William because he took good care of me when all of our girls were born. With all my problems, had I not been in the care of good doctors, I don't believe we would ever have had our family.—Mrs. David H. Kennedy, Williston, SC.

His contribution to his profession and fellowman will serve as an inspiration to the medical profession. In his spirit of service to others, the Scholarship Fund at the Medical University of South Carolina will endow the medical profession with the values of this great physician who dedicated himself to his practice for some 50 years. It is most appropriate that his career serve as an example to aspiring young doctors.—Judge Clyde H. Hamilton, U.S. District Court, Columbia, SC.

All who knew your brother had the benefit of his many years of dedicated service to his community and State. In my judgment, this is the greatest legacy that one can leave.—Major General James A. Grimsley Jr., President of The Citadel, Charleston, SC.

In addition to his illustrious medical career, Dr. Thurmond was a pioneer in many banking endeavors. He was director emeritus of the Georgia Railroad Bank, director and founder of Palmetto Federal Savings and Loan at Aiken and director and founder of North Augusta Banking Co., now Bankers Trust of South Carolina.

Dr. Thurmond was a member of numerous professional and civic organizations: The American Medical Association, the 50-Year Club of American Medicine, the Medical Association of Georgia, the South Atlantic Association of OB-GYN, the Pan-American Medical Association, and the Richmond County (Ga.) Medical Society. Dr. Thurmond was a fellow on the American Board of OB-GYN.

Dr. Thurmond also believed in quality education, and worked diligently to help students in their quest for academic excellence. He served on the Board of Trustees of Paul Knox Junior High School in North Augusta. His brother, Senator THURMOND, established the J. William Thurmond Scholarship Fund at the Medical University of South Carolina in Charleston.

A member and deacon of Fairview Presbyterian Church, Dr. Thurmond was the embodiment of those Christian virtues which Christ requires of His followers—to truly love others as thyself. Without question, his commitment to God was the foundation upon which he based his tremendous service to mankind.

Mr. Speaker, it is an understatement to say that Dr. Thurmond will be missed by a large circle of friends. His death created a void which cannot be filled. However, the memory of his many contributions and achievements will comfort and inspire those he left behind.

People will remember Dr. Thurmond as a humanitarian who helped bring life into the world and made all of us appreciate life as a precious gift from God. No one understood the words of the English proverb as well as Dr. John William Thurmond—"Our birth made us mortal, our death will make us immortal." Such was his deep and abiding faith—that just as Dr. Thurmond helped bring life into the world for a time, so, too, has the God he served now brought him into a better world forever. He truly deserves such a reward.●

HEATING FUELS COMMITTEE RESOLUTION ON OIL IMPORT FEES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. CONTE. Mr. Speaker, on January 3, 1985, I introduced House Resolution 12, expressing the sense of the House in opposition to the imposition of an import fee on refined products and crude oil. I am pleased to be able to report to my colleagues a very important development concerning this resolution.

On February 8, 1985, the Board of Directors of the Petroleum Marketers Association of America [PMAA] unanimously passed a resolution which urged Members of Congress to cosponsor this important resolution.

I am very pleased that a national trade association such as PMAA supports my resolution for two reasons. First, PMAA's resolution explains many of the problems which would occur through the imposition of an oil import fee. Second, PMAA's support shows that this is truly a national, not a regional, issue that has a monetary impact on each and every one of our constituents.

I will include PMAA's resolution in the RECORD for my colleagues to review and study. I urge all of you to cosponsor House Resolution 12.

Whereas consumers are benefiting from declining petroleum product and crude prices due to competition and free markets, and

Whereas imported petroleum products and crude oil are a positive influence on domestic oil markets because imported petro-

leum products and crude oil offer marketers and consumers an additional competitive supply source, and

Whereas there has already been significant discussion of the possible imposition of an import fee on crude oil or refined petroleum products by Members of Congress, media, some major oil companies and independent refiners, and

Whereas consumers of all petroleum products would be penalized by an artificially inflated cost associated with an import fee on petroleum products and crude oil, and

Whereas an import fee on petroleum products or crude oil would also penalize marketers making petroleum products less competitive with competing fuels; Now, therefore be it

Resolved, That PMAA support House Resolution 12, introduced by Representative Silvio Conte, on January 3, 1985, which expresses the House of Representatives opposition to the imposition of an import fee on refined products and crude oil; and

Be it further *Resolved*, That PMAA urge members of Congress to co-sponsor this important resolution.●

JOHNNY BARROW—DEDICATED PUBLIC SERVANT

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. RAY. Mr. Speaker, In January, one of my district's most dedicated public servants, John C. Barrow, retired after 31 years of service. He spent those years caring for the people of West Point, GA—first as an alderman and then as their mayor for 22 years.

