

## SENATE—Wednesday, April 24, 1985

(Legislative day of Monday, April 15, 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.

God of grace, we thank You for the memories of Senator Sam Ervin and commend his family to Your gracious care in their loss.

Father in Heaven, the Senate has completed difficult debate and made a hard choice, only to confront challenging deliberation and elusive decisions. Refresh weary minds, bodies, and emotions as they seek a goal on which all agree while they struggle with the means about which there is much controversy. As the process unfolds, grant that truth will prevail rather than power. Millions depend upon 100 Senators to do what is right. Help them to remember that—and do it! Amen.

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, to be followed by special orders in favor of Senators PROXMIRE, LEVIN, SPECTER, D'AMATO, BOSCHWITZ, and METZENBAUM for not to exceed 15 minutes.

Special orders will be followed by routine morning business until the hour of 1:45 p.m., with statements limited therein to 5 minutes each.

Pursuant to provision of Senate Resolution 100, the official photograph of the Senate will be taken at 2 o'clock today. All Senators are asked to be in the Chamber and in their seats by 1:50 p.m.

Following the photograph, it is the intention of the majority leader to turn to Senate Concurrent Resolution 32, the budget resolution. We hope we might work out some agreement with the distinguished minority leader later on by which we will not have any amendments or votes today, but general debate.

Also, the Senate could turn to any Legislative or Executive Calendar

items cleared for action by unanimous consent.

## ORDER FOR CONTROL OF CERTAIN SPECIAL ORDERS

Mr. DOLE. Mr. President, I ask unanimous consent that special orders in favor of Senators D'AMATO, BOSCHWITZ, and METZENBAUM be under the control of the Senator from Pennsylvania [Mr. SPECTER].

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

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

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

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

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

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

## RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for 15 minutes.

## EFFECTIVE ARMS CONTROL REQUIRES AN END TO NUCLEAR WEAPONS TESTING

Mr. PROXMIRE. Mr. President, this is the third in my series of speeches on the conditions necessary for negotiation of successful arms control agreements with the Soviet Union. In my first speech, I outlined the overall conditions necessary for arms control to succeed. In my second speech, I discussed the first condition, which was a recognition that an arms control agreement by the United States required the commitment of one institution, in fact of one person, and that person alone. That person is the President. There is no possibility of success in arms control without the President's leadership. It is his exclusive ball game.

In this third speech on arms control, I advance the thesis that the control of nuclear weapons can only succeed if arms control stops the testing of all

nuclear weapons anywhere and at any level of explosion. The 1963 treaty between the United States and the Soviet Union blazed the way. That treaty stopped testing nuclear weapons in the atmosphere, in outer space, or under the oceans. It specifically permitted underground testing. In 1974, the United States and the Soviet Union agreed to a second treaty to limit underground testing to explosions of 150 kilotons or less. Those two treaties protected the atmosphere, but they did little to end the arms race because tests of 150 kilotons underground permitted both superpowers to continue their technological advance at a rapid pace.

Indeed, the two superpowers have engaged in more than 1,000 tests since the 1974 agreement. The 150 kiloton limit and the confinement to underground testing means that the test ban treaty does nothing to slow the on-rushing between the superpowers to advance nuclear weapons with an even more devastating technology.

Far and away the most important element in both the 1963 and 1974 treaty was a pledge committed by both parties to the treaty to negotiate an end to all nuclear weapons testing. That was a solemn promise that the superpowers have never kept. Both nations have walked out on their pledge. Why is this commitment so critical? It is critical because an end to nuclear testing would, in the words of the head of the Livermore Nuclear Weapons Testing Laboratory, perform a frontal lobotomy on nuclear weapons research.

Why would the end of nuclear weapons testing stop the technological arms race in nuclear weapons? Because that arms race depends crucially on research, new breakthroughs, new developments which research alone can promise. As any high school freshman studying chemistry or any Nobel Prize winner in science can tell you, you stop testing and you inhibit research. Without testing we have theories, but unless we test those theories, they are empty and useless. This principle especially applies to nuclear weapons testing.

All of our Presidents since President Kennedy negotiated that 1963 treaty have failed to keep the promise of that treaty. This includes: Presidents Johnson, Nixon, Ford, and Carter, as well as Reagan. Why have they failed to keep our promise? The reason is easily understandable. This country

has immense technological and scientific advantages over the Soviet Union.

In his recent statement to Congress the Under Secretary of Research for research and engineering disclosed that in comparing the United States and the U.S.S.R. in 20 basic technologies, the United States is today superior in 15. The Soviet Union and the United States are equal in five. The Soviet Union is superior in none—not any. Furthermore, in deployed military systems out of 30 weapon systems, the United States is superior in 17. The two superpowers are equal in eight and the Soviet Union is superior in only five.

So, yes, indeed, this country does have a clear scientific, technological weapons superiority, for this reason Presidents have been persuaded that we should do what comes naturally for those with a superior advantage over an adversary in any respect. Exploit it, use it, take advantage of it. Why not? Why should we not continue to take advantage of our technological superiority? Why should we give it up by stopping testing? Do we not win by continuing this part of the arms race where we excel?

Sounds good. But, Mr. President, we must recognize that this is one race no one wins unless both stop. Unless both stop, both lose. Can anyone argue that if both the Soviet Union and the United States stop right now, right where we are in the testing production and deployment of nuclear weapons, we won't be better off than if we continue this arms race? This Senator thinks so. And the consistent expression of the American people in statewide referenda, in professional polls, and in town meetings shows an overwhelming three to one or more support for stopping the arms race now with a freeze that would include nuclear weapons testing.

Can we not stop short of stopping nuclear arms testing? Can't we simply agree to reduce the number of nuclear weapons on both sides? Can we not simply cut the megatonnage? Can we not just retire our intercontinental ballistic missiles or our submarine missiles or our cruise missiles? Will that not accomplish an effective basis for arms control?

The answer, Mr. President, is "No." The answer is that new technological developments in nuclear weapons can destroy the nuclear balance between the two superpowers that has kept the nuclear peace for the past 30 years. Yes, indeed, we are more likely than the Soviets to make the kind of nuclear weapons breakthrough that would give us a temporary advantage. That is probable. It is far from certain. The best chance for continued peace lies—as the overwhelming majority of the American believe—in stopping the arms race now.

#### RESIGNATION OF DEPARTMENT OF EDUCATION AIDES

Mr. PROXMIRE. Mr. President, last week's incident regarding the resignation of two aides from the Department of Education is past history. Before the final curtain drops, however, I want to express my admiration over the manner in which my colleague, LOWELL WEICKER, handled this situation. He was the first to raise any questions in the Congress regarding the suitability of these individuals at a recent hearing before his Appropriations Subcommittee on the Education Budget. Senator WEICKER acted responsibly that day and, in my judgment, fairly—making it very clear why the two aides, particularly in light of their extremist views regarding disabled Americans, should not be part of the Federal educational landscape.

I support the Senator's actions. We do not always vote the same way but I'm behind him all the way with this one.

#### A WRONGHEADED IDEA

Mr. PROXMIRE. Mr. President, there are many reasons people oppose the Genocide Convention. One reason is the wrongheaded idea that the Genocide Convention's ratification would override American law and threaten the constitutional rights of U.S. citizens. John Foster Dulles, Secretary of State in the Eisenhower administration, made the argument quite well.

Under our Constitution, treaties become supreme law of the land. They are indeed more supreme than ordinary laws, for congressional laws are invalid if they do not conform to the Constitution, whereas treaty laws can override the Constitution.

The statement provides an interesting clue to the solution to the problem. The words "under our Constitution" dictate that treaty guidelines are spelled out by the Constitution, which sets the rules by which treaties are enforced.

The Supreme Court has consistently held that the Constitution is superior to all laws and treaties. *Reid against Covert* (1957) is an excellent example of the Court's attitude on this issue. In that case the Court held that "no agreement with a foreign nation can confer power on the Congress, or on any other branch of government, which is free from the restraints of the Constitution."

The Genocide Convention would require passage of legislation that was in accordance with the Constitution. The laws that would be enacted would be congressional laws making genocide a domestic crime. Being congressional law, as Mr. Dulles pointed out, they would have to conform to the Constitution. Any laws enacted for the purpose of making the convention functional must meet the test of constitu-

tionality. The argument that the Genocide Convention would override American law and threaten the constitutional rights of U.S. citizens holds little water and is not a basis for opposition to the convention.

The Genocide Convention meets the test of constitutionality. The Supreme Court in *Reid against Covert* (1957) held the authority of the Constitution over all laws and treaties. The American Bar Association has endorsed the constitutionality of the convention.

One of the most conservative Justices of the Supreme Court, William Rehnquist, who is an eminent constitutional authority, testified on the Genocide Convention, on this very point. He testified to the Foreign Relations Committee that the Constitution is supreme and that there is no way any provision of the genocide treaty or any other treaty can override it. He did that, of course, in supporting the Genocide Convention.

Mr. President, now it is time for this body to take action on the convention. The Genocide Convention's time is due; it is time for the Senate to ratify the Genocide Convention.

#### RECOGNITION OF SENATOR LEVIN

Mr. PROXMIRE. Mr. President, does the Senator from Michigan want the remainder of my time?

Mr. LEVIN. I would appreciate it.

Mr. PROXMIRE. Mr. President, I am happy to yield the remainder of my time to the distinguished Senator from Michigan.

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

Under the previous order, the Senator from Michigan [Mr. LEVIN] is recognized for not to exceed 15 minutes.

Mr. LEVIN. I thank the Chair.

#### COMMEMORATION OF ARMENIAN MARTYR'S DAY

Mr. LEVIN. Mr. President, I am, once again, pleased to sponsor the Senate's commemoration of Armenian Martyr's Day. This year's commemoration is particularly significant for a number of reasons. Today is the 70th anniversary of the beginning of the 20th century's first genocide. This is a day that Armenians all over the world take pause to honor the memory of the 1.5 million Armenians massacred between 1915 and 1923 by the Turkish Ottoman Empire, a tragic event which is recorded by eyewitness accounts in historical archives throughout the world.

This week, many of the survivors of the Turkish atrocities against the Armenian people have traveled to Washington to pay tribute to the memory of those who perished. They will be participating in a weeklong series of



events as part of a national gathering of survivors sponsored by the Prelacy of the Armenian Apostolic Church of America. Just this past weekend, we say thousands of Armenian-Americans and survivors of the genocide gather on New York's Times Square and commemorate the genocide as part of a rally sponsored by the diocese of the Armenian Church of America.

Let those who deny the genocide of the Armenian people tell those who survived—men and women—in their 70's, 80's, 90's, and even 100's—that there was no genocide. The survivors should not have to respond to such a preposterous charge. Indeed, the look of sorrow in their eyes tells the stories of horror and grief of the loss of loved ones—stories that will live through the ages because we will not allow those who deny the genocide to change history.

This day also serves as a tragic reminder that the first genocide of the 20th century became the precedent for the Holocaust of World War II. The line from Armenia to Auschwitz is a direct one. As Adolf Hitler planned his invasion of Poland and the destruction of the Jewish people, he was able to scornfully state, "Who, after all, speaks today of the annihilation of the Armenians?" The world did not learn a lesson from the Armenian genocide. By commemorating the memory of these victims, we can try to prevent history from again repeating itself. Such tragedies can only be prevented in the future if they are remembered. This is the legacy our ancestors left to the surviving generations—a legacy to which we pay tribute today.

Mr. President, we also honor the memory of those victims of the genocide today. And it is the memory of those victims that we seek to honor with Senate Joint Resolution 101, a resolution that would designate today—April 24—as "National Day of Remembrance of Man's Inhumanity to Man," that Senator D'Amato and I introduced on March 28 and a number of our colleagues have already cosponsored. It is identical to House Joint Resolution 192, introduced March 19. This would be a day of remembrance for all victims of genocide, especially the 1.5 million people of Armenian ancestry who were victims of the genocide perpetrated in Turkey between 1915 and 1923.

We expected opposition to Senate Joint Resolution 101 from the Turkish Embassy, which has mounted a campaign to deny Ottoman Turkey's role in the Armenian genocide. And we expected opposition from the State Department, whose policies are similar to the positions taken by Turkey relative to the Armenian genocide. But, quite frankly, we were saddened when President Reagan said on April 1 during

meetings with Turkish Prime Minister Turgut Ozal:

My Administration opposes Congressional action (on resolutions that commemorate the Armenian genocide). We are concerned such resolutions might inadvertently encourage or reward terrorist attacks on Turks and Turkish-Americans. We also oppose them because they could harm relations with an important ally.

It is ironic that, while this body is being urged by the President to ratify the Genocide Convention, we are also being urged by the same President to withhold acknowledgement that the first genocide of the 20th century ever happened. It also contradicts two previous statements by President Reagan in 1980 and 1981 which clearly recognized the existence and contemporary relevance of the Armenian genocide.

Mr. President, we deplore acts of terrorism against Turkish officials and condemn the use of violence in international affairs. However, our mutual abhorrence of terrorism and our common security interests cannot be invoked to justify denial of American and Armenian history.

Just as the President has dismayed many Americans with his planned visit next month to Bitburg Cemetery in West Germany where soldiers of the Nazi SS are buried, the President dismayed us with his insensitive statements on congressional attempts to commemorate the Armenian genocide. I do not understand the President's logic in which he links terrorist attacks on Turkish officials with rejections of these resolutions. However, Defense Secretary Caspar Weinberger attempted to define the administration's position when he said:

This resolution would embarrass the United States and strain relations with this critical ally (Turkey).

Well, Mr. President, the United States has been embarrassed all right, and the administration's position has strained relations—between this Government and its own citizens. And as to the President's suggestion that these resolutions encourage terrorist attacks, quite the opposite is true. The current Turkish Government should acknowledge the role of its predecessor government—the Ottoman Turkish Government—in the Armenian genocide, just as the present West German Government has done about the Nazi crimes. If the Turkish Government would do this, it would make a real contribution to getting some of the terrorism behind us because it is the Turkish denial of history which is creating the frustration.

The Armenian genocide is a historical fact. Our American Ambassador to Ottoman Turkey, Henry Morgenthau, stated:

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant

when compared with the sufferings of the Armenian race in 1915.

Armenian-Americans point proudly to the fact that it was our own Ambassador Morgenthau who led the international outcry against the destruction that was taking place in Ottoman Turkey during World War I. As a Jewish-American, Morgenthau understood the parallel between earlier Jewish programs and the persecution of the Armenians. He used every tool available to him, including secret diplomatic cables, personal entreaties to Ottoman leaders and their allied German counterparts, and appeals to the international public to bring the wholesale slaughters to a halt.

Mirroring Morgenthau's efforts, the then-allied Governments of France, Great Britain, and Russia issued a declaration on May 24, 1915, denouncing the massacres of the Armenian population "as crimes against humanity and civilization for which all members of the Turkish Government will be held responsible together with its agents implicated in the massacres." These World War I American Allies, like Ambassador Morgenthau, understood that the Ottoman government was committing a crime of a type that the world had not yet encountered. While their phrase "crimes against humanity" was to be used later to describe the Nazi Holocaust, it was not until 1944 that the word "genocide" was coined by Prof. Raphael Lemkin. Lemkin, a lawyer who escaped Poland during the Nazi invasion of 1939, was the key figure in the history of making genocide a crime under international law. He lost 49 members of his own family in the Holocaust and worked tirelessly until his death in 1959 toward the adoption of the Genocide Convention.

Having been profoundly affected by the extermination of the Armenians in Ottoman Turkey in 1915, Lemkin first proposed "to declare the destruction of racial, religious, or social collectivities" an international crime at the International Conference on the Unification of Criminal Law held at Madrid in 1933 under the auspices of the League of Nations. Although at first rejected, his proposal gained new significance after the destruction of European Jewry in World War II and led to the drafting of the Genocide Convention by a United Nations committee in 1947-48. In his decade-long effort to obtain ratification of the treaty, Lemkin repeatedly noted the Armenian atrocities, together with the Holocaust, as prototypes of the crime of genocide.

Recognizing this progression of 20th century genocide, Professor Lemkin dedicated himself to ensure that individuals such as Talaat, Enver, and Jemal—the Young Turk triumvirate—would never again be permitted to con-

duct the wholesale destruction of a people, without accountability to the world.

Calls for such accountability has now been linked to the founder of modern Turkey, who acknowledged the truth of the mass slaughter of Armenians in Ottoman Turkey. A newly discovered interview with Mustapha Kemal—commonly known as "Ataturk"—published in the August 1, 1926, issue of the *Los Angeles Examiner*, documents Kemal's recognition that his predecessor regime, the Young Turk Party, "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." This acknowledgment is particularly significant because it constitutes highly placed, significant Turkish admission of the Ottoman crimes against Armenians and directly contradicts current Turkish denial of the genocide.

Mr. President, every April 24, Armenians all over the world reflect on the proud heritage and rich culture—from the time of St. Gregory the Illuminator, who led Armenia to become the first Christian nation of the world in A.D. 301, to the present, where Armenians make important contributions to the world of business, philanthropy, academia, the arts and sciences, and yes, politics. It is through such reflections that we are able to appreciate the reasons which have kept the Armenian people so vital a community and so valuable a part of our Nation.

While the survivors of the genocide mourn their lost ones, they also must pass along their stories of tragedy so that the memory of those who perished are not forgotten by the world. The martyrs live on through them—through each and all of us who remember. Those of the younger generation should never forget the sacrifice of the ancestors. They, also, should never forget the rich culture which has contributed so much to the world community. And together, they should perpetuate the story of the Armenian people and share its lessons with all the people of the world. Only in that way can some of the suffering of the genocide be redeemed.

Mr. President, I ask unanimous consent to have printed in the *RECORD* a factsheet on Raphael Lemkin from the Armenian Assembly, a national nonprofit organization representing views of the Armenian-American community.

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

[Fact Sheet]

ARMENIAN ASSEMBLY OF AMERICA—RAPHAEL LEMKIN, THE ARMENIAN GENOCIDE, AND THE GENOCIDE CONVENTION

Professor Raphael Lemkin, a lawyer who escaped Poland during the Nazi invasion of 1939, was the key figure in the history of

making genocide a crime under international law. Having lost 49 members of his own family in the Holocaust, he coined the term "genocide" in 1944 and worked tirelessly until his death in 1959 toward the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide.

Having been profoundly affected by the extermination of the Armenians in Ottoman Turkey from 1915 to 1923, Lemkin first proposed "to declare the destruction of racial, religious, or social collectivities" an international crime at the International Conference on the Unification of Criminal Law held in Madrid under the auspices of the League of Nations in 1933. Although at first rejected, his proposal gained new significance after the destruction of European Jewry in World War II and led to the drafting of the Genocide Convention by a United Nations committee in 1947-48.

After coining the term "genocide" to describe the deliberate destruction of a people, Lemkin became the first person to characterize the atrocities of 1915-23 as the "Armenian Genocide." In his decade-long effort to obtain ratification of the Genocide Convention, Lemkin repeatedly noted the Armenian Genocide, together with the Holocaust, as a prototype of the crime of genocide.

QUOTATIONS BY RAPHAEL LEMKIN

(1) From letter to Mrs. Thelma Stevens, Methodist Women's Council, July 26, 1950:

"This Convention is a matter of conscience and is a test of our personal relationship to evil. I know it is very hot in July and August for work and planning, but without becoming sentimental or trying to use colorful speech, let us not forget that the heat of this month is less unbearable to us than the heat in the ovens of Auschwitz and Dachau and more lenient than the murderous heat in the desert of Aleppo which burned to death the bodies of hundreds of thousands of Christian Armenian victims of genocide in 1915."

(2) From Totally Unofficial, the autobiography (unpublished) of Raphael Lemkin:

(a) "In 1915, the Germans occupied the city of W. and the entire area. I used this time to read more history, to study and to watch whether national, religious or racial groups are being destroyed. The truth came out only after the war. In Turkey, more than 1,200,000 Armenians were put to death for no other reason than they were Christians. . . . After the end of the war, some 150 Turkish war criminals were arrested and interned by the British Government on the island of Malta. The Armenians sent a delegation to the peace conference at Versailles. They were demanding justice. Then one day, the delegation read in the newspapers that all Turkish war criminals were released. I was shocked. A nation was killed and the guilty persons were set free. Why is a man punished when he kills another man? Why is the killing of a million a lesser crime than the killing of a single individual?"

(b) "I identified myself more and more with the sufferings of the victims, whose numbers grew, as I continued my study of history. I understood that the function of memory is not only to register past events, but to stimulate human conscience. Soon contemporary examples of Genocide followed, such as the slaughter of the Armenians in 1915. It became clear to me that the diversity of nations, religious groups and races is essential to civilization because every one of these groups has a mission to fulfill and a contribution to make in terms of culture. . . . I decided to become a lawyer and work for the outlawing of Genocide and

for its prevention through the cooperation of nations."

(c) ". . . A bold plan was formulated in my mind. This consisted (of) obtaining the ratification by Turkey among the first twenty founding nations. This would be an atonement for (the) genocide of the Armenians. But how could this be achieved? . . . The Turks are proud of their republican form of government and of progressive concepts, which helped them in replacing the rule of the Ottoman Empire. The genocide convention must be put within the framework of social and international progress. I knew however that in this conversation both sides will have to avoid speaking about one thing, although it would be constantly in their minds; the Armenians."

(Sources: Congressional Research Service; The Raphael Lemkin Papers, N.Y. Public Library)

Mr. LEVIN. Mr. President, I ask unanimous consent that the *Detroit News* "Michigan" magazine article about three survivors of the Armenian genocide living in the Detroit area be printed in the *RECORD*.

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

APRIL 24, 1915

(By Florence Mazian)

As an Armenian-American, I feel the pain and pride of my heritage. Pride in being descended from an ancient people who lived in the biblical land of Ararat. And pride at living in America—a country that permits us to remember who we were, as well as who we are.

But I also feel the pain of my people's past. For some 3,700 years, the Armenians—the first people to embrace Christianity as a state religion—lived in Ararat, which was occupied by the Turks in the 1600s. Tensions grew between the two sects over the next 300 years, finally culminating in a series of massacres that began in the late 1800s and climaxed on April 24, 1915—a day Armenians claim marked the Turks' "final solution." In Istanbul, teachers and priests were carted off, never to be heard from again. Killings spread to villages and towns throughout the land, with as many as 1½ million Armenians reportedly deported and killed.

Today, the Turkish government continues to deny that any of this occurred. However, a number of historians, diplomats and missionaries—William Gladstone of England, George Clemenceau of France, historian Arnold Toynbee, German missionary Johannes Lepsius and American medical director Dr. Mabel Elliot—corroborate the Armenian claims of genocide. Henry Morgenthau, U.S. ambassador to Turkey in 1915, documents the nightmare in his book, *Ambassador Morgenthau's Story*. Morgenthau says he pleaded with the Turkish government to stop the genocide, believing the Christian Armenians and Moslem Turks could live peacefully together. Talaat Pasha, head of the Turkish government, told him: "We have already disposed of three-quarters of the Armenians . . . we have got to finish with them."

Perhaps the most compelling evidence, however, is the stories of those who left Armenia in 1915. A number of them live in the Metro area today. The following stories are typical of the many I heard from the old Armenians who came to visit our home in Detroit as I was growing up. As a child, I did



not understand the tragedy behind their tales. Today, I do.

#### LEVONTI AZADIAN

(Levonti Azadian was born in 1907. After the genocide, she lived in Lebanon. She moved to Southfield in 1974 and lives there now with her children and grandchildren. A gentle, soft-spoken woman, she had an extended family that numbered 42 before the nightmare of 1915. Afterward, there were four.)

"When survivors like me die, the nightmare of the genocide passes before our eyes as we are dying. I will die like that, too. Even today, I feel fear when I think about it. I have horrible dreams. I will not sleep tonight. My heart will be pounding. When I talk about it, I am there. I am afraid, just as I was then.

"The Turkish police came to our houses with guns. They forced us to leave, and they locked the doors to our houses behind us. They told us that we had to go away for 15 days and then we could come back. They claimed that they were 'deporting' us to protect us, because the war was coming in our direction. Even before we were out of the city of Adana, a blind Turkish beggar who the Armenians, including my family, used to give food to, said: 'Bring me an Armenian, and hold him down across my knee, so that I might stab and kill a Christian and go to heaven.'

"Before we were marched out of Adana, my grandfather's throat was slit, and his body was thrown in a well. Then we were taken out of the city. Immediately, they began to steal everything we had, even our clothes. As we were marched along, Turkish villagers would come and take away the pretty girls. We would never see them anymore. We were marched into the desert to Aleppo, Syria, the men, women and children wearing nothing more than a small cloth over their hips—nothing more. The sun burned your face and your body so badly that you did not even look the same. When we came to water, we were forced to walk past it but not allowed to drink it. Those who bent over to get a drink were knocked out and their bodies would float way into the river.

"There were dead bodies everywhere we walked. They were from the Armenians who had been marched through before us. We tried to cover their bodies as we passed—the bodies of little children. At night, dogs from nearby villages would come out and dig up the bodies, chewing them up.

"A Turkish man was taking away my cousin—a girl. She was 15. Her mother grabbed her and embraced her. At that moment, during the embrace, a Turk stabbed the mother in the back, and she fell to the ground."

Even as she reflects on these tragedies, Levonti Azadian recalls something else that makes her smile: the nickname of one young Armenian girl. "We used to call her 'the millionaire.' She was a beautiful girl, about 18 years old. But she had so many lice—we used to say that she had a million lice. During the marches, people became dirty and diseased. This beauty had sores all over her mouth from being dirty and eating pieces of hard wheat found in the fecal matter of the Turks' horses. When you are starving, you eat anything. One day we saw a Turk take her away. Even with the sores, she was still stunningly beautiful.

"My father had a young brother, 28—very handsome. He was thrown to the ground, and the Turks took knives and cut him all over—his back was all cut up. He was so

skinny and had so little fluid left in his body that only a little blood ran out of him. His throat was all swollen, and the Turks thought that he was dead. They left him there. We were hidden at a distance, and after they left, we went to him and gave him what little food we had. After three or four days, he started to improve, but he was left deaf and almost blind. Another of my father's brothers was hit on the head and died immediately.

"Later, in Syria, we were all taken to a valley. It was easy to kill us there because the Turkish soldiers could attack from all sides. There was a family from Zeitoun, an Armenian city in Cilicia. I remember that they put that whole family into a cave and sealed off the entrance to the cave. Guards were posted outside. They were buried alive in that cave. The Turks came and told them, 'You are going to be buried like Jesus Christ.'

"You know, I saw death all around me, but I never thought that I was going to die. Maybe it was because I was a child that I didn't think it could happen to me. I was always optimistic. But I prayed a lot not to die. Everyone did. While being forced into the deserts, we sang church hymns and prayed. Everyone who died, died praying. Armenians were killed while they were on their knees praying. I saw so much that I can't tell it all, but I remember it all of the time—day and night.

"Some years ago, I went back to Adana to see my family's house. Turks live there now. I could not stay there at all. After days, I started to feel sick. I began to see my dead family before my eyes. I remembered how we were driven out to our deaths. I met older Turkish people who still remembered my family. I recalled how the Turks had laughed when they were killing us. I left."

#### VERKIN KEVORKIAN

(Verkin Kevorkian was born in 1905. After the genocide, she lived in Canada. She came to the United States in 1949. She currently lives in a senior citizen residence in Dearborn. Before the genocide, her extended family numbered 51. Afterward, there was just one.)

"I used to be beautiful, you know," she says. Despite her disclaimer, she is still strikingly beautiful. She is a tall, stately woman. As we speak, she is seated comfortably on the sofa in her small apartment.

Verkin Kevorkian was 10 years old at the time the genocide began. Recalling that day, she says, "My father had never hit me, but that day he slapped me. 'Don't go far away from home, my child; it's very dangerous,' he said." Very softly, as though to herself, she repeats, "It's very dangerous." Today she understands why her father slapped her. It was for the first and last time. She would be the sole survivor of her family.

She tells how the Turks and Kurds came to each house, forcing out all of the occupants. "Someone came to our house and forced us to leave. With only a few clothes, you were forced to go. Someone came and hit me and took me away. For three days, they made us walk—thousands of us—not only people from my village of Osnag but also from many villages and cities in different provinces—Erzeroum, Erzincan, Trebizond. You know who some of the people were who were taking us to be killed—Turks from our village, people that I knew, neighbors, friends. They thought they could take our houses, our belongings and our lands.

"There were thousands of us! Then they found the place where they wanted to kill

us—a big, big valley. Suddenly from all sides thousands of Turks and Kurds descended upon us. They were all over. You couldn't do anything. You didn't have a weapon to fight back with. They killed all of the Armenians. They killed everybody. The dead bodies, the dead bodies, all over the place. Within half an hour, I had lost my family—completely. I lost all of them. And I was left there—alive under all of those dead bodies.

"The bodies were too heavy, so I couldn't get out. Somebody pulled me out. I don't know who or why. If they didn't pull me out, I would have died. When I looked around I couldn't see anything except dead girls, dead people, just piled up—all over, all over. As far as I looked, I saw dead bodies. I was covered with blood, crying and crying, looking for my mother. I couldn't find her. No one. I had lost all of them. I lost them.

"I saw a man on the ground. His throat was slit, yet he was still mumbling. He was my cousin's husband. I saw it with my own eyes."

Now, Verkin Kevorkian stands and begins pacing back and forth within a 4- to 5-foot space. Her eyes reflect the terror she is reliving 70 years later. Her eyes grow large and disbelieving as the past flits through her mind. Shock, terror, fear—all are alive in her again. She has become a shadow of the past, of that day in 1915. For a matter of seconds, she is not in her apartment, but under the dead bodies in Turkey. Abruptly, she stops pacing. "I went crazy. I didn't know what to do. I didn't know where to go. Every time I go back, back, back, I go crazy.

"They took the beautiful girls away. If you wouldn't go with them, they would kill you. My aunt was one such woman. When she said that she would not go with a Turk, they wrapped her long hair around her neck and strangled her with it. Then they cut off her fingers to take gold rings that her husband had sent her from America. The Turks and Kurds didn't care if a girl was young, even if she was only 9 or 10 years old. They raped girls of any age.

"When the genocide began, they kidnapped our priest. They would not kill priests right away, because they wanted to torture them. They would make them suffer. My mother's brother was one of the priests in our village. I have forgotten his name. There were always priests on my mother's side. Before, in 1895, the Turks had killed another priest in my family.

"I walked and walked and walked. I went to Harpert, to Zaboot, to Paloo and many other places. I never spoke Armenian. I heard that they would kill me if I spoke Armenian. I spoke Kurdish and a little Turkish. I was forgetting Armenian. I was hungry. I had no shoes. My feet were bleeding. I met up with an old Kurdish woman who fed me. Later, an Armenian woman who had been forced to marry a Turk kept me. Her husband wanted me to marry a Turk so I ran away. I didn't even know where I was going.

"There were three soldiers behind me. I started running and crying. They yelled, 'Don't run. You can't get away. We're going to kill you.' I kept crying and running, even though my feet were bleeding. I stopped and collapsed by a big stone. I thought, 'I don't care. I'll sit here. They're going to kill me. I don't care.' I wanted them to come and kill me, to get it over with. You see, I couldn't run anymore.

"I started to pray. I said, 'Oh, God. Please help me. I can't run anymore. I can't walk or run. I'm going to die.' Suddenly it seemed as if someone hid me, as if something made

me invisible. I didn't see those soldiers anymore. They disappeared. Something happened. God heard me! God heard me! It was a miracle.

"When I got up later, I started walking and walking. I met a woman who asked me if I was Kurdish. 'Yes,' I responded, 'I'm Kurdish, too.' I was afraid to say that I'm Armenian. I said to her, 'You be my mother, I'll be your daughter. Let's go together.' But I ended up with a Turkish family. The lady was nice, but her son hated Armenians and used to beat me all of the time. This nice woman felt sorry for me and sent me to another Turkish family. There, the woman of the house cut my hair off completely so that I would not look good. She said that her husband was a dirty man and went after young girls. She also covered my face. I didn't mind. One day her husband offered me gold to sleep with him, so I ran away—back to the nice lady whose son beat me.

"While I was there, two Armenian guys found me and said that they would smuggle me to an Armenian orphanage in Merzin. Next morning, I got up and left with them. The Turkish woman came and yelled after me, crying, but it was too late. I wanted to go to the orphanage where there were Armenians. There were Protestant Armenian and Apostolic Armenian orphanages for homeless Armenian children. I went to the Apostolic Armenian one.

"In the genocide, they killed poor innocent people. They killed kids. They killed women, almost all of the women. If she were pregnant, they would cut her belly open and take the baby out on a sword. Then they would say, 'Where is your Jesus? Why doesn't he come to help you?' We were Christians, and the Turkish and Kurdish Moslems hate us. They completely butchered our people—with knives and swords. They cut people to pieces. That's what pains me.

"Today no Armenians live where I came from. Now our country is all empty. No Armenians. All empty."

#### MICHAEL NISHANIAN

(Michael Nishanian was born in 1901. He came to Detroit in 1920 and now lives in Southfield. His extended family numbered 44 people before the genocide; 11 after.)

"Someone yelled at me: 'Come and become a Turk. Your brother will never come back.' That same morning, when I was at the mill early in the morning with my brother, a policeman came. He took my brother and left. I was left alone. Alone, I was sitting and waiting. They told me that they took my father, too. I said, 'But my father is very old. You can't take him, too.' 'We took him, too,' they said. The police had gone to each house, one by one, each family, and took them into custody.

"I lived in a town called Choroum when the genocide began. That was our home. Now I had no home. Now I had nowhere to go. I was roaming around dazed, like I was half drunk.

"That night, I was on a mountain. Suddenly I saw a man coming toward me. I thought he was my brother and I ran to him. It was a Turk, our mayor's son, coming toward me. He had our donkey. He said that they had taken all of the men and killed them. Only the women and children were left. He told me that they wanted to kill me now, too. He tied my hands together so that people would think that he captured me. Then he took me to my home. Everybody was crying. This boy was a very good boy. He saved my life.

"I remember that they separated Armenians at one place we stopped. They said, 'Whoever will change to be a Moslem, stay on this side of the room. Whoever remains a Christian, go to the other side.' I remembered what my father always told me: 'If they try to force you, never say that you'll be a Moslem. You were born a Christian, and you will die a Christian.' 'All right, papa,' I said. 'All right.'

"Almost no one converted. The Turks did not kill you if you converted. That was at the beginning. That too passed. Later, a command came to the Turks not to force Armenians to convert but to kill all Armenians, including those who had converted. Soon we began to walk and walk. We were being 'deported' from our homeland—our homeland. This word 'deported'—it's a joke. They began killing us and marching us to death.

"They were deporting everybody—from Kayseri, Yozgat and all over and sending them to the Arabian deserts. I went with them. I was dressed like a girl, because if you were a 12- or 13-year-old boy they would kill you right away since you were old enough to fight back. You were dangerous. Later on the death march, when they found out I was a boy, they decided not to kill me because they could use me to do some dirty work.

"They wanted to send us to the deserts because they were told that a lot of dead bodies would cause disease, and many Turks might themselves die from disease. So it would be better if the Armenians were killed or died in the deserts.

"While we were being marched, I saw the first real massacre on the road. The Turks were killing Armenians, chopping off their heads, hands and feet. We kept going. I saw lots of things along the way. Many people died from thirst and starvation. . . .

"I will never forget what happened at a place called Bobb, near Aleppo. At that time, Aleppo belonged to Turkey. All of the Armenians were dying, and the Turks told me to pick up the dead bodies of Armenians, the 'dirt.' I was given a one-horse wagon.

"Chris was another Armenian boy about my age. We used to pile up three or four bodies in the wagon and take them to a huge hole in the ground—a dump. We threw 200 or 300 bodies in each dump and covered them up a little bit. The next day we did the same thing. Again and again, day after day. That's what I don't forget. I don't know how I lived through it. Just lucky, I guess. "But there was much to suffer through yet. It seems I wasn't meant to die. Chris and I ran away. We had nothing to eat, nothing to drink. The desert was hot. Hot.

"One day, Chris sat down and couldn't move anymore. I thought, 'What am I going to do?' By now we had one horse. But the horse was no good. When you sat on the horse, the horse sat down, too. Before, near Der Zor (in the Syrian desert), I had seen some water. I told Chris, 'Don't move. You lay here.' Then I ran, ran, ran. I found water. I begged for bread from a passerby.

"I went back to Chris and told him I found water. 'No,' he said. 'You're fooling me.' I had a tough time getting him to water, but we made it. Only then could we eat the piece of bread I got when I was begging. You know, when you're real thirsty you can't swallow bread. It won't go down.

"Chris and me. We went through so many things. We saw a lot worse things than burying bodies. But we both made it to America together. He died a few years ago.

"As I think back on my experiences in Turkey, I don't feel that the everyday, ordi-

nary Turkish people wanted to kill us Armenians. They were always stirred up by government propaganda to be very anti-Christian. They were told that if you kill a Christian, you would go to heaven.

"Mind control is the worst thing in the world. It's dangerous, frightening. Even today."

Mr. PROXMIRE. Mr. President, will the Senator from Michigan yield briefly?

Mr. LEVIN. I yield.

Mr. PROXMIRE. Mr. President, first I commend my good friend from Michigan on a superlative speech. It is an excellent speech and it does recall, as the Senator points out, the genocide in which the Turks killed 1½ million Armenians. No question about it. Our Ambassador Morgenthau, as the Senator points out, was a witness to much of this.

The New York Times in 1915—I went through a series of references—reported in our most reliable newspaper one atrocity after another and the fact that hundreds and hundreds of thousands of Armenians are being killed.

The Senator so well recalls that Hitler did indeed say in 1938, "Who remembers the Armenians," at the time the final solution was in process and the Jews were being exterminated in Europe, "Who remembers that genocide?"

And as the distinguished Senator points out, Raphael Lemkin was the man who in the thirties began to expose and talk about the Armenian genocide, and he was also the man who coined the word "genocide" and he was also the man, as the Senator points out, who lost all of his family except his brother in the persecution of the Jews in Europe.

Finally, I think the Senator is exactly right in disavowing any terrorist attacks against Turks at the present time. I think both of us deplore any such attacks and would agree that remembering the genocide, remembering the awful violence and the terrible lessons of that time should discourage people from engaging in this kind of violence, exactly the opposite of what the Turks and the State Department now seem to believe.

But I thank the Senator for an excellent address and a memorable one.

Mr. LEVIN. Mr. President, before my friend leaves the Chamber, let me just tell him that someday there will be a pantheon of heroes who finally brought to the Senate floor—that will happen—the Genocide Convention. Lemkin is one and in that pantheon the name "Proxmire" will be high up there.

I know of no Senator who has so unequivocally and I may say relentlessly pursued an objective and a goal as the Senator from Wisconsin relative to bringing the Genocide Treaty to the floor of the Senate.



This is, I think, probably unheard of in the history of the Senate where a Senator almost every day—every day that I have listened—brings to the attention the genocides that have occurred in this world and the need to take action to punish those who perpetrate them and participate in them. And the Senator from Wisconsin is that Senator who has taken unto himself that extraordinary obligation to be sure that in our lifetimes—hopefully in this session of this Congress—we finally will vote on the question of ratification of the Genocide Treaty. Everybody that feels deeply about this issue is very deeply and permanently in his debt.

Mr. PROXMIER. I thank my good friend.

Mr. CRANSTON. Mr. President, I join my colleagues and Armenian-Americans throughout our Nation today to mark the 70th anniversary of the beginning of the Armenian massacre and to honor the memory of the 1½ million men, women, and children who lost their lives between 1915 and 1923.

The anguish suffered by the relatives and descendants of those who perished as well as those who were displaced from their homeland during this terrible episode of history continues undiminished. It is intensified by the longstanding refusal of the Turkish Government to acknowledge that the Armenian genocide ever occurred, in the face of clear and ample documentation to the contrary.

I am again a cosponsor of the resolution designating April 24 as "National Day of Remembrance of Man's Inhumanity to Man." While the resolution elegizes all victims of genocide, it commemorates in particular those who were victims of the Armenian genocide.

Last year, action on a similar resolution in the Senate was blocked by the Reagan administration. To the survivors and to the relatives of the victims of this genocide, a National Day of Remembrance of Man's Inhumanity to Man is little enough to ask of the American people. That the Reagan administration felt compelled to withhold its support from this resolution—and indeed continues to do so—is an example of incredible insensitivity.

I strongly urge my colleagues in this body to support this resolution and to press for its prompt passage.

Earlier this month, I joined some of my colleagues in sending a letter to the Prime Minister of Turkey urging the Turkish Government to reassess its position on the Armenian genocide. I ask unanimous consent that our letter be printed in the RECORD, together with an excellent Boston Globe editorial on this matter which I commend to my colleagues.

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

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, April 1, 1985.  
HIS EXCELLENCY TURGUT OZAL,  
Prime Minister of the Turkish Republic, Embassy of Turkey, 1606 23rd St., NW, Washington, DC.

DEAR PRIME MINISTER OZAL: We note with considerable concern that your government continues the policy of urging that the United States refrain from any recognition or remembrance of the Armenian Genocide. We sincerely regret that you continue to misinterpret the clear intent of Congress in commemorating the Armenian Genocide and that you have failed to acknowledge the consistent record of the United States in recognition of this historical fact.

There is ample, reliable, and unbiased documentary evidence from the archives of Ottoman Turkey's friends and foes alike detailing the attempted annihilation and displacement of the Armenian people. The same archival material conclusively identified the central role of the Young Turk government in the planning and execution of what U.S. Ambassador Morgenthau referred to as "a campaign of race extermination".

The Armenian Genocide is a historical fact. To deny that fact is to deny also the unprecedented assistance extended by the United States in an attempt to end the carnage and to aid those who survived. Recalling these facts does not, under any reasonable interpretation, imply disregard for Turkish lives lost today. We deplore, as you do, acts of terrorism against Turkish officials and condemn the use of violence in international affairs.

However, our mutual abhorrence of terrorism and our common security interests cannot be invoked by your government to justify denial of American and Armenian history. The unambiguous record of the Armenian Genocide and contemporary reaffirmations by President Reagan, former President Carter, the Senate, the House of Representatives, and the U.S. Holocaust Memorial Council, are realities based on an objective review of the subject.

We urge your government to reassess its position on the Armenian Genocide. The first step in this process must be an acceptance by your government that the United States has recognized and will ultimately reaffirm its historic position on this matter.

Sincerely,

TONY COELHO.  
CARL LEVIN.  
ALAN CRANSTON.  
ALFONSE M. D'AMATO.  
CHARLES PASHAYAN, Jr.

[From the Boston Globe, Apr. 18, 1985]

#### ARMENIA, HISTORY AND GUILT

President Reagan shocked many Americans with his explanation of why he thought he should not visit Dachau during his trip to Germany in May. The President said the German people have "a guilt feeling that's been imposed upon them, and I just think it's unnecessary." He intimated that Americans are wrong to expect German guilt for the Holocaust: that the Germans themselves feel no guilt; or that there was never anything for anyone to be guilty of.

The President displayed a similar confusion about history and morality earlier this month, before the visit of Turkey's prime

minister. The White House released the text of a statement Reagan made to a Turkish interviewer in which he dissociated his Administration from a unanimous congressional resolution commemorating April 24th, the 70th anniversary of the Armenian genocide, as a National Day of Remembrance of Man's Inhumanity to Man.

The Turkish slaughter of 1,500,000 Armenians from 1915 to 1918 was a ghastly crime against humanity, the great precedent for 20th-century genocide. "Who still talks nowadays of the extermination of the Armenians?" was the rhetorical question Hitler posed to his top commanders on Aug. 22, 1939, as they prepared for the invasion of Poland.

This week, in response to public dismay, Reagan changed his mind and decided to make a symbolic visit to a concentration camp site. Generosity requires that Americans assume their President merely became confused and misspoke when he made his strange remarks about the imposition of guilt.

In his remarks to the Turkish interviewer, Reagan said: "I sympathize with all those who suffered during the tragic events of 1915. I also profoundly regret that Turks and Armenians have so far not been able to resolve their differences." This was a way of saying he would not contradict Turkey's official denial that the Armenian genocide even took place. He then said that he opposed the congressional resolution because it "might inadvertently encourage or reward terrorist attacks on Turks and Turkish-Americans" and because it "could harm relations with an important ally."

The world can only deplore the insane acts of a few Armenian terrorists. They harm the just cause of the Armenian people. Nevertheless, Reagan violates logic when he pretends that the existence of Armenian terrorists constitutes a reason for rejecting the resolution.

Testifying against the resolution in February, Defense Secretary Casper Weinberger asserted that "such resolutions are counterproductive in that they serve to encourage Armenian terrorists." Like the President, Weinberger revealed his true motive when he said, "This resolution would embarrass the United States and strain relations with this critical ally (Turkey)."

For reasons of State, Weinberger and Reagan have distorted history and offended the victims of genocide. The American people owe an apology to Armenians for the callousness of American officials.

Mr. GLENN. Mr. President, I rise today to join my colleagues in remembering the Armenian genocide on this the 70th anniversary of the first, but sadly not the last, genocide of the 20th century. Some have asked why do we bother to remember a long ago event in a faraway land. I believe it is imperative that we remember, partly to pay tribute to the memory of the victims, but more importantly to rededicate ourselves to insuring that such instances of man's inhumanity to men are not repeated. To date, we have not been successful in eradicating the scourge of genocide from our planet. The Armenian genocide was followed by the horrors of the Holocaust and the massacre of Cambodians. But because our century has seen such horrors is, in my mind, not an argument

for trying to forget, it impels us to remember. For if you truly contemplate the unthinkable, the systematic annihilation of well over 1 million people, you cannot help but be moved to vow never again. And if the Armenian genocide is to be more than a tragic fact of history, its horrors must remain ever before us so that our vigilance and resolve do not falter.

I salute those of Armenian descent who have worked hard to ensure that the genocide of their people does not fade into historical irrelevance but remains a shocking lesson and horrendous example of the inhumanity of man to man. And I make common cause with them in remembering today the victims of the Armenian genocide and in pledging our every effort to ensure that such a tragedy is never again visited upon any people anywhere on this Earth.

Mr. DECONCINI. Mr. President, today I join my colleagues on Armenian Martyrs' Day in commemorating the 70th anniversary of the beginning of the genocide in the Ottoman Empire. It is a day of remembrance for victims of all genocides, but especially for the nearly 1.5 million Armenians who were mercilessly persecuted for 8 long years between 1915 and 1923.

The senseless persecution and slaughter of Armenians during the outbreak of World War I, resulted in the banishment of thousands more Armenians, scattered into a diaspora, forming a worldwide community who, today, urge all people of good faith and conscience never to forget this tragedy. We must never lend credibility to the all too frequently lamented remark that the Armenian genocide is the "forgotten genocide." Because of the war and the isolationist attitude of the United States, at that time, our Government did not, unfortunately, more forcefully protest the actions of the Ottoman Empire. Sadly, the Armenian genocide was not the last but the first of many—too many—acts of genocide which have been perpetrated in this century. Six million Jews under Hitler, untold numbers of Soviet citizens in the Gulag under Stalin, and countless Cambodians under Pol Pot were also victims of the atrocity of genocide. To remember these victims is to make a statement. It is to say, I will not shut my eyes to the pleas of my brethren, for to stand by is to be an accomplice to a crime as serious as the act of genocide itself. To remember these victims is, most importantly, to move toward a better future, a safer future, for our children and the generations to come.

While I look forward to the future, I am concerned. I am concerned that President Reagan's upcoming trip to Germany, which includes a visit to the Bitburg Cemetery where so many Nazi-SS men are buried, overlooks the fact that when the lesson of history's

mistakes is not learned well, history becomes reality once again. President Reagan's visit to Bitburg negates a statement which he himself made in a proclamation for the Days of Remembrance for Victims of the Holocaust on April 22, 1981. He said: "Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other people—the lessons of the Holocaust must never be forgotten." Let us not forget and let us not lay a wreath on the graves of those who committed the heinous crime of genocide against innocent people.

It is also a great disappointment to me that the Reagan administration cannot support a resolution, indeed an active lobby against a resolution, which recognizes and condemns man's inhumanity to man. To say that this would harm relations with an ally does not recognize the extent of the atrocity that we gather here today to remember.

The purpose of Armenian Martyrs' Day is just that—to never allow the atrocity of genocide to be forgotten. And so, on this day, I honor those innocent dead. I extend my sincerest sympathy to those Armenians who were victims of ruthless murder, and to their descendants and the descendants of all people who have fallen to genocide. And I pledge that we never will forget.

Mr. METZENBAUM. Mr. President, April 1985 may someday be recorded as the month in which the current administration established an all-time record for callous insensitivity.

April 1985 is the cruel month in which the President of the United States equated the murdered innocents of the Holocaust with the brutal executioners of the Waffen SS.

And it is also the month in which the President opposed a congressional resolution commemorating the terrible massacre in the early years of this century of 1.5 million Armenian men, women, and children at the hands of the Ottoman Turks.

Why is the President opposed to this resolution?

Because, he says, passage of the resolution "might inadvertently encourage or reward terrorist attacks on Turks and Turkish Americans."

And also, says the President, the resolution "could harm relations with an important ally."

That is an outrageous statement.

Yes, there have been terrorist attacks by Armenian extremists against Turkish individuals and installations.

These attacks are insane—they are criminal—and they ill-serve the Armenian cause.

I condemn without equivocation the perpetrators of those atrocities—and so do the leading Armenian-American civic and religious organizations.

But to say that because of these terrorists, we should ignore the historical reality of the Armenian genocide—that is totally unacceptable.

We have in Northern Ireland today groups that are addicted to the politics of the gun and the bomb.