Mayor Barrow has been a well-know figure on the Georgia political scene for many years, and we will all miss him. He was active with the Georgia Municipal Association for many years, served as their president in 1974, and served on their board of directors until his retirement. GMA is one of the most far-reaching political organizations in the State of Georgia and it is a tribute to Johnny Barrow's lifetime of service that this organization held a reception to honor him on mayor's day in Atlanta.

Mayor Barrow's years of experience have made him a savvy and determined city leader. Under his guidance, the city of West Point has grown and several important projects have come to completion, including a four-lane highway, a new city hall, and the John C. Barrow Bridge.

Mayor Barrow practiced city government like it should be practiced, Mr. Speaker. He knew the people of his city and he cared about their problems. When he decided that West Point needed something, he went after it and stuck with it until he got it.

Public servants of Johnny Barrow's caliber are rare, and we should be thankful for them. Not many people are willing to devote their entire working life to the people of a city, State, or Nation, and when that someone has the talents and abilities of Mayor Barrow, it is a significant gift.

It is for that reason that I wanted to tell this Congress about Mayor Barrow. He has given so much to the people of West Point and Georgia, and although we may show our gratitude, we can never repay him for his dedication.●

WOMEN'S HISTORY WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. GREEN. Mr. Speaker, I rise to acknowledge this very important commemorative week, Women's History Week. I was pleased to cosponsor House Joint Resolution 50 designating March 3–9, 1985, as a time to reflect on the role women have played in our society throughout history. More importantly, this week is designed to encourage women of all backgrounds to work with schools, libraries and other organizations to provide historical information about women to their communities.

For those of us in Congress who have been strong advocates of policies aimed at achieving equality for women, much of the history of women and issues affecting them is second nature. We have heard testimony based on personal experience and professional opinion on a wide array of issues affecting women. We have the opportunity to hear firsthand of the inequities women have faced in economic issues, civil rights cases, and social policy. We also have an even greater opportunity to address those inequities.

In the 98th Congress, I was pleased to be an original sponsor of the Economic Equity Act. By facing up to economic discrimination against women, we learned that the roles of women throughout history have changed dramatically, particularly in the past 25 years, and realized that our laws must be changed to reflect that. We made progress in passing both civil service and private pension reform legislation, some tax reform, child care information and referral guidance, and improved child support enforcement legislation. However, we still have a significant agenda ahead of us to achieve economic equity for women.

As the 99th Congress begins to address these issues, I am pleased to be a cosponsor of several important pieces of legislation affecting women, including the ERA, the Women's Business Ownership Act and the Civil Rights Restoration Act of 1985. In addition, I have reintroduced the Sex Discrimination in the United States Code Reform Act, which passed the Senate unanimously last session and attracted 86 cosponsors in the House.

However, many people throughout the country are unaware of women's history, and the central position it occupies in the issues we are debating today. Women's History Week provides a unique opportunity to raise public awareness of women's issues, so that we can work together to make the future a history of equality for women.●

THE HANDGUN CRIME CONTROL ACT OF 1985

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. RODINO. Mr. Speaker, today I am introducing, with 39 cosponsors, the Handgun Crime Control Act of 1985, which is essentially the same bill I introduced in the 98th Congress.

As numerous surveys across the country indicate, reducing crime is now the highest priority of the American people. Time and again the handgun has been the favored tool for crime. It is time to take the handgun out of the hands of criminals.

This bill intends to do just that—by banning the cheap, widely available and easily concealed "Saturday night special" handgun, which serves absolutely no one other than the criminal, and by setting up procedures that would prevent criminals from purchasing handguns in the first place.

The handgun crime statistics are grim. In 1980, there were over 11,000 handgun murders here in the United States as compared to 8 in England. Of the nearly 19,000 murders committed in the United States in 1983, 44 percent were by handguns. And of all homicides from firearms that year, three-quarters were committed with handguns.

But statistics cannot tell the whole story. Behind the numbers are thousands of personal tragedies, grieving families, and shattered futures, brought about by the reckless use of handguns by criminals.

Moreover, our national memory is too often haunted by handgun-wielding assassins taking aim at our political leaders. Fortunately, Presidents Reagan and Ford, as well as Governor Wallace, survived attempts on their lives by would-be assassins. Robert Kennedy, Allard Lowenstein, and George Moscone did not.

Sadly, murder by handgun has become, in the words of one London newspaper, "a peculiarly American death."

Yet despite these epic and daily tragedies, we still have not adopted reason-

able controls on the availability of handguns.

The Handgun Crime Control Act of 1985 would ban the manufacture, importation, assembly or sale of "Saturday night specials," which are easily concealed and not suitable for sporting use. The bill also requires a 21-day waiting period before any handgun can be purchased so that the FBI and local police could run a records check that would effectively prevent purchase by a convicted criminal, a mental incompetent, a drug addict, or an illegal alien. This waiting period would be waived where adequate state restrictions are in force.

The bill would improve the crime fighting utility of the firearms tracing program by improving recordkeeping on the distribution of firearms and by requiring the reporting of the loss or theft of a firearm. The bill would also transfer responsibility for enforcement of the firearms laws from the Treasury Department to the Justice Department.

It will not, in any way, limit the options or firearms used by hunters and sportsmen. Rather, it is a crime prevention bill that will keep criminals away from their most deadly weapons.

Last fall, in the omnibus crime bill, we enacted a key provision calling for strict prison sentences for persons who commit crimes while carrying firearms. But we really need to prevent these crimes from happening initially—after-the-fact-prison sentences do little for the victims of crime. Most criminals can now easily obtain handguns, and we must make it harder for them to do so.

Finally, we must legislate effectively on behalf of those whom we depend upon for the front-line enforcement of our laws. Last year, two-thirds of the American police officers who were killed in the line of duty were killed by handguns: 46 out of 69. It is time we do something to help protect our Nation's police officers from the greatest danger they face every day—the cornered criminal with a handgun.

This bill is a reasonable attempt to develop a system of handgun control that has widespread public support but will not infringe upon responsible ownership and use of firearms.●

BUDGET REQUEST THREATENS HEALTH AND SAFETY OF MINERS

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. BOUCHER. Mr. Speaker, last week I had the opportunity to testify before the Interior Subcommittee on Mining and Natural Resources on the Bureau of Mines budget request for fiscal year 1986. Believing that the Bureau's proposed cuts in the area of health and safety research should be rejected, I urge your attention to my remarks on the effect of the Bureau's request on the health and safety of our Nation's miners.

BUREAU OF MINES' FISCAL YEAR 1986 BUDGET REQUEST THREATENS THE HEALTH AND SAFETY OF MINERS

I am greatly concerned about the Administration's proposal for substantial funding reductions for the Health Engineering Technology Program and the Safety Hazard Reduction Program. The FY86 request for these programs is $24.5 million, a decrease of $8.9 million from the FY85 appropriation.

Under these two programs, valuable research has been conducted in such areas as improved respiration devices, strengthened roof support systems, equipment safety analyses, and evaluation of toxic emissions from mining equipment. The Administration has proposed, however, to make large cuts in these programs, including a one-third reduction in funding for its highest priority project, respirable dust.

The number of coal mining fatalities in 1984 was 124, compared to 70 in 1983. This large number of mining fatalities combined with deaths from black lung disease argues loudly for safety and health research. In its own budget proposal the Bureau of Mines states that, "when mining accidents occur, they are more likely to cause fatalities or serious injuries than those in most other industries." It is difficult to understand how the Bureau can make such a statement at the same time that it is requesting cuts in the very area of its budget which can reduce the unacceptably high rate of mining fatalities and serious injuries.

I recognize the need to reduce our dangerously large deficit, but cuts should not be made at the expense of the health and safety of miners. I encourage the Subcommittee's rejection of the $8.9 million cut in Health and Safety Technology and approval of a budget more mindful of the continuing health and safety dangers associated with the mining industry.●

OCS MORATORIUM BILL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. LEVINE of California. Mr. Speaker, I am pleased to be an original cosponsor of legislation introduced today to impose a moratorium on offshore oil and gas leasing in environmentally and economically sensitive coastal areas.

I strongly support decreasing our dependence on foreign sources of oil. However, the areas designated in this legislation are those in which the negative impacts on local economies and the environment outweigh the benefits of the potential energy to be obtained.

In my district, there is strong bipartisan opposition to drilling in Santa Monica Bay. Residents fear its harmful impact on air quality and wetlands, the possibility of an oil spill, and huge revenue losses due to lowered property values and the depressed tourist and fishing industries. Yet local and State officials have been forced to fight this same battle with the Federal Government year after year.