Does that mean that we should ignore or deny the tragic history of Ireland?

Of course it does not.

And it is a disservice to the American people and, in fact, to our Turkish friends to go along for political reasons with the sadly misguided efforts of the Turkish Government to deny a monumental atrocity—but one for which the Turks of today cannot be held accountable.

The President describes Turkey as "an important ally."

But, Mr. President, the Federal Republic of Germany is also an important ally.

And just as we cannot for political reasons deny that today's democratic Federal Republic was built on the ashes of the Third Reich, we cannot diminish, deny or demean the agony, suffering, and death inflicted by Ottoman Turkey upon the Armenian people.

I am very much ashamed, Mr. President, that the leaders of our Government have once again paid more attention to politics and to lobbyists than to the cause of justice and truth. And I hope that the Senate will demonstrate by passing this commemorative resolution that we, at least, respect the memory of the martyrs of Armenia.

#### COMMEMORATING THE ARMENIAN GENOCIDE

Mr. RIEGLE. Mr. President, today we pay tribute to all the victims of genocide, particularly the 1.5 million Armenians who suffered at the hands of the Turkish authorities. As part of that tribute, today has been designated as a "National Day of Man's Inhumanity to Man." The leadership of my colleague from Michigan, Senator LEVIN and his staff member, Steve Serkalan, in focusing the Senate's attention on this important issue year after year is commendable. For only through commemoration of these victims can we educate the American people about the Armenian experience and prevent history from repeating itself.

This year is particularly significant because it marks the 70th anniversary of the beginning of the genocide perpetrated in the Turkish Ottoman empire between 1915 and 1923. As many of the survivors of the genocide travel to Washington on this day, we join with them in honoring the memory of those who perished.

The genocide began on April 24, 1915, when hundreds of Armenian religious, political and intellectual leaders were rounded up, exiled and eventually murdered in remote places in Ana-



tolia. Within several months, the approximately 250,000 Armenians serving in the Ottoman Army during World War I were disarmed and placed in forced labor battalions where they were either starved or executed. The Armenian people, deprived of their leadership and young able-bodied men, were disarmed under threat of severe punishment, and then deported from every city, town, and village of Asia minor and Turkish minor. The majority of the deportees died on the marches from starvation, disease, and massacre. Approximately 500,000 refugees escaped to the north across the Russian border, south into Arab countries, or to Europe and the United States. Thus, the Armenian community of the Ottoman empire was virtually eliminated as the result of a carefully executed plan of genocide.

As we recall this brutal massacre of 1.5 million men, women and children, we are reminded that this first genocide of the 10th century became the precedent of the Holocaust of World War II. In observing this national day of man's inhumanity to man, we seek to insure that this massacre will not be forgotten.

Despite the overwhelming evidence documenting the awful events of 1915 through 1923, the Turkish Government continues to deny or distort the truth. This toleration of genocide and its acceptance as a solution leads only to its repeated use, just as the aftermath of the Armenian genocide led Hitler to cite it as a precedent and justification for his own crimes.

The use of genocide as an instrument of national policy, by any nation at any time, is a crime against all humanity, and it must be universally condemned. There can be no statute of limitations on the crime of genocide.

Ratification of the genocide convention would be a positive step for the Senate to take in reaffirming its commitment to guard against the recurrence of genocide. The convention seeks to outlaw genocide and guarantee the rights of survival for all ethnic, racial, religious, and national groups. To date, 96 other nations have ratified the measure. Ratification now is essential in order to ensure that the United States maintains its position as a leader in defending the basic human rights of all the world's people.

Finally, the genocide of the Armenians has very real and immediate implications that involve the United States and require serious consideration. This country has an obligation to maintain pressure on our Turkish ally to acknowledge the reality of the Armenian genocide and deal with it constructively. We have been waiting too long for an end to the campaign of denial, distortion, and harassment which continues to be directed at Armenian communities around the world.

To honor all victims of genocide and to protect future generations from sharing their awful fate, all the world must speak with one voice in condemning that crime and preserving the truth of these tragedies, so that future generations may know of the dangers and be watchful.

#### 70TH ANNIVERSARY OF ARMENIAN GENOCIDE

Mr. WILSON. Mr. President, let me note in much the same fashion that April 24 marks the 70th anniversary of the Armenian genocide when an estimated 1.5 million Armenian people perished as victims of another unfathomable holocaust. I rise today to support a resolution which places the United States on record so that this tragedy will continue to live in the memories and writings of mankind. If we learn nothing else from the 20th century, from this holocaust, from the one that followed it, it must be that never again can decent people simply ignore the kind of oppression, the kind of genocide, that we have seen at least twice in this century.

Let us be instructed and admonished by the Polish writer Yashinsky who survived a Nazi concentration camp only to die in a Russian gulag. He said:

Fear not your enemies for they can only kill you. Fear not your friends for they can only betray you. Fear the indifferent who permit the slayers and betrayers to walk safely on Earth.

Mr. President, that is not a cynical comment. It is a sentiment that came from the tragic experience that has been shared by all too many innocent victims, victims not only of the manifest cruelty which they suffered, but victims of the indifference of good people who simply lack the awareness or lack the courage to intervene at a time when they might have made a difference.

In the proper act of remembering the injustice of the past, we must be sensitive to the concerns of today.

Mr. President, in no way does the raising of a historical truth undermine the solid relationship that the United States enjoys with our present Turkish allies any more than we remember the inhumanity of the Nazi generation in any way undermines the value that we place upon the character and courage of present day West Germany.

Indeed, we celebrate and value our West German allies. They are essential to our alliance.

But, Mr. President, I do not believe and cannot believe that the Government of Turkey, which has made giant strides in recent years toward the kind of democracy and justice that we would hope for all people, because of a simple, straightforward resolution, will fail to continue in that progress or fail in their adherence to the principles which make of them staunch allies in our NATO alliance.

Mr. President, Turkey and the United States today are solid friends

who can withstand the judgments of history.

There is not a people whose history does not bear some blemish. There is not a people whose history does not hold forth some episode that makes them not proud but sorrowful. It is in no one's interest that the story of the Armenian tragedy be buried and forgotten. It should and must be told—not to stir up division—but to encourage reconciliation. Not just to recall the suffering of the past, but to strengthen the commitment to standards for today of decency and humanity.

Mr. HEINZ. Mr. President, today I join with my colleagues in solemnly commemorating one of the dark moments in history, the senseless slaughter of 1.5 million Armenians from 1915 to 1918. We stand here today to commemorate the 70th anniversary of this heinous crime against humanity, and we look back in the hope that our collective conscience will not let this grave episode in history repeat itself.

We all deplore genocide and condemn those who have perpetuated this act, whenever and against whomever it has been committed. We must stand firmly against those who have practiced this systematic policy to destroy their fellow man, be it because of race, creed, or some other distinguishing characteristic.

Today we recall the tragedy which befell the Armenians early in this century. History has shown, Mr. President, that some have a very short memory. Just two decades later, in 1939, Adolph Hitler rhetorically asked his top commanders, "Who still talks nowadays of the extermination of the Armenians?" Well, today we cannot forget what happened to the Armenians, just as we do not—indeed, we cannot—forget what happened to 6 million Jews 40 years ago. Those that forget the past are condemned to repeat it.

Countless times in the past, this Nation, assuming its role as the guardian of liberty, has demonstrated its indignation against such acts of injustice. We must continue to condemn and deplore barbaric acts in the future. The moral integrity of our great Nation must never be compromised, and we must lead the world community in expressing our outrage at the inhumane and deplorable act of genocide.

We solemnly commemorate this 70th anniversary. We remember those who have perished so that the world will never forget. We show our resolve to prevent tragedies such as that which befell the Armenians from ever happening again.

Mr. MITCHELL. Mr. President, Adolf Hitler's most notorious pronouncement was "Who, today, remembers the Armenians?"

Hitler asked that rhetorical question when he was planning the central crime of our century, the liquidation of Europe's Jews.

Only the combined might of the Western Allies and the Soviet Union was able to put an end to the nightmare of the Holocaust and not before 6 million defenseless men, woman, and children had been slaughtered and centuries-old Jewish communities had been obliterated from the face of the Earth.

From the experience of the Holocaust arose the determination among the survivors, their children, and their liberators never to permit the knowledge of this crime to be forgotten by the nations and people of the Earth.

It was a determination to put to the lie Hitler's easy assumption that in time, even the most horrendous crimes are forgotten, their outrages softened by distance, their victims silenced forever.

It is therefore a source of deep regret to me that our Nation's President, who represents the collective spirit of all our people, should have so misread the purposes and sufferings of the Second World War as to be able to say, as he recently did, that both Jews and SS stormtroopers were, in a sense, victims of the Nazis.

The survivors of the camps are more than simply victims along with wounded soldiers and displaced persons and bombed out civilians. The survivors are our witnesses to the depths of evil of which human beings are capable.

The camps stand as a grim reminder that, no matter what the reason or the provocation, we must not be seduced into believing that we are forever immune to that evil.

The camps and those slaughtered in them were not murdered by uniquely evil people. If they had been, this occasion would not be necessary. But the camps were administered, the poison gas was sold, and the furnaces were built by ordinary people. It is that distressing fact—the knowledge that in certain circumstances otherwise normal periods are capable of the most horrible crimes—that makes remembrance of the Holocaust so imperative.

It is right and just to commemorate and celebrate the 40 years of German democracy since 1945. It is right and just to strengthen our alliance and our friendship.

But German democracy can be honored and our friendship can be strengthened without denigrating the meaning of the Holocaust or its central role in the history of our times.

This observance of the 40th anniversary of the liberation of the camps comes as the survivors are meeting in Philadelphia. Today, these American men and women relive in their own minds the horrors through which they passed. A man describes how he is

haunted by the vision of his son's face with blood streaming from an SS bullet hole. A woman describes seeing a stormtrooper kick another to death.

These memories and the horror of which they are representative remain the fabric of life for 200,000 survivors worldwide. It is vital that we others preserve the memory of their agony so that when no survivors remain, the terrible warning that is the Holocaust will not be forgotten.

Only through such a living memory can the civilized world ensure that, in truth, such a thing can never again happen.

Mr. KASTEN. Mr. President, I rise today to join my colleagues in commemorating the 70th anniversary of the Armenian genocide. We must never forget the 1.5 million Armenian men, women, and children who perished in the early part of this century. Today we honor these courageous people who were exterminated in the same century as the Holocaust. The Holocaust is a reminder to the fact that those who have forgotten history are condemned to repeat it. Both the Armenian genocide and the Holocaust show us the insensitivity and cruelty man is capable of. We can never forget the horrible treatment experienced by the Armenians and the Jews. We must keep remembering so that history does not continue to repeat itself. Only when we recognize the past violations of innocent people's rights can we understand the need for treating others as individuals whose hopes and desires are as worthwhile as our own. We cannot erase the past horrors that remain with Armenians wherever they might be. It is a travesty that such genocide continues in this world. We must rededicate ourselves, as individuals and as a country, to learn from these hard lessons and do what we can so that it will never happen again in this world.

Mr. LAUTENBERG. Mr. President, I am pleased to add my name as a cosponsor of Senate Joint Resolution 101, which designates April 24, 1985, the 70th anniversary of the Armenian genocide, as "National Day of Remembrance of Man's Inhumanity to Man."

Today we recall with deep sorrow the Armenians who were victims of the first genocide of the 20th century. Between 1915 and 1923, over 1½ million Armenians perished from starvation and butchery at the hands of the Ottoman Turks. For the last 14 years, Congress has set aside a special day to commemorate and reflect upon this ghastly crime against humanity. Our remembrance and acknowledgement of the Armenian genocide is particularly fitting this year, since 1985 not only marks the 70th anniversary of the Armenian genocide, but the 40th anniversary of the liberation of the Nazi concentration camps which ended the tragic genocide of the Jews.

We must be ever vigilant against those who would deny the truth or downgrade the horror of the Armenian genocide. It is our responsibility, year after year, to help keep its memory alive and vivid for future generations. This resolution affirms that the lessons of the past will not be forgotten, and that we will never waver in our determination to fight against persecution and inhumanity in the world today.

Mr. SARBANES. Mr. President, today we mark the 70th anniversary of the Armenian genocide as a National Day of Remembrance of Man's Inhumanity to Man. This day has profound significance: We commemorate the Armenian genocide in part to pay tribute to its survivors and to the memory of its victims, and in part to reinforce our own determination to insure such acts of inhumanity will not be repeated. This year especially it has great meaning for all of us. One must not forget one of this century's most appalling human tragedies.

In the wake of that tragedy, many of the survivors settled in this Nation and America has been greatly enriched by the contributions of the Armenian-American citizens. Armenian principles of devotion to family, religion, and hard work are reflected in every aspect of American life. The diversity of achievement is remarkable: George Deukmejian, the Governor of California, Vartan Gregorian, distinguished president of the New York Public Library, and the late William Saroyan, an author who brought to life for millions of Americans the reality of his Armenian heritage. These achievements express the high character, courage, and perseverance of the Armenian people. Armenian-American Marylanders in the Baltimore and Washington metropolitan areas and throughout Maryland daily make valuable contributions to the vitality of our State.

All of us as citizens of a nation founded on the ideals of human dignity and freedom, have a solemn responsibility to uphold the principles on which this Nation was founded and which, in a very real sense, order our daily lives. As self-respecting human beings we can never remain indifferent or impassive in the face of an assault like the Ottoman assault of 1915. The Boston Globe made this point recently in an editorial recalling the events of 1915-18:

The Turkish slaughter of 1,500,000 Armenians from 1915 to 1918 was a ghastly crime against humanity, the great precedent for 20th-century genocide. "Who still talks nowadays of the extermination of the Armenians?" was the rhetorical question Hitler posed to his top commanders on August 22, 1939, as they prepared for the invasion of Poland.

This day has meaning everywhere for Armenians, a people who have



lived with tragedy, and are committed to the proposition that the world will comprehend, as they do, and it cannot be stated too often that the Armenian tragedy does indeed have meaning for all of us. Remembrance and understanding are universal imperatives, essential to decent people and decent societies everywhere; they are not the special province of the victims of the genocide who lived to talk and write about it.

It is now 70 years since the Armenian tragedy. In one sense, of course, the past is behind us; but in certain fundamental ways it is not, nor should it be. To ignore or forget the past is to remain its prisoner. Only remembrance and understanding offer us the means of coming to grips with its legacy. Mr. President, I ask that the views of my colleague, Senator PELL, and those of my own, as printed in the Foreign Relations Committee report on Senate Resolution 241, a resolution to express the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, be printed in the RECORD at this point.

#### ADDITIONAL VIEWS OF SENATORS PELL AND SARBANES

As cosponsors of Senate Resolution 241 and as Members working vigorously to bring about the long-overdue ratification of the Genocide Convention by the United States, we believe that the record should show clearly that the United States recognized the campaign against the Armenian people as "genocide" not only in recent years but also at the time that it took place. For example, in June 1915, the U.S. Consul in Aleppo, Syria—one of the stopping points along the deportation routes—reported that it was "without a doubt a carefully planned scheme to thoroughly extinguish the Armenian race." The following month, Henry Morgenthau, the American Ambassador in Constantinople, sent a cable to the Secretary of State which stated in part:

"Deportation of and excesses against peaceful Armenians is increasing and, from harrowing reports of eye witnesses, it appears that a campaign of race extermination is in progress under a pretext of reprisals against rebellion."

In April 1920, Major General John G. Harbord, head of the American Military Mission to Armenia, reported to the Senate that the deportations and massacres in 1915 were organized "under definite system, the soldiers going from town to town"; characterized them as a "wholesale attempt on the race"; and, stated that "the massacres have always been ordered from Constantinople."

In introducing Senate Resolution 241, Senator Levin mentioned recent "inconsistencies" in the position taken by the United States on the Armenian genocide. Senator Levin was referring to a "note" which was appended to an article in the August 1982 Department of State Bulletin. This note read, in part: "Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people." In view of the historical record as cited above, we and many other

Members of Congress were deeply concerned about this "note."

The Department of State issued a clarification of U.S. policy in the May 1983 issue of the Bulletin: "The article \*\*\* which appeared in the August 1982 issue of the Bulletin, and its accompanying note and footnotes were not intended as statements of policy of the United States, nor did they represent any change in U.S. policy." On April 24, 1984, the 69th anniversary of Armenian Martyrs Day, Senator Levin noted that the historical record "documents the crime perpetrated against the Armenian nation and people by the Turkish Ottoman Government as the first genocide of the 20th century" and stated that the State Department's clarification "should not have been necessary to make in the first place." We wholeheartedly share this view.

#### REMEMBERING THE ARMENIAN GENOCIDE

Mr. CHAFEE. Mr. President, as a cosponsor of Senate Joint Resolution 101, I would like to say a few words in honor of the memory of the 1.5 million Armenians who perished in the tragic events taking place between 1915 and 1923.

This day—April 24, 1985—represents a terrible confluence in the history of man's inhumanity to man. As if to remind us of the inexorable link between two of the greatest tragedies this century has witnessed, history has juxtaposed them: at the same time as we pause to reflect on the horror of the Nazi Holocaust, we also pay homage to the victims and survivors of the Armenian genocide—the century's first, but sadly not its last.

Testimony to this link is found in the words of Hitler himself. In a 1938 speech exhorting his SS commanders to carry out the terrible course he had set, he asked the rhetorical question: "After all, gentlemen, who today speaks of the annihilation of the Armenians?"

Today in my home State, survivors of the massacres will visit the Armenian Martyr's Memorial at the north burial ground in Providence to grieve for those who lost their lives. I ask unanimous consent that an account from the Providence Journal of one of this week's memorial ceremonies be printed in the RECORD.

The PRESIDING OFFICER, without objection, it is so ordered. (See exhibit 1.)

Mr. CHAFEE. Mr. President, in the face of such monumental tragedies, remembrance is a duty we must bear, for we can do nothing more. To fail to do so would be to shirk the elemental responsibility we have to future generations. Let us therefore pause, reflect and remember, lest we once again prove the unalterable truth of George Santayana's dire warning: those who do not remember the past are condemned to repeat it.

#### EXHIBIT 1

#### SURVIVORS REMEMBER ARMENIAN MASSACRE (By Karen Lee Ziner)

PROVIDENCE—In 1915, the Kurdish soldiers led everyone away from the village and

killed them—her grandparents, parents, sisters and brothers, aunts and uncles.

For Sarah Leylegian, the memories of those atrocities have not paled after 70 years.

"Some they took in the church and poured gasoline on them and burned them alive. Some they killed with guns, and some by big knives—they thought the bullets were too good to use on them says Leylegian, 78, of Providence.

Yesterday, hundreds gathered at the site of the Armenian Martyrs' Memorial at the North Burial Ground in Providence to mark the 70th anniversary of the massacre of 1.5-million Armenians by the Turkish government.

That massacre occurred at a time when the Turks, regarding the Armenians as a dangerous foreign element and a threat, decided to deport the whole Armenian population, which had lived as a nation under Turkish rule for 600 years. Many either died or were killed en route.

One speaker yesterday, Ramon Zorabedian of the Armenian Martyrs' Memorial Committee, demanded Turkish responsibility for the Armenian genocide.

"It's high time our government showed its power. We should tell the Turks what to do, rather than have our genocide denied," he said.

"We demand from our officials in Washington to bring our problem to the forefront. We want our day in court," said Zorabedian.

Mayor Joseph R. Paolino Jr. read a proclamation marking yesterday in memory of the 1.5 million "murdered by the Turkish Ottoman empire."

Recognizing the 10,000 Armenians in Rhode Island, he told those gathered. "You are part of the fabric of our community. We remember the torture, the massacres . . . and condemn the atrocities committed 70 years ago."

The Rev. Jean Zarifian, pastor of the Armenian Euphrates Evangelical Church in Providence, spoke of the indomitable spirit that has kept survivors going.

"Seventy years has not dimmed the intensity of our bitterness or the depth of our grief," said Zarifian.

But while April is "a month of passion" and the month marking Armenian genocide, "it is also the month of Easter and resurrection," he said.

"Seven decades ago, our people were also rejected, scorned, tortured, crucified. But like the legendary Phoenix, we soared from the ashes. . . . Those who nailed us to the cross could not kill us," he said.

Before yesterday's ceremony, Leylegian stood quietly in the dry grass behind the Martyrs' Memorial and spoke of the massacre that decimated her entire family.

"We were seven children under one roof. Out of seven children, I am the only one alive. They were all killed . . . and I was left all by myself on the street."

She was eight years old then. After that, she spent several years in an orphanage in Turkey, until the Turkish government "ordered all Armenians out of the country."

From there she went to Lebanon and lived in another orphanage until "a distant relative in the United States sponsored me" to come here.

"The more we talk about it, the more it hurts. To you, it seems like a story. To me, I know what it is," she said.

Another survivor, John Bargamian, 79, wept yesterday as he told his story in broken English.

"In Turkey, they had an order, to kill all the males (Armenians). There was two Turks in our village. One was like a wolf, the other was like an angel. They were two brothers," he said.

"One killed over two hundred and fifty. He tied them and he'd cut them piece by piece."

But the good brother saved his life, Barginian said, "by hiding me and my brother under the bed of his sick son."

They escaped with their mother and eventually were reunited with their father in the United States.

"My mother was a servant over there. She had to learn to pray in Turkish, so when the soldiers came she could pray and they'd think she was Turkish."

"She had to have it exactly right, or else they'd kill you," he said.

#### 70TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. BINGAMAN. Mr. President I rise today to join Senator LEVIN and my other colleagues in commemorating the 70th anniversary of one of the most tragic events in mankind's history, the slaughter of 1.5 million Armenian men, women, and children at the hands of the Ottoman Turkish Government.

The facts of this genocide, this World War I holocaust, are clear. All during the war, the Ottoman Turkish Government systematically sought by persecution, exile, and massacre, to eliminate the Armenian population from its traditional homeland within the Ottoman Empire. And they succeeded all too well, reducing the Armenian population from some 2.5 million at the beginning of World War I to fewer than 100,000 by 1923.

In August 1914 general mobilization of the Ottoman Turkish army was declared. All able-bodied Armenian men with few exceptions, were called up for military service. Beginning in February 1915, the Armenians in the armed forces were segregated into labor battalions, disarmed, and ultimately worked to death or massacred. Also in August 1914 the government controlled by the Young Turk Party began to release murders and other confirmed criminals from prison throughout Asia Minor and placed them in the Special Organization for the express purpose of ending the "Armenian Question" by annihilating the Armenians. Whole Armenian villages were massacred outright in the fall and winter of 1914 in the eastern provinces of the empire. And on this date, April 24, 70 years ago, about 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and exiled or taken to the interior and murdered. Following the promulgation of Edict of Deportation on May 24, 1915, the slaughter continued until the Armenian genocide within the Ottoman Empire was virtually complete.

As Henry Morgenthau, our Ambassador to Turkey at the time, who led the diplomatic effort to try to stem

the bloodshed, stated in 1918: "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the suffering of the Armenian race in 1915."

It is inexplicable to me why the current Turkish Government would choose to deny the historical facts, so well documented by the press and by our own diplomatic personnel at the time. Indeed, the founder of the modern Turkish state, Kemal Ataturk, recognized the crimes committed by his predecessor regime in an interview published in the August 1, 1926, issue of the Los Angeles Examiner. In that interview he stated that the Young Turk Party "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." Kemal was right to acknowledge the genocide and to call for punishment of the perpetrators.

Punishment is no longer an issue today for those who carried out these crimes surely now are almost all dead. And no one condones the actions of current-day Armenian terrorists who assassinate Turkish diplomats and Turkish citizens. Two wrongs do not make a right. And these modern day terrorists dishonor their ancestors' cause.

But acknowledgment of these atrocities is unfortunately an issue, for the current Turkish Government is not willing to follow the lead of Kemal Ataturk. And our own Government, apparently at the urging of diplomats without the courage of Ambassador Morgenthau, increasingly goes along with the Turks, lest we offend our erstwhile ally.

We do no one any good to deny the past. Instead, we must learn from it. We must try to ensure that genocides such as befell the Armenians 70 years ago and the Jews 40 to 50 years ago and which Khmer Rouge under Pol Pot visited on their own people in Cambodia less than 10 years ago never happen again. It would be far better for the Turkish Government to follow Chancellor Kohl's lead in visiting the Bergen-Belsen concentration camp a week ago, recalling the crimes committed under the Nazis, and saying such events must never happen again.

I hope that we will see such statesmanship from the Turkish Government some day. And I trust that soon our own Government will see the light and stop being more concerned about current Turkish sensitivities than they are about stating the truth about the Armenian genocide. "Who still talks nowadays of the extermination of the Armenians?" was the rhetorical question Hitler posed to his top commanders on August 22, 1939, as they pre-

pared for the invasion of Poland and the slaughter of millions of Slavs and Jews. Our Government needs to be talking about it today to deter future Hitlers. And I am glad that the Senate is addressing the issue today. I commend Senator LEVIN for organizing this colloquy, this reminder of man's potential for inhumanity to his fellow man.

Mr. PELL. Mr. President, today marks the 70th anniversary of the genocide perpetrated against the Armenian people by the Ottoman Empire during World War I. I am pleased to join Armenians throughout the world in paying tribute to the victims and survivors of this evil crime.

Before World War I, Armenians, a gentle and highly cultured people, demanded only tolerance and freedom from the rulers of the Ottoman Empire. In response, Ottoman rulers launched a coordinated drive to round up and eliminate every Armenian man, woman, and child. In 1915 the Empire began deporting Armenians and from that time until the Empire collapsed, an estimated 1.5 million Armenians—some 60 percent of the Armenian population—were killed or died of disease or exposure. Today, we honor those courageous individuals who were exterminated for no other reason than that their national heritage was considered alien by those who ruled the Ottoman Empire.

The modern state of Turkey bears no responsibility for the tragic acts committed by the Ottoman Empire against the Armenian people. It should, however, acknowledge that these events took place. Kemal Ataturk did so many years ago when he condemned the massacres of millions by his Ottoman predecessors. The present government should do no less.

The Armenian genocide reminds us that man possesses the pernicious quality of bigotry and the capacity to be cruel. We must never forget the despicable, inhuman treatment suffered by the Armenians at the hands of their fellow men.

In recalling the Armenian genocide, we should make it absolutely clear that we are not condoning violent acts of vengeance against Turkish nationals. The way to commemorate the suffering of the Armenian people is not through terrorism but rather by keeping the memory of the Armenian genocide alive and by reaffirming our commitment to human life and dignity.

#### RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania [Mr. SPECTER] is recognized for not to exceed 15 minutes. However, the Chair will advise the



Senator from Pennsylvania that the Chair recognizes that he has control of the floor for 1 hour.

#### THE 40TH ANNIVERSARY OF THE HOLOCAUST

Mr. SPECTER. As noted by the distinguished Presiding Officer, 1 hour has been set aside at this time for proceedings in the Senate in remembrance of the 40th anniversary of the Holocaust. It is entirely fitting that this occasion be noted in this body because of the national and international remembrance which is being noted in this 10-day period with ceremonies here in the Capitol, as witness last week's very moving ceremony in the rotunda; the ceremony at Independence Hall in Philadelphia this past Sunday; a week before that, a distinguished group of artists assembled in the Lincoln Center in New York City, all to note the 40th anniversary of the Holocaust.

We have focused on the concentration camps, the locations of Auschwitz, Treblinka, Dachau, and Bergen-Belsen, as sites of the greatest atrocities which have been recorded in the history of mankind.

Considering the atrocities which have been recorded over the past 5,000 years, that is an extraordinary digest of the barbarous conduct and activities of the Nazis during World War II.

From those activities has arisen a worldwide denunciation of genocide as Adolph Hitler sought to eradicate the Jewish people with a plan calculated in advance, written in advance, openly discussed and advocated, and then, with a vicious, violent, concerted effort to carry out the extermination of the Jewish people.

Some 6 million Jews perished in the Holocaust in the most despicable act in human history. We focus on it 40 years later, as we have focused on it every year in the interim, not only to denounce that conduct but to remind the world of the atrocities of the Holocaust with a view that that conduct may never again be repeated.

It is very important to do so because of the repeated evidence that people already tend to forget. It is not only the inhumanity against the Jewish people which is the focus of the Holocaust, although that was certainly violent, but it is the avoidance of a repetition of that conduct against any people that must be the fervent objective of civilized society.

One issue which has been the focus of attention during the course of the past several months has been the intensified effort to find Joseph Mengele, the so-called Angel of Death who inflicted such barbarous and cruel treatment on so many Jewish children and so many Jewish men and women.

The occasion of the 40th anniversary of the Holocaust has started a re-

newed effort to find Mengele, to extradite Mengele, to prosecute Mengele, and to punish Mengele, and, depending upon the tribunal, the exercise of discretion with the death penalty would certainly be appropriate for his murderous conduct again and again and again during World War II.

My distinguished colleague, Senator D'AMATO, took the lead on this issue in initiating litigation to compel the disclosure of certain documents under the Freedom of Information Act. A series of hearings have been held by the Juvenile Justice Subcommittee of the Judiciary Committee, because as a starting point Mengele used children, twin Jewish children.

During the course of our inquiry, we found evidence that the U.S. Army had Mengele in its custody early on but did not act on prosecuting Mengele.

Evidence has been disclosed that the CIA had information about Mengele, his international travels, and his activities in Paraguay as recently as 1979.

To the credit of the U.S. Government, there has been an intensified effort to apprehend Mengele. The Attorney General of the United States initiated a full-scale investigation early this year following efforts of the hearings by the Juvenile Justice Subcommittee pointing out certain omissions by the Department of the Army, the Secretary of the Army promptly launched a full-scale investigation.

In hearings before the Foreign Operations Subcommittee of the Appropriations Committee at the urging of Senator D'AMATO and myself, Secretary of State Shultz pledged full cooperation by the Department of State in efforts to track down Mengele.

The observance of the 40th anniversary of the liberation of Europe has prompted a visit by President Reagan to Germany. This trip has become highly controversial in light of the President's announced intention to visit the Berger-Belsen concentration camp and the Bitburg Cemetery.

It is my hope, as we speak today in this Chamber, that the plan to visit Bitburg will yet be revised. I believe there is a very pressing reason to do so. The fact that SS troopers are buried in Bitburg is very distasteful and repugnant to veterans of World War II, to the Jews who have survived the Holocaust, and to the memories of those who perished in World War II: U.S. fighting men; fighting men from Allied forces; and all of those who perished in the concentration camps—Jews, Gypsies, many others of different national origin.

It is a mistaken notion that there is any reconciliation for those atrocities as evidenced by a visit by our President to a cemetery like Bitburg.

A number of us have had discussions with representatives of the White

House. I had a discussion with the President last Thursday at the conclusion of a meeting on another subject. The President obviously is perceived in good faith on his efforts at reconciliation. But as outlined yesterday in meetings with Senators and representatives of the administration, the President proceeded on a plan to visit the Bitburg Cemetery on the representation that SS troopers were not buried at Bitburg. Once it was determined that those representations were false, as we now know, it seems to me that the President is fully justified and warranted in changing those plans and altering the arrangements which have been made with Chancellor Kohl and the West German Government.

Under traditional principles of contract, any contract based on misrepresentation or material errors of fact may be nullified. This certainly should be the course to be followed on the proposed visit to Bitburg.

Mr. President, this is a matter which has attracted enormously strong reactions by veterans groups and Jewish groups, as evidenced at the Holocaust ceremonies at Independence Square in Philadelphia last Sunday, a subject which has already been discussed at some length on this floor and a subject which will be discussed beyond.

Mr. MATHIAS. Mr. President, Auschwitz, Treblinka, Dachau and Bergen-Belsen—these names rank among the most despised in human history. They are the names of the Nazi death camps. And behind the camps' now rusty gates are buried the names of most of the 6 million Jews killed by the Nazis from the mid-1930's to 1945.

Forty years ago this month the gates to these cities of death were opened to reveal the unspeakable. Forty years after the last oven was tamped down, the last gas chamber gutted, the last laboratory leveled, we still remember. We remember our disbelief, our shock and our horror as the first reports and newsreels of the Nazi atrocities reached us. We remember wondering how, in this century, in this universe, such evil could be conceived and executed. We remember, finally, not because we like to, but because we must.

Today, dispersed throughout the world, are living reminders of the Nazi death camps. There are the rotting walls of the camps themselves—and then there are the survivors. This anniversary is more than an opportunity to commemorate the liberation of Auschwitz, it is an opportunity to share the burden of those who survived.

And what a terrible burden they bear. They witnessed the most heinous crimes in human history, and it is they who must keep the dreadful memories alive in the conscience of mankind. But we can help them, and we must.

In the *Philippics*, Cicero wrote: "The life of the dead is placed in the memory of the living." The memory of the victims of the Holocaust must live in each of us and we must pass it on from generation to generation "to the last syllable of recorded time." That is both our duty to the dead and to ourselves as we struggle to make a better world.

REMEMBERING THE HOLOCAUST: A SACRED AND SOLEMN DUTY

Mr. D'AMATO. Mr. President, as we solemnly commemorate the Holocaust, we come face to face with evil on an unprecedented scale; 6 million slaughtered. Who can comprehend that? Somehow we must find the way.

At the hearing held yesterday in Philadelphia on the search for Josef Mengele, we heard directly from the survivors of his atrocities. Listening to them, you begin to comprehend. They tell of the air filled with the constant screams of the victims, their ashes blotting out the Sun.

The survivors tell you of the selections—of pregnant women stomped to death under the heels of evil incarnate. You hear of the forced starvation, of injections that served only to torture and to induce sickness, and you begin to see.

Painful as they are, we must keep these memories alive, because in the words of Elie Wiesel: "From the Holocaust, we have learned that we are responsible for the past and for the future as well."

The time for meeting our responsibility grows short. Mengele is 74 years old. He, and all the other Nazi war criminals, must be captured. They must be tried, and they must be punished. Justice demands this.

So does our responsibility to the truth. We must defeat all attempts to deny the Holocaust. While we have made great progress toward this goal by establishing the U.S. Memorial Council, and the Holocaust Memorial in New York, there will always be more to do.

As we recall what Elie Wiesel has described as the "unprecedented extinction of an entire world," we must redouble our efforts to oppose anti-Semitism in all its forms.

We must live by the words inscribed at Yad Vashem in Jerusalem:

Son of Man, keep not silent, forget not deeds of tyranny, cry out at the disaster of a people, recount it unto your children and they unto theirs from generation unto generation.

I thank the Chair.

Mr. GORTON. Mr. President, the memories of World War II still shape America's view of the world, and no one memory shapes our outlook more painfully yet compellingly than the Holocaust. The systematic murder of 6 million Jews should, and shall, never be forgotten. The magnitude of this crime is beyond our comprehension,

but it is our duty to recall it as best we can, and to teach succeeding generations about it so that history may not repeat itself.

The Holocaust must continue to mean several things to us and our children. First, it must serve to remind us of the persistence of anti-Semitism. While no part of the world is free of this disease, in some regions, such as Eastern Europe, it is imbedded in Government policy.

Second, the Holocaust must remain a symbol of man's inhumanity to man so that the international community can never ignore, let alone condone, the persecution or genocide of one group by another. A lack of concern or response by the international community clears the path for those who would commit genocide. This means that we must be ever vigilant, ever internationalist, and ever ready to act when it is in our power to do so and when the bounds of moral behavior are exceeded to the point where our own inaction would render us no better than a willing accomplice.

Mr. MATTINGLY. Mr. President, last Thursday in the Capitol rotunda, the national civic commemoration ceremony of the Days of Remembrance 1985, took place. It was a solemn occasion, as any ceremony marking history's darkest hour must be. This year's national commemoration ceremony was particularly significant for me since I attended this ceremony not only as a Senator, or a citizen, but also as a newly appointed member of the U.S. Holocaust Memorial Council.

Here in the great hall of freedom, I listened to survivors of the Holocaust tell again the story that has been repeated so often, the story of tyranny so great that the normal human mind has difficulty comprehending it. As I listened in this place, I grasped the truth of the Holocaust in a way that I had not done so before. Looking back at history, and at the Nuremberg laws, I began to see our work in the Senate in a new light.

It was the Nuremberg laws ultimately that laid the foundation for the atrocities Hitler would perpetrate against 6 million Jews. Law then, and law now, is not neutral, for it expresses a moral code and system of beliefs which underlie it. The memory of the Holocaust, and of the Nuremberg laws, are a challenge to use to be ever conscious of this as we go about our daily activities in this place.

And I recognized once more the importance of observing again the Days of Remembrance. The Holocaust is a blight on the complexion of history, an episode which is tragic, and so painful, it would be easy or convenient to forget. But the world must never forget. It is our memory of the atrocities which will prevent us from allow-

ing them to happen again, for the errors we forget are easily repeated.

Another thought came to me as I sat in the rotunda, among the survivors of the Holocaust, among those who had lost the members of their family, or years of their youth. It was not an original thought, but nonetheless sobering: Evil prevails when good men are silent.

The chronicle of the Holocaust is one of unfathomable horror, of immeasurable loss, that cannot and should not be ignored. But this afternoon, I join a host of others in remembering the triumph of good men over evil, the 40th anniversary of the liberation of the Nazi concentration camps by allied forces.

The Czech author Milan Kundera has written:

The bloody massacre in Bangladesh quickly covered over the memory of the Russian invasion in Czechoslovakia, the assassination of Allende drowned out the groans from Bangladesh, the war in the Sinai made people forget Allende, the Cambodian massacre made people forget Sinai, and so on and so forth until ultimately everyone lets everything be forgotten.

It must not be so. This day, the remembrance, is for victims of the Holocaust. But it is for our posterity as well.

CONCENTRATION CAMP LIBERATION—40TH ANNIVERSARY COMMEMORATION

Mr. COHEN. Mr. President, there is a corollary to the oft-repeated maxim that those who do not learn from history are doomed to repeat it and that is that active remembrance of that history is the best insurance against its recurrence. It is thus altogether fitting that we take these few moments to collectively commemorate the 40th anniversary of the liberation of the European death camps. I wish to commend my colleague from Pennsylvania, Senator ARLEN SPECTER, for organizing this effort.

The lessons of the camps are many and bitter. Perhaps the most chilling is discovery of the capacity for accommodation and complicity on the part of an ordinary unvigilant citizenry. At a time when the death camps worked their evil, the spectacle of ordinary shop keepers and small businesses competitively vying to supply crematoria components has always seemed to me particularly stupefying. The following excerpts from a letter by a small German firm are quoted from William Shirer's monumental "The Rise and Fall of the Third Reich." They capture this moral degradation well:

Following our verbal discussion regarding delivery of equipment of simple construction for burning bodies, we are submitting plans for our perfected cremation ovens which operate with coal and have hitherto given full satisfaction (in Dachau).

We suggest two crematoria furnaces for the building planned, and we advise you to



make further inquiries to make sure the two ovens will be sufficient for your requirements.

... We guarantee the effectiveness of the crematoria ovens as well as their durability, the use of the best material and faultless workmanship.

Awaiting further word, we will be at your service.

Heil Hitler,

C.H. KORBI.

This commemoration today, while recalling for us the tragedy and the horror, should also strongly remind us of the ultimate capacity of good to triumph over evil when we are sufficiently resolute. The inception of the Nazi era and the long European night evokes for us today the words of Lear on the edge of madness.

I will do such things—what they are yet I know not—but they shall be the terror of the earth.

The final lesson of the Holocaust is surely that we must never relax our vigilance nor sit silent in the face of injustice, hatred and other "terrors of the Earth."

#### HOLOCAUST REMEMBRANCE

Mr. SARBANES. Mr. President, today marks the closing, in Philadelphia, of the Inaugural Assembly of the American Gathering of Jewish Holocaust Survivors. The assembly meeting took place during the Days of Remembrance, a time when the Nation reflects on the awesome human tragedy we call the Holocaust.

It is now 40 years since the liberation of the death camps. In one sense, of course, the past is behind us; but in certain fundamental ways it is not, nor should it be. To ignore or forget the past is to remain its prisoner. Only remembrance and understanding offer us the means of coming to grips with its legacy.

In short, the Holocaust cannot be written off with the passage of time. If we are not ourselves survivors of the camps, we are with the survivors in spirit. Remembrance and understanding are universal imperatives, essential to decent people and decent societies everywhere; they are not the special province of the victims of the Holocaust who lived to talk and write about it. In these Days of Remembrance in 1985, we do well to recall the admonition of another age on the meaning of humanity:

Any man's death diminishes me, because I am involved in Mankind; And therefore never send to know for whom the bell tolls; It tolls for thee.

Mr. DODD. Mr. President, in light of the recent controversy about the planned Presidential visit to Germany our commemoration of the liberation of Nazi concentration camps is especially important.

We must not allow any confusion to arise on the identity of the victims and the victimizers during the reign of Nazi Germany.

It is an abomination to compare those who died defending a genocidal regime to those innocents who were destroyed by it.

Surely we can all endorse the point made by Elie Wiesel who told the President that Bitburg Cemetery, where dozens of the SS are buried, is not the place for a President of the United States to be. The President's place, as Mr. Wiesel pointed out, is with the victims of genocide. It is their memory we must honor.

Any number of commentators have remarked on what they see as a lack of historical consciousness among the American people. It has been said that, for every new foreign policy issue that comes along, American political debate goes back no further than the previous administration.

I cannot accept such a sweeping indictment, but it would be pointless to deny that there is some truth in it.

Yet there are events in human history which time must not be allowed to diminish. If there has been progress in history, if there is to be progress for the future of humanity, like a student correcting mistakes, we must remember where we have gone wrong.

The great Czech writer, Milan Kundera, has written:

The bloody massacre in Bangladesh quickly covered over the memory of the Russian invasion of Czechoslovakia, the assassination of Allende drowned out the groans of Bangladesh, the war in the Sinai made people forget Allende, the Cambodian massacre made people forget Sinai, and so on and so forth, until ultimately everyone lets everything be forgotten.

Mr. President, we can all extend this list indefinitely. We do tend to become distracted from and to forget events of enormous significance when they fade from the headlines of the daily papers and the nightly news programs. That is why it is imperative—as few things are imperative—that we remember the Holocaust today.

One of the most frightening things about the Holocaust is that it was not, properly speaking, wholly unprecedented. In the brutal sweep of human history, whole peoples have sometimes died out, been enslaved or killed off in the most cruel and deliberate manner possible under the circumstances.

But the Holocaust was different from those earlier genocidal acts—first in the scale of the effort, second in the organization and technology of the execution, and finally, in the nature of the country in which this monstrous crime was perpetrated.

The final solution was not carried out by a nation commonly understood to be uncultured or uncivilized. Nor was there even a remotely plausible threat to German security from the Jews and so many others targeted for mass murder by the Nazis.

Quite simply, an entire nation was seized by a collective madness.

What the Holocaust teaches us is that such things are possible. What the Holocaust requires of us is to remember, with humility and passionate conviction, that it is up to us to see to it that such things are not repeated.

One step we can take to prevent future Holocausts is the ratification of the Genocide Convention. It will not stop the Pol Pots of the World. But it is a step in the right direction—a step the United States must endorse, as a world leader in the struggle for human rights and civilized standards of governmental conduct.

But beyond what we do as a nation, each of us as individuals must bear witness to the reality of the Holocaust. We must not honor those who committed it. They were not soldiers. They were murderers. They were not patriots. They were psychopaths.

Instead, we must honor the victims of the Holocaust. We must not forget their sacrifice, for if we forget, and if we allow the passions and controversies of the day to distract us from the enormity of these crimes, we shall do a grave injustice to the victims of the Nazis.

Such a failure would make further genocides more possible. We must remember, so that we can rededicate ourselves to the simple, irreducible proposition: "Never again."

Mr. HECHT. Mr. President, as a Jewish member of this body, I'd like to join my colleagues in commemorating the 40th anniversary of the liberation of the Nazi concentration camps.

According to Rabbi Marvin Hier, who has coauthored and coproduced an Oscar-winning documentary on the Holocaust, 150,000 war criminals—members of the Gestapo, SS, and their collaborators—committed crimes against humanity. Only about 40,000 were ever formally charged, and only about 10,000 were convicted.

It is fitting that this commemoration is about freedom. On the other side of the Iron Curtain, the nations of Eastern Europe remain under the yoke of communism because Joseph Stalin refused to keep a pledge to hold free elections in the liberated territories.

We will never forget the horrors of the Holocaust and we should not forget. We should also remember that much of the rest of the world remains chained to the Soviet Union.

Mr. BAUCUS. Mr. President, I join with my colleagues today in commemorating the 40th anniversary of the liberation of the Nazi concentration camps.

In one sense it is almost unseemly to stand here and speak about this. The Holocaust was and remains something unspeakable. Our words can add nothing. A kind of awed silence might be more appropriate. Yet we must speak—in hushed but outraged tones.

We must speak because our silence might be misunderstood.

It is through speech—and through pictures—that we teach. Those alive who witnessed the Holocaust must pass their knowledge on to those too young to have seen the horror. And we in turn must pass that knowledge on to those born after the Holocaust's end. We do this not because our words can change the past but because we believe they can prevent its repetition.

We remember not to dredge up the past or harm the present but to guard the future. Each of us must carry in his/her soul the knowledge of what evil it is possible for man to do. I wish I thought it could never happen again, but we can never be sure. We can only salute those who paid the price and pledge eternal vigilance.

BITBURG

Mr. EAGLETON. Mr. President, President Reagan's trip to West Germany to build a spirit of reconciliation is a laudable purpose. Regrettably, that spirit will be irreparably marred if he persists in his scheduled visit to the military cemetery at Bitburg in which 47 members of the Waffen SS are buried.

The President has stated that he was not aware of the presence of SS graves in the Bitburg Cemetery at the time the visit was scheduled. I accept that statement. But now he is aware.

Elie Wiesel, Holocaust survivor, pre-eminent author, and recent recipient of the Congressional Gold Medal from President Reagan for his tireless efforts to remind us of the horrors of the Nazi concentration camps, made an eloquent appeal to President Reagan to find an alternative way to demonstrate reconciliation with the German people. He said:

That place, Mr. President, is not your place. Your place is with the victims of the SS.

I urge the President to heed Mr. Wiesel's plea and to distance himself from any symbolic reconciliation with the most hideous of crimes against mankind.

ON REMEMBRANCE OF THE HOLOCAUST AND THE VISIT TO THE BITBURG CEMETERY

Mr. KENNEDY. Mr. President, today we join in the Senate and across America to commemorate the 40th anniversary of the liberation of the Nazi concentration camps at the end of World War II. This solemn occasion marks the closing day of the second annual assembly of the American gathering of Jewish Holocaust survivors meeting this year in Philadelphia. This special gathering has deep meaning for all of us this week. But its larger meaning is that remembrance must carry beyond a few short days in April, that the struggle against bigotry and injustice must never end.

Sadly, on this major anniversary, we are dismayed by the President's plan to visit the German military cemetery

at Bitburg. In the past, the President has demonstrated both understanding and commitment to the Jewish people. I hope that, while there is still time, he will heed the eloquent words of Elie Wiesel at the White House last Friday, when he told the President that Bitburg was not his place.

We all know the reasons why Bitburg is not the President's place. In the words of the Passover song, Dayenu, any one of these reasons would have been enough. The 19,000 Americans killed and the 77,000 wounded during the Battle of the Bulge would have been enough. Nazi SS graves in the cemetery would have been enough. And Chancellor Kohl's declaration Monday that Germans bear a "never-ending shame" for the Holocaust, the greatest crime in history, would have been enough.

All Americans applaud the spirit of reconciliation that has flourished over the past four decades between the peoples of the United States and the other allied nations and the people of West Germany. That spirit must continue to grow and be strengthened, but there is no inconsistency between reconciliation and remembrance, and reconciliation at the expense of remembrance is wrong.

Listen to the names and the messages they send to us across the years on this anniversary of remembrance—Auschwitz, Buchenwald, Bergen-Belsen, Dachau, Majdanek, Ponar, Treblinka, Landsberg, Flossenbürg, Nordhausen, Torgau, Ohrdruf, Ravensbrück, Sachsenhausen, Oranienburg, Neuengamme, Papenburg, Stutthof, Grossförsen, Mauthausen, Ebensee, Theresienstadt, Sered, Malines, Westerborg, Drancy, Nantzeweiler, Grus, Jasenovak, Zeman, Plaszow, Chelmno, Sobibor, Belzec, Warsaw, Kiev, Babi-Yar, Amsterdam, Czernowitz, Nuremberg—these are haunting names whose history is forever embedded in the soul of humanity. They are the camps and towns and cities where Jewish people lived and died; their names will stand for all eternity as symbols of the tyranny and massive cruelty of the Nazis and their systematic and brutal attempt to exterminate the Jewish people and other minorities.

But April is also a time of rebirth, a time to renew our courage and faith that the best instincts of humanity will ultimately prevail over even the darkest evil. In honoring the martyrdom of the millions of innocent men, women and children who died in the Holocaust, we also celebrate the indestructible spirit of the Jewish people. We remember how, in April 1943, the courageous citizens of the Warsaw ghetto rose up in defiance of their fate; against all odds, they fought for themselves, for their families already gone, for their dignity as human beings. And we remember in this

month of anniversaries not only the liberation of the survivors of the death camps, but the miracle that emerged from the horror of the Holocaust, the miracle of April 1948, the birth of the State of Israel.

By looking back today, we can see ahead more clearly, recalling the prophecy of Santayana that those "who cannot remember the past are condemned to repeat it." Never again must such atrocities and barbarous crimes against humanity take place. And so we renew our pledge to work even harder in the days and years to come, to ensure that all those responsible for these crimes, such as Josef Mengele, the infamous "Angel of Death" at Auschwitz, are finally brought to justice.