Mr. Speaker, the Interior Department's 5-year leasing plan would open almost the entire Outer Continental Shelf to oil and gas leasing. Certainly, there are areas within that scope which are environmentally and economically sensitive and deserve to be preserved. The legislation we are introducing today would offer protection until the year 2000, and I urge my colleagues to support our efforts.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 7, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 8

9:30 a.m.

Commerce, Science, and Transportation

To hold an organizational business meeting, to consider committee rules of procedure and other pending committee business.

SR-253

Joint Economic

To hold hearings on the employment/unemployment situation for February.

2359 Rayburn Building

10:00 a.m.

Appropriations

Defense Subcommittee

To continue hearings on a proposed resolution relating to the MX missile.

SD-192

Budget

Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.

SD-608

Environment and Public Works
To resume hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1986, focusing on requests for the Army Corps of Engineers.
SD-406

Judiciary
To hold hearings on S. 44, S. 356, and S. 442, bills allowing for the regional disposal of low-level radioactive waste.
SD-226

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-562

11:00 a.m.
Finance
International Trade Subcommittee
To hold hearings on Senate Concurrent Resolution 15, relating to United States-Japan trade relations.
SD-215

2:00 p.m.
Budget
Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.
SD-608

MARCH 11

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold oversight hearings on the care and advocacy for mentally disabled persons in certain institutions.
SR-428A

2:00 p.m.
*Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on the status of recruiting and retention programs, including educational benefits in the Armed Services.
SR-232A

MARCH 12

9:00 a.m.
Armed Services
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on Air Force tactical program issues.
SR-222

9:30 a.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on the farm credit crisis and certain practices of the Federal Deposit Insurance Corporation.
SD-226

Labor and Human Resources
Handicapped Subcommittee
To continue oversight hearings on the care and advocacy for mentally disabled persons in certain institutions.
SR-428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the structure of agriculture.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agricultural Library, Department of Agriculture.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the United Nations, focusing on voluntary contributions to international organizations and programs.
SD-192

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on recently disclosed currency reporting violations by the First National Bank of Boston, and the role of Federal regulators in warning the bank of possible violations.
SD-342

MARCH 13

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Bureau of Standards.
SR-253

Judiciary
Constitution Subcommittee
To hold hearings on certain issues promoting affirmative integration.
SD-226

Labor and Human Resources
Handicapped Subcommittee
To continue oversight hearings on the care and advocacy for mentally disabled persons in certain institutions.
SR-428A

10:00 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on S. 374 and S. 193, bills authorizing funds for the U.S. Travel and Tourism Administration, Department of Commerce.
SD-G50

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review a recent report on international narcotics.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international security assistance programs.
S-126, Capitol

MARCH 14

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration, and to hold oversight hearings on the Department of Transportation's Office of Commercial Space Transportation.
SR-253

10:00 a.m.
*Agriculture, Nutrition, and Forestry
To hold hearings to examine loan rates, target prices, supply management and production controls in agriculture policy.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Crop Insurance Corporation, and the Rural Electrification Administration, Department of Agriculture.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-192

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and antiterrorism programs.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on nuclear fission, commercial waste management, and uranium enrichment.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury.
SD-116

MARCH 19

9:00 a.m.
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on the aviation computer reservation system.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on proposed asbestos claims facilities.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of technology and research on agriculture policy.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Food Safety and Inspection Service, Department of Agriculture.
SD-124

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (P.L. 98-241).
SD-G50

Environment and Public Works
To hold hearings on the availability of environmental impairment insurance and its relation to the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (P.L. 96-510), and the Resource Conservation Recovery Act (P.L. 98-616).
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Peace Corps, the Inter-American Foundation, and the African Development Foundation.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Smithsonian Institution.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Nuclear Regulatory Commission, and the Federal Energy Regulatory Commission.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Elections Commission, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of Special Counsel, and the National Archives and Records Service.
SD-116

MARCH 20

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
334 Cannon Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Commerce, and the International Trade Commission.
S-146, Capitol

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine capital investment, debt, credit, and taxes in agriculture policy.
SR-328A

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs (Department of Commerce), and the Consumer Information Center.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on media efforts to deglamorize drug abuse.
SD-342

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Export-Import Bank of the United States.
S-126, Capitol