On this day of commemoration, let us rededicate our efforts to end for all time the evils of religious and racial injustice wherever they exist. Let us redouble our efforts to ease the suffering of Soviet Jews, to stamp out anti-Semitism wherever it appears, to ratify the Genocide Convention in the Senate of the United States, and to build a world of true and lasting freedom—freedom from war and want, from fear and oppression. The struggle for justice is never over, and none of us must rest until liberty is secure at last for all peoples in every land on Earth.

In the 40 years since he emerged from the nightmare of Buchenwald, Elie Wiesel's life work has been the creation of a testament of peace dedicated to the dead of World War II—and to the living of today and the generations still to come. He has the capacity, like few others I have ever met, to touch the conscience of all peoples on this planet. He did so again last Friday at the White House, and I ask unanimous consent that a transcript of his remarks in accepting the Congressional Gold Medal be placed in the RECORD.

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

[From the Washington Post, Apr. 20, 1985]

WIESEL: "I HAVE SEEN THE SS AT WORK . . . THEIR VICTIMS"

Mr. President, speaking of reconciliation, I was very pleased that we met before so a stage of reconciliation has been set in motion between us. But then, we were never on two sides. We were on the same side. We were always on the side of justice, always on the side of memory, against the SS and against what they represent.

It was good talking to you and I'm grateful to you for the medal. But this medal is not mine alone. It belongs to all those who remember what SS killers have done to their victims. It was given to me by the American people for my writings, teaching, and for my testimony.

When I write, I feel my invisible teachers standing over my shoulders, reading my words and judging their veracity. And while I feel responsible for the living, I feel equal-



ly responsible to the dead. Their memory dwells in my memory.

Forty years ago a young man awoke and he found himself an orphan in an orphaned world. What have I learned in the last 40 years? Small things. I learned the perils of language and those of silence. I learned that in extreme situations when human lives and dignity are at stake, neutrality is a sin. It helps the killers, not the victims.

I learned the meaning of solitude, Mr. President. We were alone, desperately alone. Today is April 19th, and April 19, 1943, the Warsaw ghetto rose in arms against the onslaught of the Nazis. They were so few and so young and helpless. And nobody came to their help. And they had to fight what was then the mightiest legion in Europe.

Every underground received help, except the Jewish underground, and yet they managed to fight and resist and push back those Nazis and their accomplices for six weeks. And yet, the leaders of the free world, Mr. President, knew everything and did so little, or nothing, or at least nothing specifically to save Jewish children from death.

You spoke of Jewish children, Mr. President. One million Jewish children perished. If I spent my entire life reciting their names, I would die before finishing the task.

Mr. President, I have seen children—I have seen them being thrown in the flames alive! Words—they die on my lips. So I have learned, I have learned to fragility of the human condition.

And I'm reminded of the great moral essayist, the gentle and forceful Abe Rosenthal, having visited Auschwitz, once wrote an extraordinary reportage about the persecution of Jews, and he called it, "Forgive them not Father, for they knew what they did."

I have learned that the Holocaust was a unique and uniquely Jewish event, albeit with universal implications. Not all victims were Jews. But all Jews were victims. I have learned the danger of indifference, the crime of indifference. For the opposite of love, I have learned, is not hate, but indifference.

Jews were killed by the enemy, but betrayed by their so-called Allies who found political reasons to justify their indifference of passivity.

But I've also learned that suffering confers no privileges. It all depends what one does with it. And this is why survivors of whom you spoke, Mr. President, have tried to teach their contemporaries how to build on ruins, how to invent hope in a world that offers none, how to proclaim faith to a generation that has seen it shamed and mutilated. And I believe, we believe, that memory is the answer—perhaps the only answer.

A few days ago, on the anniversary of the liberation of Buchenwald, all of us Americans watched with dismay and anger as the Soviet Union and East Germany distorted both past and present history. Mr. President, I was there. I was there when American liberators arrived. And they gave us back our lives.

And what I felt for them then nourishes me to the end of my days, and will do so. If you only knew what we tried to do with them then, we who were so weak that we couldn't carry our own lives—we tried to carry them in triumph!

Mr. President, we are grateful to the American Army for liberating us. We are grateful to this country—the greatest democracy in the world, the freest nation in the world, the moral nation, the authority

in the world. And we are grateful especially to this country for having offered us haven and refuge and grateful to its leadership for being so friendly to Israel.

Mr. President, do you know that the ambassador of Israel, who sits next to you, who is my friend and has been for so many years, is himself a survivor? And if you knew all the causes we fought together for the last 30 years you should be prouder of him. And we are proud of him.

And we are grateful, of course, to Israel. We are eternally grateful to Israel for existing. We needed Israel in 1949, as we need it now. And we are grateful to Congress for its continuous philosophy of humanism and compassion for the underprivileged.

And as for yourself, Mr. President, we are so grateful to you for being a friend of the Jewish people, for trying to help the oppressed Jews in the Soviet Union, and to do whatever we can to save Scharansky and Abe Stolar and Josef Begun and Sakharov, and all the dissidents who need freedom. And, of course, we thank you for your support of the Jewish state of Israel.

But, Mr. President, I wouldn't be the person I am, and you wouldn't respect me for what I am, if I were not to tell you also of the sadness that is in my heart for what happened during the last week. And I am sure that you, too, are sad for the same reasons.

What can I do? I belong to a traumatized generation. And to us, as to you, symbols are important. And furthermore, following our ancient tradition—and we are speaking about Jewish heritage—our tradition commands us "to speak truth to power."

So may I speak to you, Mr. President, with respect and admiration of the events that happened. We have met four or five times. And each time I came away enriched, for I know of your commitment to humanity. And, therefore, I am convinced as you have told us earlier when we spoke that you were not aware of the presence of SS graves in the Bitburg cemetery. Of course you didn't know. But now we all are aware. May I, Mr. President, if it's possible at all, implore you to do something else, to find a way, to find another way, another site. That place, Mr. President, is not your place. Your place is with the victims of the SS.

Oh, we know there are political and strategic reasons. But this issue, as all issues related to that awesome event, transcends politics and diplomacy. The issue here is not politics, but good and evil. And we must never confuse them, for I have seen the SS at work, and I have seen their victims.

They were my friends. They were my parents. Mr. President, there was a degree of suffering and loneliness in the concentration camps that defies imagination. Cut off from the world with no refuge anywhere, sons watched helplessly their fathers being beaten to death. Mothers watched their children die of hunger. And then there was Mengele and his selections, terror, fear, isolation, torture, gas chambers, flames, flames rising to the heavens.

But, Mr. President, I know and I understand, we all do, that you seek reconciliation. So do I. So do we. And I, too, wish to attain true reconciliation with the German people. I do not believe in collective guilt, nor in collective responsibility. Only the killers were guilty. Their sons and daughters are not. And I believe, Mr. President, that we can and we must work together with them and with all people. And we must work to bring peace and understanding to a tormented world that, as you know, is still awaiting redemption.

I thank you, Mr. President.

Mrs. HAWKINS. Mr. President, last week I joined with other members of the Holocaust Memorial Council, colleagues, and survivors of the Holocaust in a moving ceremony in the Capitol rotunda commemorating the 40th anniversary of the liberation of the Nazi death camps by Allied troops. This extremely memorable event once again reminded us that the Holocaust must not be forgotten.

This is perhaps now more important than ever, as mass deaths—in Cambodia, in Ethiopia—become a feature of daily life around the world once again. If we allow the memory of what was done in the Holocaust to dim—we are virtually guaranteeing repetition of the Holocaust around the world. A willingness to slaughter those with real or imagined differences is not limited to Germans or Nazis.

There are also reminders of the Holocaust here in America. We are regularly seeing examples of Nazi mass murderers who were permitted to enter the United States after the war. The effort to continue to ferret out these people must continue. We cannot allow the disturbing argument, now unfortunately heard from time to time, that whatever these men did should be forgotten, because it was a long time ago, to prevail.

There can be no official forgiveness for these crimes. Official forgiveness can far too easily become official sanction in the minds of many. In this respect, I am especially encouraged that the hunt for Josef Mengele is being intensified. It is a disgrace that our Government apparently had information in the past on his whereabouts and took no action to apprehend him; I only hope we can be successful in bringing this monster to answer for his crimes before time removes him from human jurisdiction.

Remembering the Holocaust is important not only to the Jewish people, or to the other groups who perished by the thousands and millions in Nazi concentration camps, but to all of us. Holocausts are inevitable consequences of tyranny. They are the ultimate proof, if proof be needed, that absolute power corrupts absolutely. Those of us who value freedom around the world can look for renewed holocausts as the price of any failure on our part to maintain freedom here and abroad.

#### COMMEMORATION OF END TO THE NAZI HOLOCAUST

Mr. GRASSLEY. Mr. President, today we are commemorating the ending of one of the most dreadful periods in the history of mankind—the Nazi Holocaust. We have survived that period and today we are rejoicing in the birth of the State of Israel—a nation which grew out of the horrors of World War II.

Mr. President, the President's upcoming visit to the Federal Republic of Germany is designed to celebrate the end of this terrible conflict and the atrocities that men committed upon other men. It is important to the fostering of the Western alliance and important as a show of unity between our two nations. However, a pallor has been cast over this visit which will, unless things change, cloud the significance of this trip for years to come—the President's laying of a wreath at the Bitburg cemetery.

A few days ago, I joined 52 of my colleagues in urging the President to choose an alternate site to demonstrate the reconciliation of Germany and America. It is difficult for me to see the purpose behind honoring SS soldiers whose organization not only directly participated in carrying out the systematic annihilation of the Jews of Europe, but brutally massacred hundreds of U.S. soldiers. In fact, one of my staff members suffered the loss of two uncles at Malmedy, where they were violently executed at the hands of the SS.

In addition to contacting President Reagan, I have been in touch with the German Ambassador and several German Parliamentarians in hopes that Chancellor Kohl would consent to revise the President's itinerary.

I'm taking this opportunity to again urge the President to change his plans and visit a site which will truly represent the spirit of the modern day relationship between our two nations. This episode has only contributed to hostility and has proved to be divisive rather than unifying. Let us not let concerns of appearances of succumbing to pressure, dissuade us from doing the right thing. If we do not, the stigma of this visit will last much longer than any temporary fallout that might result in a change of plans.

Mr. KASTEN. I rise today to join my colleagues in calling attention to the Jewish Holocaust. The Holocaust was a systematic extermination of 6 million Jews by the Nazis during World War II. In the Nazi program of genocide, the primary victims were exterminated simply because they were Jews. While gypsies were killed throughout Europe, Nazi plans for their extermination were never completed nor fully implemented. However, plans for the annihilation of European Jews were not only completed but thoroughly implemented. The Holocaust was not a throwback to times of medieval torture or barbarism. It was a thorough modern expression of bureaucratic organization, industrial management, scientific achievement, and technological sophistication. To remember the Holocaust is to sensitize ourselves to the lessons it teaches us. Nazism was brought on by the breakdown of democracy and the collapse of social and

economic cohesion. By remembering we learn again that democratic governments must function and perform for the people. Remembering is not easy for it challenges our perceptions and our complacency. Focusing on the Holocaust encourages us to renew our commitment to democracy and humanity. But make no mistake that capacity for evil did not end at the death camps. The proof is around the world. Whether it is state-sponsored terrorism, genocide in Cambodia, or anti-Semitism masquerading as antizionism at the United Nations, we must all take responsibility and work to end these injustices. We can best serve those who died in the Holocaust by preventing such inhumanity in the future.

Mr. SPECTER. Mr. President, I wish at this time to notify all of our colleagues who are listening to this on the squawk box that there will be time for statements in the order of their arrival in the Senate Chamber.

At this time, Mr. President, I yield to my distinguished colleague from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER (Mr. ANDREWS). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Pennsylvania for yielding me time.

The PRESIDING OFFICER. The Senator may proceed.

#### COMMEMORATION OF 40TH ANNIVERSARY OF LIBERATION OF NAZI CONCENTRATION CAMPS

Mr. LAUTENBERG. Mr. President, I am pleased to join my colleagues in the Senate in speaking in commemoration of the victims of the Holocaust and the 40th anniversary of the liberation of the Nazi concentration camps.

The liberation of the camps in 1945 revealed to the entire world the horrible evidence the Holocaust. From the day the first allied soldiers opened the gates of the camps, revealing their ghastly history, remembrance became in obligation for those who endured, those who saw the horror firsthand, the rescuers, and for those who were only distant witnesses.

The term "Holocaust" uniquely defines this, one of the most profound of tragedies in the history of our civilization. It is not now, nor may it ever be, fully understood. No sane person could conceive the magnitude of this devastation of humankind. The destruction of Eastern European Jewry, both the people and their life, their history and culture, was uniquely the Holocaust.

The Holocaust was a reign of terror in this, the most advanced century of mankind. Six million Jews and millions of other innocent victims of Nazi oppression had their lives extinguished by a modern state using advanced management systems and technology under the full powers of the law, not to preserve or enhance human life and dignity, but to degrade and de-

humanize, and finally murder its victims.

The events of the Holocaust were not, as we often prefer to think, a random outbreak of maniacal lawlessness; rather they were the rigorous, systematic, bureaucratically organized, legally sanctioned murder of millions of innocent people whose only crime was the Jewish identity of one of their grandparents.

The evil did not begin with extermination. It commenced slowly, in gradual stages, escalating from discrimination and random violence. After each move, Hitler and his Nazi colleagues waited, assessing the reaction, wondering aloud if anyone cared. By 1941, Hitler was ready to go forward with what was called "the final solution of the Jewish question." That was the terrible bureaucratic name for the plan to annihilate the Jews of Europe. And so the concentration camps became death camps. The drum roll of their names echoes inside our heads with a chilling awesomeness: Auschwitz, Maidanek, Treblinka, Belzec.

And while the death camps were performing their dreadful tasks, the civilized world stood silent. In the chronicles of those horror-stricken days, while the odor of burning flesh putrefied the air of the rural countryside where the death factories did their work, not a single bombing raid on the railroad tracks leading to the camps or the mass destruction machinery was permitted. Even a few days of interruption in the death works might have saved thousands of lives. By silence, by inaction, those who knew of the horror, without intention or malice, contributed to the process. Silence helps only the oppressor, never the victim.

And yet, in the midst of the most evil period in modern history, human resilience persisted. In the Warsaw ghetto, young Jews resisted the efforts of the Germans to deport them. To almost the last person, they held the German Army at bay for more than 3 weeks, longer than the armies of many European countries were able to do. Non-Jews, like the Danish people, showed courage too. They resisted the Nazis and saved almost all the Jews in their land. They merely treated these citizens as neighbors in their community. The ordinary became extraordinary in the Holocaust.

We must also remember the survivors. Forty years ago their skeletal bodies and staring eyes shocked the world. Even more than the rows of stacked corpses, the sight of those ravaged faces represented the horror of the Holocaust to the outside world.

The courage, the indomitable human spirit of the survivors must truly be remembered and honored. They endured the worst hell that man can contrive, and they maintained the



will to live. Theirs was the true victory, not the victory of the battlefield.

The exceptional determination of the survivors is a true wonder. Women who saw their first families perish in flames somehow found the courage to bring human life into this world again. Sons who parted from fathers had the tenacity to share life anew with their sons. The people who saw the collapse of all vision, who understood that despair was a correct understanding of our reality, learned to dream and to hope. Many rebuilt their lives in this country, while others restored themselves in a recreated homeland in Israel.

And so we set aside the days of remembrance each April to keep alive the memory of those who were killed and to honor the survivors. If we let the memory slip away, if we fail to remember, then the enemies of humanity will finally conquer. That would be unthinkable. And so we pause in the daily rhythm of our lives to remember.

As we remember, I offer the hope that President Reagan will alter the itinerary of his trip to Germany to eliminate the visit to the Bitburg cemetery, where SS members were buried. Reconciliation between nations after such a devastating war takes place over a long period of time, not on a single occasion or with one ceremonial visit. The alliance with West Germany is important to this country, but the President is mistaken in his belief that he can accelerate reconciliation with our country and West Germany by paying tribute to those who killed our soldiers and millions of innocent people throughout Europe.

I fear that unless we remember, unless we act, the tragedy of the Holocaust may become a precedent, and precedent invites repetition. Human solidarity, our collective efforts and our sense of empathy can make a difference. Together we must strive to affirm the resilience of the human spirit and the power of compassion while recognizing the vulnerability of life and its value. We must strive to live in harmony and in peace, and to use government in service of humanity. Together, we pause to remember those who died in the Holocaust so that their memory may serve as a warning and as a blessing in our rededication to life.

Mr. SPECTER. Mr. President, I yield to the Senator from Minnesota [Mr. BOSCHWITZ].

Mr. BOSCHWITZ. Mr. President, I rise to speak about the commemorative occasion of the 40th anniversary of the liberation of the death camps in Europe which marked the end of the Second World War. What a sad thing it is to remember. I really did not have a sense of what was happening in those days. I was too young. But much of my family was involved in that holocaust. None of them survived. None

of them was liberated 40 years ago—only those who had been fortunate enough to leave Europe a little earlier, as we did.

My family dispersed all around the world. Some were in the Union of South Africa, Australia, Shanghai, Kenya, Cuba, Argentina—you name it. They were able to get out ahead of Mr. Hitler, who sought out people only because they were Jews and sought out other people. He brought horror not only to the Jews, but also to other millions in those death camps and brought death to many of his own people and scores of millions of people throughout Europe and all over the world.

It is a sad thing to remember. But as my friend and colleague from New Jersey said, we must remember, or we will become the victims of history once again; because if we have no memory, then indeed we perhaps will repeat some of the horrors of bygone years.

It is disappointing sometimes to read history. Even as we talk about this holocaust, we are reminded of other holocausts, those that took place very recently in Kampuchea, the deliberate starving of the Hungarian people in the 1930's, the murder of upward of 2 million Armenians at the time of the First World War. But never was it done in such a systematic way as was done by Mr. Hitler and his henchmen in the Second World War, deliberately seeking to eliminate an entire people. He was not successful, as we know.

Even as we celebrate the 40th anniversary of the freeing of those people who survived in those camps, looking at us with their hollow eyes and their tender and emaciated bodies, we are made to think that these things should never happen again.

Mr. President, tomorrow morning we will have before us in the Foreign Relations Committee the Genocide Convention, and it has been before this body for nearly 40 years. It has not been ratified despite the fact that over a hundred nations, I believe, have ratified the convention.

Somehow, we are led to believe that if this convention is ratified, the sovereignty of the United States will be impacted in one way or another, that we cannot submit ourselves to the World Court or to international courts of justice or to other international jurisdictions, that some mischievous nation that means us ill will bring us before that body on some trumped up charge. Yet, the imperative of ratifying the Genocide Convention is even greater than the comparatively very slight academic type of risk that is associated with this convention.

How can the world stop the genocidal feelings which seem to arise in each generation, unless the greatest and most powerful Nation in the world signs onto this convention? It is a mystery to me why this convention, which

has such broad appeal and such broad support, cannot find the support of all the Members of the Senate. Clearly, most Members—the overwhelming majority—support it. On the other hand, the rules of the Senate are such that a few Senators can frustrate the intention of the vast majority.

So it is my hope that as we consider the Genocide Convention tomorrow in the Foreign Relations Committee, we will report it intact, without reservation; that we will bring it to the Senate floor for rapid action; that it will be ratified; that it will become part of international law; so that we, too, as a country, on the Senate floor and on the House floor and on the street corners, as well as in our news publications, will decry genocide and state that we, as a nation, can no longer be part of this inhuman practice.

I think of many things on the 40th anniversary of the freeing of those people, those few who survived in those camps, and we see their eyes and their emaciated bodies.

We say to all our friends and to our adversaries that this is something we will not let happen again; that if this country stands for anything, we will not let that happen again; that we will not allow such acts to take place in this world; that we will express ourselves not only on the Senate floor but also will take such steps and such actions internationally that are necessary to prevent it from happening again.

Those, Mr. President, are my thoughts on this sad 40th anniversary of the freeing of those camps, the thoughts that are associated with the deaths of 9 or 10 million people—6 million of them Jews, 1 million of those 6 million being children. It was a sad period for the Jewish people and for the world, and it should never be repeated.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Minnesota [Mr. BOSCHWITZ] for those comments.

I think it appropriate to note the outstanding leadership of Senator BOSCHWITZ on this issue and many other issues of human rights.

I yield 5 minutes to the distinguished Senator from Illinois [Mr. SIMON].

The PRESIDING OFFICER [Mr. DURENBERGER]. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank my colleague from Pennsylvania and I thank him also for taking time of this body at this point to acknowledge this important anniversary.

I remember when I was in the Army stationed in Germany going to Dachau, seeing that statute, that emaciated statue, that haunts anyone who

sees it and seeing in various languages the words "never again."

I think these days are days when we have to remind ourselves again of those words "never again."

Three quick points, Mr. President, and my colleagues: One is what happened in Germany is a reminder to us in this body and to the American people that we have to be careful of the leaders we select. Leaders can bring out the noble in us, leaders can bring out the beast in us, and there is both the noble and the beast in all of us.

If you visit the Simon household out in the countryside of southern Illinois or you visit our apartment here in Washington, you will see a mezuzah on the door. I happen to be the son of a Lutheran minister; my wife happens to be Roman Catholic, but we have a mezuzah on the door because of my experience in Germany. Germany is a country that is half Lutheran, half Catholic and so our household feels a special responsibility there.

I think the second thing we ought to do is to remind our leader of the sensitivity of this subject and I hope that this body will be able to vote within the next few days on a resolution that Senator METZENBAUM will be introducing urging the President not to visit the cemetery at Bitburg.

Gestures are important. Christmas Eve the Prime Minister of Israel visited Bethlehem. It was just a small thing. It was a gesture but gestures create the kind of an atmosphere where substance is possible, and I think the President's action, and I do not suggest it is taken out of malice, but I think it shows an insensitivity that we do not want to convey either to the American public or the public in Germany or the public anywhere in the world, and let us add thankfully that in Germany there have been tremendous strides from those tragic, tragic days.

Then, finally, I think this is a good time to remind ourselves that racism can rear its ugly head again. What happened in Germany is you had institutional racism and the United States was not opposed to it. Oh, our leaders said we were opposed to it but we did not use any economic muscle against Hitler. We did not open our shores to the refugees. And we discovered that since institutional racism was not changed peacefully, it erupted in violence and that violence was not contained within the borders of that one country.

We have institutional racism again in the world in South Africa and just as certain as what happened in Germany spread beyond Germany, because it was not changed, if South Africa is not changed peacefully, it will erupt in violence and that violence will not be contained within the borders of that country.

We are now treating South Africa as we did Hitler in the thirties. We are saying "naughty, naughty, we do not approve of what you are doing" but we are not standing up firmly as we should.

This is the day, this is the time, when we repeat "never again" as those words appear in the concentration camps on various memorials. Never again not only in Germany, never again here in the United States, never again—let us not let it happen in South Africa, or anywhere else.

Again I commend my colleague from Pennsylvania for taking the time to help remind us and help remind the Nation of this important occasion.

Mr. ANDREWS. Mr. President, will my colleague yield?

Mr. SPECTER. Mr. President, I yield to the distinguished Senator from North Dakota, Senator ANDREWS.

Mr. ANDREWS. Mr. President, I appreciated the opportunity of hearing the remarks of my friends. I think the Senator from Illinois has said it so well. We are not here just to talk about Holocaust of the tragedy that befell millions of people at that point in time, but America really came out of many persecutions over the years.

Our own family got chased out of another country. They had to flee for their lives in 1640, a long time ago—they bet wrong on politics—just as other people were persecuted by the political leaders during the 1930's.

But America has served as a beacon of hope, of justice, of equity for all of the troubled people, all of the persecuted people over the years.

I think that great heritage that we have come into through no fault really of our own—we were born into—the opportunity of being in this country most of us is the most cherished thing that we have might I say, Mr. President, to protect in the decades yet to come.

We cannot possibly live up to our heritage if we do not remember that if any group or any individual is persecuted because of their politics, their race, their creed, it diminishes us that much.

That is why this type of comment on this day in the Senate stands in such a great tradition of all that is good and right about the United States.

So let us never forget that it is our heritage to live up to keeping that challenge of freedom even brighter as the decades go by.

I appreciate my colleague yielding and salute him and yield the floor.

Mr. SPECTER. I thank the distinguished Senator from North Dakota. I am pleased now to yield to my distinguished colleague from Ohio, the leader in this movement, Senator METZENBAUM.

Mr. METZENBAUM. Mr. President, I thank my colleague from Pennsylva-

nia. I appreciate his leadership in bringing this issue to the floor.

I commend all of those who have spoken prior to my own remarks because what they have said touches very much upon this entire issue. Each of us in his or her own way feel very deeply about the Holocaust and what occurred 40 years ago.

I had occasion over the weekend to be present and speak at the dedication of a torah in a Jewish synagogue in Chattanooga, TN, and that torah, which is 200 years old, came from Kromerz in Czechoslovakia where it belonged to a large and vibrant Jewish congregation. All that is left of the Jews of Kromerz is that torah. It was their torah and it was taken by the Nazis and the Nazis took all of the Jews and sent them to the concentration camps.

That specific torah was to become an exhibit in a grotesque Nazi project. Hard to believe, human beings who called themselves civilized, human beings were going to erect the museum of the extinct race, the museum of the extinct race. That torah was rescued in 1945 by the British Army and it was sent to London to the Westminster Synagogue and then it was sent as one of a number of torahs to some select congregations throughout this country and the world.

One cannot forget the unspeakable horror that extinguished the Jews in Kromerz and the Jews of so many other cities and not only the Jews but the Christians and the Gypsies and many others.

There are 11 million who were lost in the Holocaust. Six million of them were Jews and 5 million people of different religions.

Elie Wiesel, prominent writer, Auschwitz survivor himself, chairman of the U.S. Holocaust Commission, was pictured this week in one of the national news magazines as one of those who were in Auschwitz. It is hard to believe, when you look at his face in this picture, that he was fortunate enough to survive and is with us now.

He said to a Senate committee in March of this year about the nature of that horror:

Hundreds and hundreds of communities were wiped out in a tempest of blood and steel and reduced to ashes. When the Jews of my town arrived at a place unknown to us then, Auschwitz, the death factories annihilated 10,000 human beings a day. At times, their success was so great that the figure was much higher—17,000; and once they recorded for their history 22,000 a day.

Now, I do not have to point out to you that so often we see on national TV a report about a child whose life is in danger in need of a kidney and the whole nation is gripped by this tragedy and wants to help to find a kidney for that child. Or we see a picture of a missing child and we grieve with the parents about that missing child and



share their concern. The whole nation becomes perturbed and it becomes the top of the news on the national networks when a miner is buried in a landslide and we pray and hope that he will be saved because we recognize the precious value of life and we recognize that every human being is important.

Yet we look back to the days of the Holocaust and it was not a human being, it was 10,000 a day just at Auschwitz alone, 17,000, and in 1 day 22,000 carried into the furnaces at Auschwitz. That is the horror of the Holocaust.

Let me go back to what Mr. Wiesel said to that Senate committee because he said it so much stronger than I could possibly say it. He said:

Mr. Chairman, I have seen the flames, I have seen the flames rising to nocturnal heavens; I have seen the parents and children, teachers and their disciples, dreamers end their dreams and woe unto me, I have seen children thrown alive into the flames.

The flames—the living children thrown into the fire—the tortures of those who were experimented upon.

I attended a hearing conducted by Senator SPECTER in Philadelphia the other day where women came forward and others as well to talk about the experiments that were performed upon them by the infamous and perfidious Joseph Mengele, who had the audacity to call himself "doctor." Experiments upon human beings—twins to see what different reactions they would have; no worry; no care; no concern about the lives of the people upon whom the experiments were being conducted.

Recently, the same Mr. Wiesel that I mentioned before was awarded the Presidential medal on the basis of the congressional enactment. And in the White House he said:

I have seen the SS at work. I have seen the victims. They were my friends. They were my parents. There was a loneliness and suffering in the concentration camps that defies imagination—sons watched helplessly their fathers being beaten to death. Mothers watched their children die of hunger. And then there was Mengele in the selections. Terror, fear, isolation, torture, gas chambers, flames, flames rising to the heavens.

That is why it is so important for all of us today and every day for all humanity to be certain that it never be forgotten, never diminished, never denied. The camps at Auschwitz, Dachau, Bergen-Belsen, and so many others can and never should be forgotten.

We here in the Senate have an obligation to be doing something about it. That is what genocide is all about. And we have been waiting 36 years to ratify the Genocide Convention. Ninety-six other nations have seen fit to do so, but this Nation drags its feet. And now there are some who say,

"Well, yes, let's ratify it, but put a condition on."

No conditions. No conditions. We ought to put our stamp of approval upon the Genocide Convention which outlaws genocide of a whole people and do it now.

As a matter of fact, in that connection, we promised to do it the first order of business when we returned this session and here it is April and it has not been on the floor as yet. Why not? Why not?

And while all of this is going on about memorializing the Holocaust and we drag our feet with respect to the ratification of the Genocide Convention, our President is planning a visit to Germany. And no one would deny that our President has often spoken with genuine feeling on the subject of the Holocaust and I accept his words as well as his concern.

But then I have to say, "Well, why, Mr. President, are you insisting upon going to Bitburg?" Why does he insist on going to a military cemetery and then in recent days telling us that his visit to Bergen-Belsen for the Nazis is comparable to his visit to Bitburg. You cannot equate the two. Certainly, the President should visit Bergen-Belsen, the site of so many of the atrocities. But why visit Bitburg where so many of the SS Waffen Nazi soldiers, the crack corps, the Nazis are buried? Something is wrong with this whole affair.

At first, when we learned of the President's visit to Bitburg, we chalked it up to bad staff work or perhaps to monumental insensitivity or maybe even to a mistake.

But the bottom line is this: The idea that an American President should lay a wreath in honor of the men dying and fighting for the Third Reich is unacceptable to the American Legion, to the Veterans of Foreign Wars, all Americans, and to decent-minded people throughout the world. And when the President recently tried to make the comparison and said, "I think there is nothing wrong with visiting that cemetery where those young men are victims of nazism. Also, even though they were fighting in the German uniform, drafted into the service to carry out the hateful wishes of Nazis." Said the President: "They were victims just as surely as the victims in the concentration camp."

Mr. President, I disagree. A soldier dies with a fighting chance. The victims in the camps had no chance. They were tortured and treated as animals, and used for Nazi medical experiments. They were the aged, and they were the littlest children.

Mr. President, you cannot in good conscience compare the victims of the Nazi Holocaust with Nazi soldiers who killed 18,000 American soldiers, inflicted 87,000 American casualties in the Battle of the Bulge, and the soldiers

on whose graves you want to plant a wreath in Bitburg, a number of them who are buried at that very cemetery. And even worse, the same SS troops who are buried there are the troops who turned Europe into a charnel house and who on December 17, 1944, at a place barely 30 miles from Bitburg marched 100 defenseless American prisoners of war into a field, tied their hands behind their backs, and cut them down with machineguns. To honor SS Waffen men is more than unacceptable. It is an abomination.

Mr. President, 53 Senators joined together the other day on both sides of the aisle and urged you not to visit Bitburg. Mr. President, I can say to you that the first time in my experience in the United States with a letter of this kind, Senators have come up to me since that time and said, "We wished we had had an opportunity to sign. Why didn't you call upon us?"

I believe this body as a whole is prepared to express itself in the strongest possible terms to the President urging him not to make the visit. And I attempted just a few days ago to get unanimous consent in order that I might bring a resolution to the floor authored by Senator CRANSTON, myself, and Senator KENNEDY, so that this body might have an opportunity to express itself to our President, and I was refused. But I say loudly and clearly that I have indicated to the majority leader and the assistant majority leader and to anyone else who cares to hear that somehow, some way, I hope to bring to the floor of this body a resolution calling upon the President not to visit Bitburg, and letting him know the sentiments of this U.S. Senate.

I hope that the President will change his mind. And I want to report that this morning the German Ambassador was kind enough to accept my invitation to come to my office to discuss this subject. And I met with him in the group of U.S. Senators, and said to the German Ambassador, "We would like to put this issue to bed, to rest." We believe that for 40 years reconciliation has been effective between the Federal Republic of Germany and the United States of America. And we want to build upon that relationship. The American people understand and recognize the fact that Germans today are not guilty of group guilt, and that it would be unfair to blame them for that which occurred 40 years ago, that the peoples of America and the peoples of Germany have no continuing disagreements but that a visit by the President of the United States at the invitation of the Chancellor of the Federal Republic of Germany to visit Bitburg will only exacerbate the situation and add to the publicity that has already been made to become such a public issue. It is enough already. We

do not need more publicity. We do not need more divisiveness. We do not need more to be reminded of some of the atrocities that occurred 40 years ago. I hope and respectfully urge that the German Chancellor will indicate his approval of a change in the plans of the President of the United States. We suggest a change not in any way to detract from the right of the German government to make its own determinations and to conduct its own affairs in any manner it deems appropriate. But in this instance we say that reconciliation, friendship, cooperation, and so much more can be achieved if the Germans joined with our President in determining that there should be another location where he may pay his respects to the Federal Republic of Germany.

The damage has already been done. Let us not have more of it. Let us bring it to a halt. And I do not mean political damage to the President or to Chancellor Kohl. I am talking about damage that lies in trivializing the Holocaust, the damage that comes about by reason of this meaningless gesture of reconciliation which would occur by the President's visit to Bitburg. I think that no one needs to be reminded that the Federal Republic of Germany is not the Third Reich. And on that subject let me quote to you a moving editorial that appeared last week in one of Germany's most prestigious newspapers, the *Sud-Deutsche Zeitung* of Munich.

The shame of having waged and carried on the most horrible of all wars, fighting for an unjust cause, and for criminal goals, is something we Germans have to deal with. The same is true for the sorrow and tears, for the lives this nation had to give. Leave us Germans alone with it. Nobody will be able to overcome it in our place just by making a "gesture."

That editorial was right. It says it all.

Of all subjects, the Holocaust is one that cannot and must not be trivialized. Today as we stand here on the floor of the U.S. Senate and join together and refreshing the recollection of so many about the devastation that occurred during the Holocaust, let us also raise our voices and let the President of the United States know that it would be better, far better, if he were to see fit not to visit Bitburg.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SPECTER. Will the Senator desist from suggesting the absence of a quorum?

Mr. METZENBAUM. I certainly do. Mr. SPECTER. I thank the distinguished Senator for the very worthwhile comments, and I would like to yield to the distinguished Senator from California, Senator WILSON.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I thank my good and distinguished friend from Pennsylvania.

Mr. President, as the Inaugural Assembly of the American Gathering of the Jewish Holocaust Survivors is concluded this week at their meeting in Philadelphia, PA, one thought comes clearly to mind. It has become virtually a slogan for those Holocaust survivors, but not for them alone; far more importantly, for all the rest of us who were not required to endure what they did manage to endure. The phrase, of course, is "Never again." Never again can the world stand idly by and look the other way as an incredible tragedy—not just an injustice, but one of such monumental horror—takes place as to virtually condemn all those who simply look the other way.

When we think of that terrible, sorrowful past, probably the lowest point in man's history, and its episodic inhumanity to man, it stirs the soul to think that there are countervailing influences, and at the same moment one of these has permitted us to celebrate the 37th birthday of a nation which was born from the Holocaust aftermath.

The nation of Israel arose from the Holocaust, and, as we remember the darkest side of man in that evil history of the Holocaust, let us also recall that our country was settled by religious refugees seeking their own new Jerusalem, and let us not forget that many of our most generous impulses have their roots in that shared Christian-Judeo tradition.

In the words of John Winthrop,

We must delight in each other, make others' conditions our own, rejoice together, mourn together, labor and suffer together; for we must consider that we shall be as a city upon a hill, the eyes of all people upon us.

Mr. President, we have drawn inspiration from that metaphor, from that other city upon a hill, that ancient cradle of civilization miraculously reborn in our century. The old Jerusalem has become the new, and we derive inspiration from an extraordinary people, the people of Israel, who truly have withstood horrendous storms, challenges to their survival, challenges to the fundamental thesis of democracy which they represent as a model for others.

Mr. President, I feel that a strong partnership exists between peoples of this Nation and the nation of Israel, a common bond between the Jews of all nations and those who desire freedom. This partnership of those who love their freedom as they love their God, who believe that common men can be capable of uncommon achievement, uncommon courage, uncommon generosity to one another even as they are enduring the most inhumane of conditions.

Mr. President, I celebrate the 37th birthday of that new nation celebrating the old values of man's most decent impulses to his fellow man, even as we mourn the tragedy that the survivors of the Holocaust have indelibly stamped upon them.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed for 30 seconds.

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

Mr. SPECTER. I thank my distinguished colleagues for coming to the floor for this remembrance of the 40th anniversary of the Holocaust.

Mr. President, I ask unanimous consent that my letter of April 18, 1985, 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,  
Washington, DC, April 18, 1985.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: I write to commend your recent decision to visit a death camp to pay tribute to millions of Jews and other innocent victims slaughtered by the Nazi regime during World War II. But I urge you to reconsider the reported plan to visit the German military cemetery in Bitburg because of the burial there of S.S. storm troopers who participated in the Holocaust. Visiting that cemetery would be an affront, not only to Jews, but also to all American veterans.

I am personally well aware of your own feelings about the horrors of the Holocaust from hearing you talk about the film you made following World War II on the liberation by allied armies of the death camps. I also know from hearings I have recently held in my Judiciary Subcommittee of the diligent and aggressive efforts of the Justice Department, under your administration, to find and prosecute Nazi war criminals, particularly Dr. Josef Mengele, the notorious "angel of death" who was responsible for torture and barbaric medical experiments on children and others, and, finally, for countless murders.

While a visit to a different military cemetery in Germany might advance reconciliation between our two countries, Bitburg is inappropriate. Surely a cemetery can be located that contains the remains of German soldiers but not S.S. storm troopers.

Bitburg is also inappropriate because it is the burial site of S.S. troops who massacred U.S. soldiers during the Battle of the Bulge. For an American President to honor these German war dead would derogate memories of their American victims. How can the millions of American families whose members were killed or injured during World War II accept their own President's honoring of those guilty of unspeakable atrocities? As one whose father was injured fighting German soldiers in World War I, I can strongly empathize with the feelings of such American families.

Accordingly, I urge you to forego visiting Bitburg and any other German cemetery containing S.S. soldiers and, if necessary, any cemetery at all.



I would appreciate your careful consideration of these observations which I believe involve our most basic moral values as Americans.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of "A Tribute to the Million Children of the Holocaust," performed at the Lincoln Center on April 14, 1985, be printed in the RECORD.

Mr. President, participating in this tribute were many leading artists and performers who volunteered their great talents so that the world will not forget the 1 million children who perished in the Holocaust.

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

A TRIBUTE TO THE MILLION CHILDREN OF THE HOLOCAUST

POEMS, SONGS, STORIES BY THE CHILDREN OF THE HOLOCAUST AND RECOLLECTIONS BY SURVIVORS

(Arranged by Jack Garfein and Valerie Lumbroso)

THE PARTICIPANTS

Blanche Baker, Barbra Barrie, Theodore Bikel, Mike Burstyn, Martin Charnin, Betty Comden, Joan Copeland, John Cullum, John David Cullum, Dr. Yaffa Eliach, Tovah Feldshuh, Ann Fish.

Gloria Feldman, Herschel Garfein, Luba, Gurdus, Emily Hacker, Elizabeth Holtzman, Shoshana Kalisch, Manny Katz, Liliana Komorowska, Richard Kiley, Elisa Loti, Mary Tyler Moore, Joseph Papp, Estelle Parsons.

Tony Roberts, Elan Santo, Shuvi Santo, Marvin Scott, Jenny Stein, Sen. Arlen Specter, Richard Sarpola, Susan Strasberg, Martha Schlamme, Dalit Paz Warshavy, Hilan Dov Warshow, Paul Zim.

A total of 15,000 children under the age of 15 passed through the Terezin (Theresienstadt) Concentration Camp between the years 1942 and 1944.

Because Terezin served as a kind of way station to Oswiecim (Auschwitz) and other extermination centers, it was meant to be a model camp which foreigners could be shown and it was actually called a ghetto. Yet every one of its inhabitants was condemned in advance to die.

The drawings and poems are all that is left of these children. Of those who signed their names to their work, it has been possible to find out a few facts: the year and place of their birth, the number of their transport to Terezin and to Oswiecim, and then the year of their death. For most of them, it was 1944, the next to last year of World War II.

Sonja Waldsteinová was born in Prague on November 28, 1926, and was deported to Terezin on March 6, 1943.

TEREZIN

That bit of filth in dirty walls,  
And all around barbed wire,  
And 30,000 souls who sleep  
Who once will wake  
And once will see  
Their own blood spilled.  
I was once a little child,  
Three years ago.  
That child who longed for other worlds.  
But now I am no more a child  
For I have learned to hate.  
I am a grown-up person now,

I have known fear.

Bloody words and a dead day then,  
That's something different than bogle men!  
But anyway, I still believe I only sleep today,  
That I'll wake up, a child again, and start to laugh and play.

I'll go back to childhood sweet like a briar rose,  
Like a bell which wakes us from a dream,  
Like a mother with an ailing child  
Loves him with aching woman's love.  
How tragic, then, is youth which lives  
With enemies, with gallows ropes,  
How tragic, then, for children on your lap  
To say: This for the good, that for the bad.  
Somewhere, far away out there, childhood sweetly sleeps.

Along that path among the trees,  
There o'er that house  
Which was once my pride and joy.  
There my mother gave me birth into this world

So I could weep . . .  
In the flame of candles by my bed, I sleep  
And once perhaps I'll understand  
That I was such a little thing.  
As little as this song.

These 30,000 souls who sleep  
Among the trees will wake,  
Open an eye

And because they see

A lot

They'll fall asleep again . . .

HANUS HACHENBERG, 1944.

Hanus Weinberg was born August 18, 1931, and deported to Terezin on December 5, 1942. In Terezin, he lived in boys' dormitory number 11. He died in Auschwitz December 15, 1943.

IT ALL DEPENDS ON HOW YOU LOOK AT IT

Terezin is full of beauty  
It's in your eyes now clear  
And through the street the tramp  
Of many marching feet I hear.  
In the ghetto at Terezin  
It looks that way to me,  
Is a square kilometer of earth.  
Cut off from the world that's free.

Death, after all, claims everyone,  
You find it everywhere.  
It catches up with even those  
Who wear their noses in the air.  
The whole, wide world is rule  
With a certain justice, so  
That helps perhaps to sweeten  
The poor man's pain and woe.

MIROSLAV KOSEK.

Hana Grunfeld was born on May 20, 1935 and deported to Terezin on December 14, 1941. She lived in Block IV at Terezin and died at Auschwitz in 1944.

PAIN STRIKES SPARKS ON ME, THE PAIN OF TEREZIN

Fifteen beds, fifteen charts with names,  
Fifteen people without a family tree.  
Fifteen bodies for whom torture is medicine and pills.  
Beds over which the crimson blood of ages spills  
Fifteen bodies which want to live here.  
Thirty eyes, seeking quietness.  
Bald heads which gape from out the prison.  
The holiness of the suffering, which is none of my business.

The loveliness of air, which day after day  
Smells of strangeness and carbolic,  
The nurses which carry thermometers  
Mothers who grope after a smile

Food is such a luxury here.

A long, long night, and a brief day.

But anyway, I don't want to leave  
The lighted rooms and the burning cheeks,  
Nurses who leave behind them only a shadow

To help the little sufferers.

I'd like to stay here, a small patient,  
Waiting the Doctor's daily round,  
Until, after a long, long time, I'd be well again.

Then I'd like to live  
and go back home again.

ANONYMOUS.

Marion Mayer was born in 1935. There is no record of the date of her arrival in Terezin, nor of her death. The painting shows that she was nine years old and lived in barracks CIII 104.

THE GARDEN

A little garden,  
Fragrant and full of roses.  
The path is narrow  
And a little boy walks along it.  
A little boy, a sweet boy,  
Like that growing blossom.  
When the blossom comes to bloom.  
The little boy will be no more.

FRANIA BASS.

Hana Lissau was born February 4, 1930, in Lany and deported to Terezin on February 25, 1942. She lived in house number 28 at Terezin and belonged to group A. She died at Auschwitz on October 16, 1944.

ON A SUNNY EVENING

On a purple, sun-shot evening  
Under wide-flowering chestnut trees  
Upon the threshold full of dust  
Yesterday, today, the days are all like these.  
Trees flower forth in beauty,  
Lovely too their very wood all gnarled and old  
That I am half afraid to peer  
Into their crowns of green and gold.  
The sun has made a veil of gold  
So lovely that my body aches.  
Above, the heavens shriek with blue  
Convinced I've smiled by some mistake.  
The world's bloom and seems to smile.  
I want to fly but where, how high?  
If in barbed wire, things can bloom  
Why couldn't I? I will not die!

ANONYMOUS, 1944.

Eva Bulova was born July 12, 1930, at Revnice near Prague and brought to Terezin on September 12, 1942. At Terezin, Eva lived in house number 28 and was put into Group A. She died October 4, 1944 in Auschwitz.

THE BUTTERFLY

The last, the very last so richly, brightly,  
dazzlingly yellow.  
Perhaps if the sun's tears would sing against  
a white stone . . .  
Such, such a yellow is carried lightly 'way  
up high.  
It went away I'm sure because it wished to  
kiss the world goodbye.  
For seven weeks I've lived in here.  
Penned up inside this ghetto  
But I have found my people here.  
The dandelions call to me  
And the white chestnut candles in the court.  
Only I never saw another butterfly.  
That butterfly was the last one.  
Butterflies don't live in here.

In the Ghetto.

PAVEL FRIEDMANN, 1942.

Ruth Hain was born on February 19, 1934 in Prague and brought to Terezin on July 30, 1942. She lived in House Number C III 104 and later in Building 1, House 16, and belonged to Group 1. She died in Auschwitz on October 23, 1944.

The poor thing stands there vainly.

Vainly he strains his voice.

Perhaps he'll die. Then can you say

How beautiful is the world today?

ANONYMOUS.

EVA BULOVA

I wish I were a little bird

Up in the bright blue sky

That sings and flies just where he will

And no one asks him why.

CHILDREN OF IZIEU

In France in 1941 Jewish children were being hidden in various homes by organizations for the rescue of the children. At the end of 1942 when the free part of France was occupied, Mrs. Zlatin moved forty-four of the children in hiding to a summer camp in the town of Izieu. Izieu, located in the Rhone Valley, in the proximity of Lyon was supposedly a safer zone.

One of the children in that camp was Hans Ament. His father, Max Ament, from Austria, was deported and killed in Mauthausen in 1943. His mother, Ernestina Reisz, from Hungary, was dying of tuberculosis in a sanatorium a few miles from Izieu when she received the following letter.

DEAR MUMMY: I received your letter which I liked (a lot). I didn't write to you because I didn't have a card but a boy gave me some. Here it doesn't snow much anymore. Are you almost cured and is it nice there? I eat well and I'm in good health. Is it cold where you are and write to me if it snows. When there was a lot of snow here we went sledding at some slopes. We had a lot of fun. Write Freddy that he must not write to me in German. At the children's camp there is a beautiful dog whose name is Tommy. The school is in the house and there is a teacher just to teach us school. She teaches very well. Next to the house there is a farm with four dogs. I kiss you a hundred million times.

Your son Jeannot who always thinks of you.

JEANNOT.

Look on the back.

KORCZAK AND HIS CHILDREN

Janusz Korczak, a writer and a doctor, whose real name was Henryk Goldszmidt, devoted his life since World War I to the upbringing of children in a Jewish orphanage in Warsaw. At the end of 1940, he and his children were all moved into the Ghetto where he continued his care and devotion. The group consisted of 192 children ranging in age from one to fifteen, and eight adults.

On July 18th, 1942, Korczak sent invitations to his friends and possible donors to attend a production of Rabindranath Tagore, "The Post Office"—a play that he was putting on with the children. The invitation was supplemented by the poem of the ghetto poet, Wladyslaw Szengel:

"Something more than the text—the mood."

"Something more than emotion—the experience."

"Something more than actors—the children."

The play is about a frail little Indian boy who was condemned to seclusion and inaction by ill health, and was put in an upstairs room. The leading role was played by the violinist Abrasha, age 13. When Korczak was asked later why he had chosen this particular play, he answered, "I would like my children to learn how to receive with dignity and peace the Angel of Death."

On the morning of August 5th Korczak was sitting at his desk trying to write. At 8:00 a.m., SS Obersturmfuehrer Klostermayer, in charge of the morning's operation, stationed himself in front of the orphanage and blew his whistle twice. Soldiers who had reached their prearranged positions on schedule fanned out the entire length of the four streets, sealing the block to be evacuated.

When Korczak heard the two sharp blasts and saw the German sentry outside his window click his heels and snap to attention, he put down his pen. Obersturmfuehrer Klostermayer, accompanied by half a dozen Jewish policemen and three Ukrainians carrying guns slug casually over their shoulders, marched into the courtyard. A squad leader bellowed, *Alle Juden raus, alle Juden Hinunter.*

Korczak quickly removed his green apron and hung it on a peg behind the door of his room. He rushed to open the front door, dressed in his old World War Polish Officers' uniform.

The nattily dressed SS officer and the old Jew in the faded uniform studied each other for a moment. "I have a request, said Korczak, speaking first. "You are an officer?" Klostermayer asked. "Yes, a major."

"What do you want then, Jewish Major?"

"I have been promised that I will lead my children, not one of your men," said Korczak. "The children will be frightened if it is done any other way. I am their guardian and they will follow me. If you don't trust me, my bald head is a good target."