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SR-428A

*Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the U.S. Trade Representative, Japan-U.S. Friendship Commission, and the Federal Trade Commission.
S-146, Capitol

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 100, to provide for a uniform product liability law.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, Office of Revenue Sharing and the New York City loan program (Department of the Treasury), Federal Home Loan Bank Board, and the National Institute of Building Sciences.
SD-192

Appropriations
Transportaton and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Washington Metropolitan Area Transit Authority, and the Architectural and Transportation Barriers Compliance Board.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Personnel Management.
SD-116

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the Maritime Administration, and S. 102, authorizing funds for fiscal year 1986 for the maritime construction differential subsidy.
SD-628

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on S. 124, authorizing funds through fiscal year 1989 for programs of the Safe Drinking Water Act.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for energy conservation programs.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

MARCH 22

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for satellite and atmospheric programs of the National Oceanic and Atmospheric Administration.
SR-253

MARCH 25

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on a proposal to reform the current system of Federal funding for graduate medical education.
SD-430

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of the Inspector General, and Office for Civil Rights.
SD-116
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the Stevenson/Wydler Technology Innovation Act (P.L. 96-480).
SR-253
Environment and Public Works
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Governmental Efficiency and the District of Columbia on Government global forecasting capability.
SD-342
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold joint hearings with the Committee on Environment and Public Works on Government global forecasting capability.
SD-342
Labor and Human Resources
To resume oversight hearings to review labor violence activities.
SD-430

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Farmers Home Administration, Department of Agriculture, and the Farm Credit Administration.
SD-124
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Geological Survey, Department of the Interior.
SD-138
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary, Financial Management Service, Bureau of the Public Debt, U.S. Mint, U.S. Savings Bonds Division, all of the Department of the Treasury, and the U.S. Postal Service.
SD-116
*Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 27

9:00 a.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Board for International Broadcasting, Arms Control and Disarmament Agency, and the Federal Communications Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for foreign assistance programs.
S-126, Capitol
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Selective Service System, Consumer Product Safety Commission, Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124
Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

MARCH 28

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research.
SD-116
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans Administration, and the National Science Foundation.
S-126, Capitol
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192
Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Navajo and Hopi Indian Relocation Commission, and the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Interstate Commerce Commission.
SD-124

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Executive Office of the President, and the Internal Revenue Service, Department of the Treasury.
SD-116

APRIL 1

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 2

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, Food for Peace Program (P.L. 480), Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, and the U.S. Information Agency.
S-146, Capitol

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Aviation Administration, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of Treasury.
SD-124

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Oceanic and Atmospheric Administration, Department of Commerce, the Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

*Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, focusing on multilateral development banks.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Conrail, U.S. Railway Association, and the Office of the Secretary of Transportation.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings in open session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Indian Affairs, Department of the Interior
SD-138

APRIL 16

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office of Civil Rights, Office of Inspector General, National Institute of Education, and Bilingual Education, all of the Department of Education.
Room to be announced

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Mines, Department of the Interior.
SD-138

APRIL 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including vocational and adult education, education for the handicapped, rehabilitation services and handicapped research, special institutions (including Howard University), and education statistics.
Room to be announced

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Customs Service, Department of the Treasury.
SD-124

APRIL 18

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Endowment for the Humanities, and the National Endowment for the Arts.
SD-138

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Forest Service, Department of Agriculture.
SD-138

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, U.S. Postal Service, and General Government programs.
SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, educational research and training, and libraries.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Bureau of Investigation, Department of Justice, the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Emergency Management Agency, and the Environmental Protection Agency.
SD-124

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for ACTION (domestic programs), Corporation for Public Broadcasting, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Council on the Handicapped.
SD-116

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Management and Budget, including the Office of Federal Procurement Policy.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Indian Education, and the Institute of Museum Services.
SD-138

APRIL 30

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Mediation Board, OSHA Review Commission, and the Federal Mediation and Conciliation Service.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary and the Office of the Solicitor, Department of the Interior.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Supreme Court of the United States, and the U.S. District Courts.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the General Services Administration.
SD-138

MAY 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the De-

partments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.

SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territorial affairs, Department of the Interior.

SD-138

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Indian Health and Human Services.

SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

MAY 9

9;30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management, Department of the Interior.

SD-138

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.

SD-138

MAY 21

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council, Minerals Management Service, Department of the Interior.

SD-138

MAY 23

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.

SD-138

CANCELLATIONS

MARCH 7

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.

SD-226

MARCH 12

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on solar and renewables and energy research.

SD-192