Klostermayer smiled, "Very well, he said. "Permission granted. The main thing is to see that it all goes off smoothly. We will bring up at the sides and the rear, not the front."

Korczak went into the dining room where the children were finishing their breakfast of potato soup. Clapping his hands for attention, he apologized for interrupting their meal. "But, he explained, "we are going to the country sooner than I expected. We leave in fifteen minutes. Go to your lockers at once, put on your best clothes and pack a small bag or rucksack with your valuables. The younger children can bring a toy or two. Be outside in the courtyard promptly in ten minutes."

As the children went off to their lockers Abrasha stayed behind. "Is music allowed where we are going?" he asked. Korczak answered, "Music is allowed. Bring your violin."

Hanka Faynar arrived at the orphanage for her daily visit with her brother Nussen as the children began assembling in the courtyard. Nussen, wearing clean shorts and shirt, ran to her side. Excitedly he blurted out his good news. "We are going for a treat to the camp at Goclawek."

Hanka was a ghetto child, and she knew what the soldiers in the courtyard meant. She found Korczak in the middle of the courtyard busying himself with some of the younger children, buttoning the coat of one, tying up the package of another. She tugged on his jacket and pulled him to one side.

"Why did you tell Nussen and the others that they were going for a treat?" she asked. "You know that isn't the truth."

"The children don't need to know where they are going," Korczak said firmly. "They should sing and be happy. You must leave quickly. I don't want Nussen to see you crying."

Some of the younger children carried beach toys or sand pails. A few of the older children carried rucksacks slung over their shoulders with clothing, personal belongings, or books. Abrasha, carrying his precious violin, had struggled into the crowd to get a place next to Regina. Everyone was wearing a Jewish armband.

When Klostermayer saw Abrasha's violin case he asked him to play a tune while the children lined up. There was a string or two missing from his violin. He had only played a couple of minutes when Klostermayer said, "put that violin away, Jew boy. We leave now \* \* \*

Hanka Faynar, who was hidden in a doorway across the street, saw the group march from the courtyard. Korczak was at the head of the procession holding Nussen's hand and carrying his godchild, five-year old Romcia Stockman, who was crying. Musik was next to Korczak carrying the orphanage banner.

The banner was green, as dreamed of by little King Mat, a character from Korczak's own book, "King Mat the First." On the green background was a design of chestnut flowers, the symbol of eternal blossoming. On the reverse side of the banner was the blue star of David, against the background of purity-white.

To him the star of David was a symbol of temporary suffering and eternal night. It was a sign which stamped out tragedy and imprinted greatness and the pride of Judaism.

(During the description of the banner, two of the children enter and pick up the banner from the pile of toys and exit through the center aisle of the theatre.)

Mrs. Steffa was at the end of the line, which was surrounded on both sides by soldiers and policemen.

The group of orphans marched half a kilometer to the Catholic Church at All Saints Square, arriving there a little after 9:00 a.m. Thousands of other Jews who were to be evacuated that day had been gathered in the street.

"Thousands of people were in the crowd being marched by. The Ukrainians had whips and every few minutes the Germans would shout "Schnell" and the Ukrainians would begin to beat people. Some people tripped and fell and their luggage spilled open, tripping others. Those who fell were shot by the SS if they did not get up quickly enough. But Korczak's group seemed to be marching by itself! The SS were merely walking alongside."

It was getting hot: the weather at noon was a muggy 84 degrees. It must have been torture for the children to walk, trying to hurry, on the uneven cobblestones. By the time they reached the bridge with its seventy steep steps many must have been near the end of their strength. "The smaller children had to be shoved up the steps to the top. Below on Chlodna Street were hundreds of jeering Poles, yelling, "Good-bye Jews"! Many of the children fell or were pushed down the steps on the other side."

Korczak, exhausted and anguished, refused to be daunted. At the corner of Dzielna and Karmelicka he called Kloster-



mayer to him and said, "We could save a lot of time by turning west here."

"Why?" asked the German.

"Because, the Jewish cemetery is less than three blocks away."

"It was hell, impossible to describe, just hell," said the Jewish policeman who had escorted the orphanage. At the railroad station, Klostermayer ordered another count of the children. Then their stars were snipped off and thrown into the center of the courtyard. It looked like a field of buttercups.

There were shouts from the SS. Whips snapped. The doors of the waiting freight cars were tugged open by the Jewish police. Korczak entered the freight car first, followed by the youngest children; Mrs. Stefa and the rest went into the next car. At 12:55 the train left on schedule for the extermination camp—Treblinka.

The exact date and manner of the death of Janusz Korczak and his orphans is not known.

But as General Hahn feared, Korczak became a martyr, one of the sparks which fired the revolt. "Remember Korczak's orphans" became a rallying cry; a spur to prod the remaining Jews in the ghetto who refused to believe that they, too, were doomed to extermination. Just two weeks after the orphanage was evacuated the first blow of the resistance movement was struck.

#### LETTER FROM RUSSIA

This letter was found by Major Vladimir Demidov in the small town of Byten in the Baranovich "Ablast". It was written by twelve year old Junita to her father.

To Mr. VISHNER,  
Orange, New Jersey, U.S.A.,  
July 31, 1942.

DEAR FATHER: I say good-bye to you before dying. We very much want to live, but all is lost—they won't let us! I am so afraid of this death, because the small children are thrown alive into the graves. Good-bye forever. I kiss you over and over. A kiss from G.

Your I (ta).

#### DIARIES

Historian of Polish Jewry Emanuel Ringelblum wrote his memoirs in 1943 almost a year after the destruction of the ghetto. He hoped, no doubt, that it could be smuggled out to the leaders of the Polish underground movement and that it might influence them to help the survivors hiding in Polish homes.

On March 6, 1944, a Polish traitor led the Gestapo to the cellar in the home of Mieczyslaw Wolski, a worker, who had given shelter to Ringelblum, his wife, and 13 year old son, as well as 35 other Jews, who had survived the battle in the Warsaw Ghetto. All of them were shot in the courtyard of the Pawak Jail. His last memoir was miraculously saved.

I knew one twelve year old boy who jumped for joy as he approached the ghetto wall, over which he had to be lifted to the Aryan side. He cried: "I shall survive the war!"

I know of a little girl who was dying in a hospital far from her parents. She kept her identity concealed to the very end, even during the death throes, when a human being is normally freed of all earthly restraints and cannot control himself. But this child did not give herself away by a single word or the slightest sign. When a nurse standing by her side called her by her Jewish name, Dora, she did not respond.

She remembered her training to answer only at the sound of her Aryan name, Eva. I remember a four year old boy whom I tried to trick with a question frequently used by agents of the police. Asked unexpectedly what his name used to be, he gave his Aryan name and stated he had never had any other.

I have heard the story of a four year old who won her return to the ghetto by virtual blackmail. After being away from her family for a long time, the child was seized with such homesickness that one day she threatened her foster parents that if they did not let her go back to her real parents, she would go to the Germans and tell them she came from the ghetto. The "blackmail" had the desired effect. Her parents had to take her back. Sometimes, unfortunately, Jewish children have been the victims of real blackmail. There are authenticated instances of children being kidnapped and held for ransom.

Once at the door of the Warsaw Ghetto, I saw a youngster of perhaps six years, all of whose smuggled goods the gendarmes had confiscated. The child was crying, but despite the lashes on his head and body, he returned to the checkpoint where his treasure had been taken from him.

Christian youngsters on the "other side" of the gate joyfully watched the cruel treatment of the Jewish boy by the Nazis. Their laughter encouraged the gendarmes to more zealous flogging of the unfortunate Jewish boy. He had against him the Nazi guards, the Polish police, the Christian crowd, and even the Jewish police, but he refused to give up and kept trying to retrieve the food he had purchased for his last pennies.

I knew a five year old orphan who had lost his parents during the "great action". He lived on the Aryan side, paying five zlotys for a night's lodging. This boy smuggled newspapers into the ghetto, making several zlotys profit per copy.

On August 12, 1942, I saw while walking along a street in Warsaw two carts loaded with the bodies of Jewish children. None of which appeared to be older than the age of two.

On the 19th of August, I saw a group of between 150 and 200 Jewish children. They were walking huddled together pressing against each other in terrible fright. Some were crying, others biting their fingers in terror. German guards walked alongside with their guns pointed at them.

At the corner of Okopowa Street, I saw a group of Jewish women waiting. As soon as the children came near, one of the women ran up to the German guards and began telling him something, pointing to one child in the group. The German shouted at her, pushed her back and then raised his rifle and shot her. The children began to cry louder but were hurried on towards the station.

What happened to them? The same that happened to those I saw a week before. They were killed.

I was walking towards the ghetto when all of a sudden I heard a terrible cry coming from a side street. A group of more than 100 Jewish children, boys and girls, of which the oldest could not have been more than eight or nine, was being driven through the street by about a dozen armed Germans. Some children were crying out: "Mother! Mother!". If they halted they were prodded on by rifle butts.

One child made a sign towards a window in Grodzka Street where a woman could be seen. The German guards immediately fired

a shot at the window. The children were forced to walk on. I followed them part of the way towards the station and later was told that they were all packed into the wagon like herrings in a barrel so that many of them must have died before they reached the slaughter camp to which they were being taken.

In September of 1939, the Gestapo came to Lanzut to capture Jews on the streets. They were imprisoned for several months, then taken to the cemetery and shot.

I managed to leave Lanzut before the massacre. I hid in cornfields and potato patches during the day, or with a friendly peasant. I also was able to hide my sister's two children, a girl of seven and a boy of nine, in the stable of their former home. They were half-starved, so I stole vegetables for them from the fields. But in a few days someone denounced them to the Gestapo. They were seized and interrogated, in hopes they would reveal hideouts of other Jews. But the children endured their tormenting and betrayed no one.

As the children were led to the cemetery they were urged not to cry, for they would "go to heaven, and meet their mother, father and aunts." After the children had been shot the Gestapo took their bodies to the circus performing in Lanzut, to be eaten by the beasts.

#### NO MORE RAISINS, NO MORE ALMONDS

There are no raisins and no almonds  
Your father's not trading, home not coming  
Lu, Lu, Lu, my son.  
Lu, Lu, Lu, my son.

He has left us, gone away,  
To the World's end, who can say—  
Lu, Lu, Lu, my son.  
Lu, Lu, Lu, my son.

Owls are screeching, the wild wolves bay.  
God will pity us, I pray.  
Lu, Lu, Lu, my son.  
Lu, Lu, Lu, my son.

He's standing somewhere keeping watch,  
Almonds, raisins, oh so much  
Lu, Lu, Lu, my son.  
Lu, Lu, Lu, my son.

There's no doubt that he will come  
Back to you, my darling one.  
Lu, Lu, Lu, my son.  
Lu, Lu, Lu, my son.

"I rarely perform this song because it affects me too deeply and I find it difficult to control my voice. Ruth Rubin recounts its history in A Treasury of Jewish Folksong." Leah Rudnitsky, who was born in Lithuania in 1916, heard of a three year old child found alive after a massacre by the Nazi's of some 4,000 Jews in Ponar—she wrote this lullaby for the child, left fatherless and motherless—later Leah Rudnitsky herself "disappeared"—in Maldenek.

Poem by Hirsh Glick (1922-1944), music by Dmitri Pokrass. The song became the hymn of the United Partisan organization in 1943. It spread to all the camps in Eastern Europe and later to all Jewish communities the world over. It was translated into several languages. Today it is sung at memorial meetings for martyred Jews. Published by Yehude Ayzman in 1945.

#### PARTISAN SONG (By Hirsh Glick)

Never say, This is the last road, the end of the way,  
Though leaden skies now hide the light of day,  
The hour we long for will at last appear,

Our tread will fall like thunder—we are here!

From the land of palms to the distant land of snow, We come with our sorrow and our woe,

Wherever a drop of our blood was shed, There our courage will lift its head.

The morning sun again will gild our day, The past will with the enemy fade away, Yet should the sun delay, and spring be late,

This song for generations will reverberate.

This song is written not with ink, but blood, It is not the song of a free bird in the wood, This song a people sang between collapsing walls,

This song to future generations calls.

So never say, this is the last road we have gone,

This is the last time that the sun has shone, The day will dawn, the sun will reappear, Our tread will fall like thunder—we are here!

Mr. SPECTER. I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. SPECTER. I will.

#### ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business with statements limited therein to 5 minutes.

#### SENATOR BOB DOLE: PROFILE IN COURAGE

Mr. THURMOND. Mr. President, 40 years ago a young American second lieutenant led a brave platoon of men into the teeth of enemy resistance on a remote mountainside in northern Italy. The date was April 14, 1945, to be exact—1 day in the long and costly campaign to liberate Italy. For one of our esteemed colleagues, however, that 1 day was to forever change the direction of his life. Of course, I am talking about our distinguished majority leader, Senator BOB DOLE, who was cut down by a burst of gunfire near the town of Castel D'Aiano on that April day 40 years ago. At the time, the young Mr. DOLE was a superb athlete, a hard-working student, and an ambitious Kansan who had his mind set on a career in medicine. After his terrible war trauma, however, the only relevant question was not whether he could become a doctor, but whether he would live. That is when those around him began to understand the kind of determination all of us have come to know as the hallmark of this great American.

Yes; he would live, and despite paralysis, he would walk again, a slow but steady journey that would take him from 39 months of hospitalization to a slot on the 1976 Presidential ticket with Gerald Ford, to the leadership of the greatest deliberative body on Earth, the U.S. Senate.

Our majority leader's courageous comeback from almost hopeless adversity has been an inspiration to millions of Americans and many others, especially the grateful citizens of Castel D'Aiano, whom Lieutenant DOLE helped free from the grasp of Nazi terror.

Mr. President, 2 weeks ago, I, along with Senators COCHRAN, PRESSLER, LAXALT, and McCURE, and with Joanne Coe, Secretary of the Senate, Howard Green, secretary to the Republican majority, and other Senate employees, had the privilege to accompany Senator DOLE to Europe on a four-nation visit to NATO allies. The trip ended in Rome where we were able to participate in a moving ceremony that marked the anniversary of that cruel day in the rugged Italian mountains four decades ago.

In recognition of BOB DOLE's personal sacrifice, the Italian Government presented him with a handsome silver commemorative plate; and the mayor of Castel D'Aiano delivered a special medal to his town's American war hero.

I do not mind telling this body that it was a special moment. Those of us who were present that day in Rome will never forget it.

In my view, the spirit of the ceremony in Rome symbolized not only an individual sacrifice, but also recognized the commitment to peace this country and its allies have held so sacred since the end of the last global war.

As President pro tempore, I believe it is fitting that this body pause to remember the sacrifice of BOB DOLE and to salute all those other brave soldiers who helped end the nightmare years on the European Continent.

#### ON THE DEATH OF MAYOR DOUGLAS J. MOORE OF MARION, AL

Mr. HEFLIN. Mr. President, I rise for a point of personal privilege. It is with great regret that I inform the U.S. Senate of the death of an individual whose life has epitomized the best in public service. Douglas J. Moore was the mayor of Marion, AL. He passed away this past Sunday. Marion, AL is not a large city but a typical city of Alabama. It has had its problems and will continue to have them. However, over the last two decades, leadership has brought that city through many periods of turmoil. The motivating leadership factor that has prevailed and produced the significant results has been the integrity of Doug Moore. One could not be around him and hear him discuss problems without sensing his deep commitment to integrity.

Honesty can quell strife, bring peace, and make one understand another's point of view. Honesty was the guiding force that made Doug Moore's public service so successful.

Douglas Moore was elected the mayor of Marion four times without opposition. I believe this fact speaks better than words can express the universal love that the people of Marion had for him.

He was not just a leader in Marion, but served with great distinction as president of the Alabama League of Municipalities in 1981. He was also chairman of the Alabama-Tombigbee Regional Planning Commission.

Each year he would come to Washington with city officials when the Alabama League of Municipalities made their annual trip to Washington. He generally brought one of his grandchildren with him and spent considerable time telling the grandchild about America and the historic sites in our Capital City.

I have said on occasions when a friend passed away that he will be indeed missed. Those words are strong, but not strong enough to express the void that has been left by the death of Douglas Moore. Most public servants are replaced with good men. I doubt if we will ever see a replacement for Douglas Moore, for he was truly a concerned and considerate public servant—indeed a man of unblemished integrity.

#### DEATH OF FORMER U.S. SENATOR SAM J. ERVIN OF NORTH CAROLINA

Mr. THURMOND. Mr. President, it is with sadness that I rise today to acknowledge the death of and pay tribute to one of the Senate's most distinguished former Members, Senator Sam J. Ervin, Jr. of North Carolina. To his lovely wife, Margaret; his two daughters, Leslie and Laura; and his son, Sam J. Ervin III; I extend my deepest sympathies.

Sam Ervin first came to the Senate in 1954, about 6 months before I was elected for my first term. During the entire time he served the people of North Carolina in this Chamber, I knew him as a man of great integrity, dedication, and courage. His death is a great loss not only for the people of North Carolina, who loved and admired him, but for our Nation as well.

Sam Ervin became a national figure during the Senate Watergate hearings in 1973 as chairman of the select committee designated to investigate the break-in of Democratic headquarters at the Watergate Hotel here in Washington.

He handled the hearings very ably and distinguished himself as a Constitutional scholar and a man dedicated to the fair administration of justice.

Mr. President, I knew Sam Ervin as a man devoted, above all else, to his country and its constitutional form of government. A graduate of the Harvard School of Law and the University



of North Carolina, Senator Ervin developed a love of studying the Constitution and the history of our Government, which he carried with him into retirement from the Senate in December of 1974. He was recognized by Democrats and Republicans alike as one of the Senate's foremost constitutional experts and scholars. During his service in the Senate, Sam Ervin always subordinated his partisan beliefs to his respect and love for the U.S. Constitution. That steadfast belief in our system of Government earned him the admiration of us all.

Senator Ervin's entire career was dedicated to serving his State and Nation. He was a decorated veteran of World War I, where he served in France and earned the Distinguished Service Cross, the Silver Star, and two Purple Hearts for heroism as an enlistee man.

The Senator also served three terms in the North Carolina Assembly, and later was chosen for a seat on the State Supreme Court, where he served with distinction from 1948 to 1954.

After his election to the U.S. Senate, Sam Ervin continued to serve his State and Nation for 20 more years, until his retirement, when he returned to his home in Morganton, NC. I know my colleagues who were here during his Senate service join me in saying that it was a distinct privilege to serve with Sam Ervin.

However, Senator Ervin's retirement did not mean an end to his work. He became an author of critical acclaim, writing a book of amusing and entertaining anecdotes, entitled, "Humor of a Country Lawyer."

That was, perhaps, one of Sam Ervin's greatest talents. He could, with his marvelous sense of humor, make us see the best in ourselves, our neighbors, and our great Nation. His contributions were numerous, but we will always remember him as a decent, entertaining man, who used his skills as a great lawyer to serve his Nation and his fellow man. His death is a loss for all of us.

So that my colleagues can have even more information about his accomplishments and career, I ask unanimous consent that an article in the April 23, 1985, edition of the *Charlotte Observer* be printed in the *RECORD*.

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

**EX-SENATOR ERVIN DIES AT 88**

(By Ken Eudy)

Former U.S. Senator Sam Ervin Jr., whose devotion to the Constitution helped drive an American president from office, died Tuesday of respiratory failure at Bowman Gray Medical Center in Winston-Salem.

Ervin, who was 88, sprang to the American consciousness in 1973 when he was appointed chairman of the Senate Committee on Presidential Campaign Activities, known as the Watergate Committee.

During committee hearings televised live nationwide, Ervin became known as "Senator Sam." Eyebrows flutter, jowls quivering and tongue stammering in a syrupy Southern drawl, Ervin liked to call himself "just a good ol' country lawyer." But Ervin was a North Carolina-born, Harvard-educated lawyer who quoted Shakespeare, the Bible and the Constitution with ease. He was recognized as the Senate's greatest constitutional authority of his generation.

The same understanding of the Constitution that led Democrat Ervin to oppose Republican President Richard Nixon during Watergate compelled him to oppose civil rights legislation, the Equal Rights Amendment and school busing to achieve integration.

Ervin's Watergate hearings set the stage for Nixon's resignation in August 1974, four months before Ervin ended a 10-year Senate career and retired to his home in Morganton.

Ervin died about 4:15 p.m., said Roger Rollman, a hospital spokesman. "The cause of death was attributed by his doctors to respiratory failure which developed during the day," Rollman said. "The kidney failure for which Mr. Ervin was admitted to the center was a significant contributing factor in the death."

Ervin was moved to Bowman Gray on Monday after suffering acute renal failure and doctors determined he needed more specialized treatment than was available at Grace Hospital in Morganton, said Mary McBryde, his secretary.

Ervin had been a patient at Grace Hospital for more than three weeks prior to his move to Winston-Salem. He suffered from a variety of ailments during that time, and at one point was plagued by a high fever.

Ervin's fame came late in his political career. Most of his Senate tenure was spent in the shadow of other Southern Democrats such as Richard Russell of Georgia, Harry Byrd, Sr. of Virginia and John Stennis of Mississippi. Later, other younger southern senators such as Russell Long of Louisiana and Herman Talmadge of Georgia eclipsed Ervin in senatorial influence.

In fact, Ervin never chaired a major committee until 1972, when he was named chairman of the Select Governmental Operations Committee.

Little major legislation bears his name. And one year, Ervin was on the losing side of Senate votes more often than any other Democratic senator.

Like other Southern senators, Ervin opposed almost every civil rights bill. Civil rights legislation, Ervin wrote in his 1984 autobiography, "is in essence thought-control legislation."

"I opposed civil rights bills presented to the Senate during my service because I entertained the abiding convictions that some of them were unnecessary, some of them were tyrannical and some of them were unconstitutional," he wrote.

When the Senate passed the Equal Rights Amendment in 1972, Ervin told his colleagues on the Senate floor, "It is almost impossible to conceive the state of legal chaos which will ensue if this amendment is ratified by the states. It will invalidate thousands of laws which make legal distinctions between men and women, many of which are based upon . . . a recognition of the fact that God did create two sexes."

Ervin's primary national identity—as an obstructionist of civil rights legislation—changed in early 1973, when he was appointed chairman of the committee to investigate the Watergate break-in.

Ervin's respect for the Constitution, which led to his Watergate assignment, came from his lawyer father, Sam Ervin Sr., and his mother, Laura Theresa Powe.

His parents, said Ervin, imbued him with what he once called a "Scotch-Irish Presbyterian conscience."

"A Scotch-Irish Presbyterian conscience will not keep one from sinning, but it will keep him from enjoying his sin. Moreover, it commands him to do what it tells him is right, and smites him unmercifully if he does not obey."

"Consequently, the victim of a Scotch-Irish Presbyterian conscience has the trait that his supporters praise as firmness and his adversaries condemn as obstinacy."

One of 10 brothers and sisters, Ervin graduated in 1917 from UNC, where he was senior class president.

After graduation, Ervin enlisted in the Army and was twice wounded in World War I. Ervin won the Silver Star and the Distinguished Service Cross, and twice was commended for bravery.

When he returned to North Carolina in 1919, he passed the state bar examination before enrolling in Harvard Law School.

A year after graduating from Harvard, Ervin was elected to the first of three terms in the N.C. House.

While in the House, that Scotch-Irish Presbyterian conscience led Ervin to fight the anti-Darwinism that was sweeping the South in 1925.

The N.C. House was debating a bill that would forbid the teaching of evolution in public schools. Ervin, a 29-year-old House member, argued against the bill, saying, "I don't see but one good feature in this thing, and that is that it will gratify the monkeys to know they are absolved from all responsibility for the conduct of the human race."

The N.C. House killed the anti-Darwinism bill.

From 1935 until 1937, Ervin served as a Burke County criminal court judge, and from 1937 until 1943, Ervin was a superior court judge.

Ervin served one year in the U.S. House in 1946 upon the suicide of his younger brother, Joe Ervin, who suffered from a bone disease.

In 1948, Ervin was appointed an associate justice of the N.C. Supreme Court. He might have ended his public career as its chief justice but for the 1954 death of U.S. Sen. Clyde Hoey.

Gov. William Umstead, a college friend of Ervin, appointed him to fill the seat, and Ervin was sworn in by then-Vice President Richard Nixon. He was elected on his own later that year, and often was returned to the Senate without opposition.

Early in Ervin's Senate career, he again opposed a popular political cause: McCarthyism.

Vice President Nixon appointed Ervin in 1954 to a committee to determine whether Sen. Joe McCarthy had engaged in conduct unbecoming a senator in his attempts to uncover communists in the federal government.

During the hearings, McCarthy attacked Ervin and two other committee Democrats as "unwitting handmaidens" of the communists.

Ervin took to the Senate floor to respond. "The issue before the American people is simply this: Does the Senate of the United States have enough manhood to stand up to Sen. McCarthy? . . . The honor of the Senate is in our keeping. I pray that senators will not soil it by permitting Sen.

McCarthy to go unwhipped of senatorial justice."

Two weeks later, the Senate censured McCarthy.

In the intervening years, Ervin became known as the Senate's expert on the Constitution, but he rarely made the national spotlight.

That changed in 1973, when Senator Majority Leader Mike Mansfield, D-Mont., picked Ervin to head a committee to investigate the Watergate break-in because, as a former judge, Ervin had more judicial experience than any senator. Also, Mansfield said, Ervin was the least partisan Senate Democrat and at 76 harbored no presidential ambitions.

"Sen. Ervin was the only man we could have picked on either side of the aisle who'd have had the respect of the Senate as a whole," Mansfield said then.

During those hearings, which opened May 17, 1973, former White House counsel John Dean revealed that Nixon had been told of the Watergate burglary days after it occurred and that Nixon had participated in the cover-up. White House aide Alexander Butterfield disclosed the existence of a White House taping system with which Nixon taped private conversations.

The Watergate Committee heard a parade of witnesses describe what came to be known as "dirty tricks"—tactics designed to help Nixon win reelection in 1972 and punish his political enemies.

While Ervin's committee hearings didn't establish that Nixon had prior knowledge of the Watergate break-in, the daily televised hearings focused public attention on alleged misdeeds of the Nixon administration. Eventually the Supreme Court ordered Nixon to surrender tapes that implicated him in the Watergate cover-up.

Ervin defended the committee from charges by Republicans that he had created the constitutional crisis forcing Nixon from office. "As a general rule, people are the authors of their own misfortunes. And President Nixon is the sole author of his own misfortune in this case," Ervin said. "He had too much thirst for political power and not enough scruples about how political power's obtained."

Ervin chose to retire in 1974 rather than seek reelection. He had been active in the years since his retirement, however, practicing law in Morganton and writing three books: "The Whole Truth: The Watergate Conspiracy," "Humor of a Country Lawyer" and "Preserving the Constitution: The Autobiography of Senator Sam Ervin."

Ervin had become such a national celebrity, American Express used him in a television commercial promoting its credit card.

Ervin is survived by his wife, Margaret; a son, U.S. Appeals Court Judge Sam Ervin III of Morganton; and two daughters, Margaret Hansler of Pennington, NJ, and Laura Smith of Morganton.

#### MAN'S INHUMANITY TO MAN

Mr. PELL. Mr. President, why are we memorializing the most massive and darkest example of man's inhumanity to man? Why?

The reason is to seek to prevent such inhumanity occurring again—and to be alert to the need to snuff out those same dreadful instincts that turned human beings like you and me into beasts.

Let us remember, too, Dante's words so often quoted by our murdered colleague, Bob Kennedy, "He who sees, stands by and does nothing, as evil is performed, is just as guilty as he who performs it."

Here we must remember how we of the so-called civilized world stood by as millions of Jews and Gentiles and gypsies were murdered.

Examples?

We returned the passenger vessel *St. Louis*, with its load of 900 Jews back to Bremen and the concentration camps of Europe.

We declined to change our immigration laws one jot.

Even then, we declined to take in most of those unfortunate human beings who were clamoring at our consulates for visas. In fact in 1944, only 9 percent of our visa allotment was even used.

And, as reads our War Department telegram presently exhibited at Vad Yashem, we even refused to bomb the rail line between Kosice and Presov over which the Nazi victims were transported to Auschwitz.

We did all too little 40 years ago. What can we do now?

One thing we in the Senate can do is to ratify the Genocide Convention—and this I look forward to our soon doing in as unhampered a form as possible. And here I have a personal interest, too, as its ratification would have given much satisfaction to my father, Herbert Pell, who was the American representative to the United Nations War Crimes Commission and who played such a role in having genocide considered a war crime by our Government just 40 years ago this spring.

More important, let us remember that the seeds of evil are always present, but their growth can be halted by each of us not standing by when we see the start of evil. Ceremonies of remembrance like this and by the actions, activities, and advice of the Holocaust Commission.

In this regard, I would hope that President Reagan might heed our plea that he cancel his visit to the Bitburg cemetery.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the excellent statement of William J. vanden Heuvel, an old friend, who was formerly the Deputy Permanent Representative of the United States to the United Nations.

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

THERE CAN BE NO RECONCILIATION WITH NAZISM

(William J. vanden Heuvel<sup>1</sup>)

President Reagan's state visit to the Federal Republic of Germany is appropriate

<sup>1</sup> Mr. vanden Heuvel, an attorney in New York, was formerly the Deputy Permanent Representative of the United States to the UN.

and important. It is made in a spirit of reconciliation, commemorating the 40th Anniversary of the end of the Second World War in which our nations were enemies. It is a difficult trip because the memories of the Nazi period are a continuing, painful part of our lives. This difficulty has been compounded by the insensitivity of the proposal that the President visit the Bitburg cemetery, the final resting place of 2216 German soldiers who died in the desperate effort to resist the Allied armies in the Battle of the Bulge. The massacre of American prisoners at Malmédy by the Nazis during the battle is part of the historical shadow over the proposed visit.

Many of the tombstones marking the identity of the German soldiers buried in Bitburg carefully note their identity as members of the SS, the "elite Storm Troopers" of the Third Reich. It is not possible to visit such a cemetery without acknowledging the cause these soldiers served. The SS built Buchenwald. Its officers administered Dachau. Its members murdered millions of Jews in the most brutal genocide of modern history. Eichman was an SS colonel. There can be no reconciliation with what these men represented.

The President's advisors apparently thought American soldiers were buried alongside the Germans in Bitburg. Presumably the President would then have an occasion to reflect on the irony and waste of war. But there are no Americans buried in Bitburg. That error alone should cause the President to cancel his planned stop. Chancellor Kohl continues to urge President Reagan to visit Bitburg, citing as a precedent the ceremony of reconciliation at Verdun presided over by President Mitterand and the Chancellor just months ago. But Verdun is in France, not Germany; and it was the site of the most brutal battle of World War I, not World War II; and French and German soldiers are buried there. Verdun is truly the symbol of the insanity of war. Over three million men were killed in that battle, destroying a generation of sons for both France and Germany. Most of those nameless victims are buried in mass graves. In the context of that meaning, it is altogether appropriate that the President of France and the Chancellor of the Federal Republic of Germany should stand together and weep in remembrance.

The Bitburg cemetery is a reminder of something else. The planners of the Presidential visit do not understand the anguish of the protest if they think they can balance the itinerary by adding a synagogue or restoring Dachau to the tour. President Reagan cannot go to Bitburg and honor those who murdered at Malmédy, who constructed and administered the concentration camps and spent years of their lives as part of a force that systematically carried out a genocide, a wound that can never heal.

The original purpose of the President's visit remains urgent, namely to honor the new Germany which has a respected and powerful place among the Western democracies. But the symbol of our reconciliation with Germany and its remarkable achievements is not the cemetery at Bitburg. It is the grave of Konrad Adenauer who resisted Hitler and everything the Nazis stood for and who survived to lead his country as Chancellor out of its murderous nightmare. It could also be the tomb of Ernst Reuter, another hero of the Resistance to the Nazis, the Mayor of West Berlin who stood with the Americans during the airlift of 1948 when the Soviet despotism tried to intimi-



date the possibilities of freedom. A tribute to Ernst Reuter and the people of West Berlin would give the President an opportunity to point across the Wall to the leaders of East Germany who continue the crime of the Nazis by refusing to acknowledge the Holocaust and who permitted a ceremony last week commemorating Buchenwald without even mentioning the thousands of Jews who were murdered there.

Chancellor Kohl should have insisted on the remembrance of the Holocaust as part of the President's trip to remind the world that the Nazis were mortal enemies of German democracy. The message then would be clear: it is the responsibility of all of us as the enduring monument to the Holocaust to pledge anew that we will not forget the terrible sacrifice of its victims. Arthur Koestler once suggested that each of us each day should take time for remembrance of the victims of Dachau, Buchenwald and the other Nazi horrors. His thesis was that in not forgetting, we could not permit the repetition of such cruelty. Such remembrance would also make clear that there can never be a reconciliation with the Germany of Hitler and Nazism. Our reconciliation is with the Germany of Adenauer, Reuter, Brandt, Schmidt and Kohl. The President of the United States is right in honoring them and the Federal Republic. It is not in human power to forgive the Nazis for what they did. We can only express our grateful admiration that a new Germany has emerged, a Germany of democratic commitment, a Germany as determined as we are to prevent Nazism from ever again gaining political power.

#### THANK YOU, ONCE AGAIN, SECRETARIES

Mr. MOYNIHAN. Mr. President, this is Professional Secretaries Week. Last year at this time, I took to the floor to pay tribute to the secretaries in my office. Since that time, much has changed. Vicki Baer, who was then and remains my personal secretary, has married, and we all now know and love her as Vicki Dodson. Her husband, Rick Dodson, is a lighting technician for NBC News. He may be seen frequently in the halls of the Capitol, and occasionally about my office, visiting his dear bride on a spare moment.

Another welcome change is the improvement in the health of Kelley Prunesti. We are glad to have her back this year.

One other notable turn is the addition of Ms. Mary Stealey to the staff. Mary replaced Fran Cochran, who has joined the ranks of the happily retired.

Yet, Mr. President, despite these changes, there is one constant: my gratitude to Vicki Dodson, Julie Smith, Kelley Prunesti, Emily Cavanaugh, and Mary Stealey. They keep my office running. At all hours of the day and night, and even on weekends, they have worked tirelessly and, all too often, thanklessly. It is, alas, far too easy to forget how much we owe them.

I make amends now by offering these thanks. My appreciation and that of the rest of my staff to Vicki,

Julie, Kelley, Emily, and Mary. What would we do without them?

#### DRUG ABUSE IN WESTERN EUROPE

Mrs. HAWKINS. Mr. President, we Americans are not alone in our problems of drug abuse. As we join our allies in the battle against this devastating international affliction, we discover more and more that it is a problem of growing significance all over the Western World.

It is the case with our Nation's oldest friend, for example. In France, 12 years ago, when the fabled "French Connection" was broken, drug addiction was rare in this nation. Now, it seems, the drug problem has returned to France, with a vengeance.

From solvents, to cocaine, to heroin, French citizens of all ages are consuming drugs at an alarming rate. It is estimated that the youth of this nation, finding illicit narcotics now readily available, are beginning to abuse drugs at 11 years of age, and this is the case at every level of society. Reports indicate that the decreasing costs of drugs—for example, one gram of cocaine costs 1,000 French francs, approximately \$100—due to their increasing supply, and this situation makes their purchase that much more attractive to the general population. Latest estimates show that there are an estimated 200,000 drug abusers in France, which relative to the entire population of this nation, represents a remarkable figure. The problem is acknowledged as so serious in France that both the Federal and local governments are making it a priority, as indicated by recent efforts on the parts of both levels of government to create the organizational structure necessary to deal with every aspect of this problem.

Latest statistics all over Western Europe are equally disturbing: there are now an estimated 40,000 drug abusers in Great Britain; 6,000 in Ireland; and 250,000 in Italy. And in Italy, for example, a nation which reported no deaths caused by drugs before the mid-1970's, last year reported 257 deaths due to drug addiction.

From Dublin to Rome, the supplies of heroin and cocaine are seemingly limitless, and even though European police make more arrests and intercept more drug shipments every year, the mounting statistics reflect the growing problem.

It is felt by European populations that the most disturbing side effect of this situation is the paralyzing problem of crime. This is a new phenomenon in European cities, and a trend law enforcement officials are experiencing difficulty in stemming. Reports from Spanish police authorities, for example, indicate that 75 percent of

their increasing rate of criminal activity is drug related.

The battle against drugs has, indeed, recommenced in force in Western Europe. Individual police forces in these newly beleaguered nations report soaring numbers of arrests and seizures, and international cooperation is responsible in large part for many of the successes of European law enforcement officials.

We in the United States have fought the war against drug abuse relatively alone for a long time, and we have much information we would be only too happy to share with our friends across the sea. We have succeeded in many of our efforts, both public and private, and we have been unsuccessful in others. Regardless, we will capitalize on our successes, and learn from our failures, until we have achieved the eradication of drug abuse in our Nation. And part of our efforts will now include offering whatever assistance we can to our allies in Western Europe, as we now fight this war together.

#### PRIDE OF NEW JERSEY

Mr. BRADLEY. Mr. President, I rise today to acknowledge the unique abilities of eight citizens of New Jersey who have provided outstanding examples of private initiative and creative ideas to address the critical issues facing New Jersey today. I take great pride in joining with New Jersey Monthly in saluting this year's recipients of the New Jersey Pride Awards. These dedicated citizens exemplify the pride that New Jerseyans feel about our home State.

I would like to commend the following New Jerseyans for their hard work and dedication in their respective fields:

In the arts, Lynne Kramer of Ridgewood who founded and directs Project Impact which offers cultural programs to 63 school districts throughout the State;

In economic development, Robert Ferguson, Jr. of Essex Falls who chaired the Governor's Management Improvement Program and developed recommendations to save the State millions of dollars;

In education, Edward E. Barr of Englewood, former chairman of the State's Board of Higher Education, who has been a leader in improving academic quality in New Jersey's State and county colleges;

In health, Kate Luscombe of Belmar, founder of PRIDE—Parents Resolving Infant Death Experience—at Jersey Shore Medical Center and an ardent speaker on public awareness on how to handle parents when crisis occurs;

In social services, Kathleen DiChiara of Summit who organized the

Community Food Bank of New Jersey, a food program to feed the hungry by getting large corporations to donate "seconds" and truckers to deliver the donations;

In sports and recreation, Jon F. Hanson of Far Hills, chairman of the New Jersey Sports and Exposition Authority, who developed the Meadowlands and was instrumental in negotiations that brought the Devils, the Generals, the Jets, and a CART Grand Prix to New Jersey;

In community development, Joan Quigley of Jersey City who initiated the Jersey Journal "Women of Achievement" awards in 1963 and organized the "Save Our Boulevard" and the "Save Our Courthouse" committees in Jersey City; and in,

Energy and environment, David Moore of Frenchtown, executive director of the New Jersey Conservation Foundation, a tireless leader in protecting New Jersey's natural resources.

Along with these first recipients of New Jersey Pride Awards are two other outstanding citizens who received honorable mention from the committee: Harriet Bryan of Princeton, who has devoted herself to "dignified and affordable" housing for seniors; and Richard Herring of Basking Ridge, who is a major contributor in the field of communications for the deaf.

All of these individuals deserve the recognition and gratitude of the people of New Jersey.

Mr. President, New Jersey is indeed blessed to have such outstanding and dedicated citizens as these 10 individuals. I am proud to serve them as their Senator and I ask that my colleagues join in appreciation of their efforts. On behalf of the people of New Jersey, I offer my sincere thanks to the 1985 Pride of New Jersey Award winners.

#### TWENTIETH ANNIVERSARY OF TITLE I/CHAPTER I

Mr. BRADLEY. Mr. President, 20 years ago today, President Lyndon Johnson signed into law title I of the Elementary and Secondary Education Act, a central component of the war on poverty. Having grown up in rather humble surroundings in central Texas, Johnson often attributed his success to the education he received in a one-room school house. "As the son of a tenant farmer," said Johnson, "I know that education is the only valid passport from poverty."

Looking back over the past 20 years should provide us with a sense of satisfaction. By nearly any standard, the title I/chapter I program has been a success in improving the achievement of educationally disadvantaged youth. While the evaluation of a program as complex as this is bound to tax the ingenuity of the best researcher, the ac-

cumulated evidence suggests that compensatory education programs have had both short- and long-term positive effects on low-achieving youth.

Some of the most compelling evidence comes from the National Assessment of Educational Progress [NAEP], a congressionally-mandated study of basic educational skills. Three national assessments have been conducted and fully analyzed: 1970-71, 1974-75, and 1979-80. Students with varying histories of educational achievement have been contrasted with respect to their NAEP performance, with the results indicating very clearly that students in the lowest achievement groups have demonstrated the greatest gains in performance between 1971 and 1980. Put differently, educationally disadvantaged students, those specifically targeted by title I/chapter I, have shown the greatest improvement in those basic skills measured by the NAEP. Furthermore, those schools most likely to receive Federal compensatory education funds, disadvantaged urban and rural schools, have shown the greatest improvement over the 10 years covered by the national assessments. According to Roy Forbes, former director of the NAEP:

"Across the board, the data show that the greatest gains were found for the lowest performers, those Title I was designed to serve."

In short, title I/chapter I works. Even former Secretary of Education Terrel Bell admitted during testimony in 1981 that these programs have proven successful.

Further evidence offering support for title I/chapter I programs comes from a series of studies evaluating the effects of early childhood education programs on later academic performance. One of the best known of these programs, the Perry Preschool Project, has demonstrated long-term positive changes for participants in the areas of school achievement, graduation rates and scores on functional competence tests, criminal arrest rates, employment rates, and welfare participation. The careful evaluation of this project, documented in a book titled "Changed Lives," details the potential value of a thoughtfully carried out program of early childhood education for disadvantaged youth.

In spite of the success of the title I/chapter I program, recent years have witnessed a change in political climate with respect to the Federal role in education. This new climate has necessitated a strong defense on the part of supporters of the title I program to secure its future. In 1981 the administration attempted to replace title I with a noncategorical block grant. Instead, Congress responded with its own alternative, the Education Consolidation and Improvement Act, under which title I became chapter I. Unfortunately, this legislative maneu-

ver included several changes which have, in my estimation, substantially weakened the original legislation. Reductions in State administration funds for the program, along with reduced State monitoring requirements, appear to substantially cut back State oversight activities. A 1984 study by the Children's Defense Fund indicates that 25 States have either decreased or halted altogether oversight visits to chapter I program sites. The same study notes that the elimination of a requirement mandating parent advisory councils has resulted in a significant decrease in parental involvement in these programs. This result should be disturbing to an administration which has expressed such a strong concern for parental involvement in education.

Congress has also repeatedly been put in the position of fending off administration proposals to dramatically slash chapter I funding. For example, the President proposed cutting chapter I funding by roughly one-third for fiscal year 1982 and fiscal year 1983. Congress rejected this request but, unfortunately, funding levels have been severely eroded by inflation. Chapter I funding during the present fiscal year represents a 19.2-percent reduction, in constant dollars, from the fiscal year 1980 level. This funding erosion has not resulted in a reduction in the type or quality of services. Rather it has had the unfortunate consequence of reducing the number of children being served by between 500,000 and 700,000. In considering these figures, one should keep in mind that only about 45 percent of all chapter I eligible children are currently being served by the program. Once again, the President is asking us to allow inflation to eat away at a program of proven value, to remove even more children from this program.

The time has come to bring a halt to the whittling away of this most important and successful program. President Johnson was absolutely correct when he identified education as an individual's best ticket out of poverty. By what stretch of the imagination does it make sense to cut the funding of a program serving the educationally disadvantaged which has been widely acknowledged, even by administration officials, to be extremely effective? Logic would seem to dictate that we invest further in cost-effective programs such as chapter I.

On this 20th anniversary of title I/chapter I, I would like to recognize the dedication and hard work of the teachers and program administrators who have made the program a success, who have made an important difference in the lives of so many children. Their commitment and their belief in children who once were written off has changed the future of many of these



children. I would also like to commend my colleagues in the Senate and the House who have come to the defense of this program year after year, and request that we join together again this year as we shape the budget and oppose any further cuts to chapter I.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 67. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes.

#### HOUSE MEASURES REFERRED

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

H. Con. Res. 67. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Foreign Relations, without amendment:

S. 998. An original bill to require the imposition of sanctions against the Government of South Africa if, within 2 years, significant progress has not been made toward ending its policy of apartheid, and for other purposes (with additional views) (Rept. No. 99-37).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

William Emerson Brock III, of Tennessee, to be Secretary of Labor.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GOLDWATER, from the Committee on Armed Services:

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. "M" Staser Holcomb, 561-54-9492/1310, U.S. Navy.

#### 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. DURENBERGER, Mr. BAUCUS, Mr. QUAYLE, and Mr. BENTSEN):

S. 984. A bill to provide two additional members of the Prospective Payment Assessment Commission; to the Committee on Finance.

By Mr. GRASSLEY:

S. 985. A bill to protect the rights of victims of child abuse; to the Committee on the Judiciary.

By Mr. BOREN (for himself, Mr. BUMPERS, Mr. FORD, Mr. MELCHER, Mr. PROXMIER, Mr. PRYOR, Mr. GORE, Mr. DeCONCINI, and Mr. ROCKEFELLER):

S. 986. 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 Finance.

By Mr. EXON:

S. 987. A bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-65; to the Committee on the Judiciary.

By Mr. WALLOP:

S. 988. A bill to amend title XVIII of the Social Security Act to prohibit the Secretary of Health and Human Services from requiring certain physician certifications relating to inpatient hospital services, and to allow physicians to charge Medicare beneficiaries without regard to the fee freeze if the patient chooses to pay the physician from private sources; to the Committee on Finance.

S. 989. A bill to amend title XVIII of the Social Security Act to allow physicians to charge Medicare beneficiaries without regard to the fee freeze if the patient chooses to pay the physician from private sources; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. PACKWOOD, Mr. GORTON, and Mr. STEVENS):

S. 990. A bill to consolidate and authorize program support and certain ocean and

coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH (for himself, Mr. PACKWOOD, Mr. GORTON and Mr. STEVENS):

S. 991. A bill to provide authorization of appropriations for certain fisheries activities; to the Committee on Commerce, Science, and Transportation.

By Mr. COHEN (for himself, Mr. ROTH and Mr. CHILES) (by request):

S. 992. A bill to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Governmental Affairs.

By Mr. HATCH:

S. 993. A bill to amend the Internal Revenue Code of 1954 to allow a credit for the occupational training of displaced homemakers; to the Committee on Finance.

By Mr. JOHNSTON:

S. 994. A bill to facilitate the national distribution and utilization of coal; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. MATHIAS and Mr. DOLE):

S. 995. A bill to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon such policies; to the Committee on Foreign Relations.

By Mr. CHILES:

S. 996. A bill to amend Public Law 96-350 to further define the customs waters for the purposes of certain drug offenses; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S. 997. A bill to improve the operation of the Strategic Petroleum Reserve and to authorize emergency financial assistance during an oil supply disruption; to the Committee on Energy and Natural Resources.

By Mr. MATHIAS:

S. 998. An original bill to require the imposition of economic sanctions against the Government of South Africa if, within 2 years, significant progress has not been made toward ending its policy of apartheid, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. MATHIAS:

S.J. Res. 121. Joint resolution to designate June 15, 1985 as "National History Day"; to the Committee on the Judiciary.

By Mr. BRADLEY:

S.J. Res. 122. Joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. HOLLINGS, Mr. NUNN, Mr. LEAHY, Mr. SYMMS, Mr. LUGAR, Mr. LEVIN, Mr. BOREN, Mr. DURENBERGER, Mr. PRYOR, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BRADLEY, and Mr. WILSON):

S.J. Res. 123. A joint resolution to designate Dr. Jonas Salk Day; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BRADLEY:

S. Con. Res. 44. Concurrent resolution relating to a permanent site for the Olympic Games; to the Committee on Commerce, Science, and Transportation.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 984. A bill to provide for two additional members of the Prospective Payment Assessment Commission; to the Committee on Finance.

## ADDITIONAL MEMBERS FOR THE PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Mr. DOLE. Mr. President, the bill which we are introducing today expands the membership of the Prospective Payment Assessment Commission by two, from 15 members to 17.

### COMMISSION BACKGROUND

The 1983 Social Security amendments created a new hospital reimbursement system for Medicare known as the prospective payment system. This new system was designed to revolutionize the way we pay hospitals, moving away from the old retrospective cost based system to a new system of prospectively determined rates.

As with any new program, there were inevitably going to be difficulties with implementation intensified by the complexities of this new system. Recognizing this, the Congress established the Prospective Payment Assessment Commission to assist it in its work of reviewing the program and making sure the system is kept up to date.

### COMMISSION RESPONSIBILITIES

As originally proposed, the Commission was given the responsibility of making recommendations to the Secretary on the appropriate percentage change in payment rates for hospitals under the system. In addition, the Commission is expected to assist the Secretary in evaluating the need to update existing diagnosis-related groups, establishing new diagnosis-related groups, and making recommendations on a range of other issues that would be involved in assuring that this new payment system is adequate to assure the delivery of safe, efficacious, and cost effective care.

The Commission is currently made up of 15 members whose terms are staggered so as to provide for an orderly changeover of the members over the years to come. Because of the importance of the work of the Commission, the Director of the Office of Technology Assessment was directed to seek nominations for appointment to the Commission from a wide range of groups so as to assure that the membership provided expertise and experience in all aspects of the provision and financing of health services. Obviously because of the limits on the size of the Commission, not all possible interests could be represented.

This limitation will be dealt with in part with new appointments to the Commission over the years which are made when the current members' terms expire. However, there are two areas in particular which I believe need immediate attention: Rural hospitals and nursing services. I should also note that other Senators believe that input from the business community is also missing and should be accommodated through changes in the membership of the Commission.

Rural hospitals, while similar to all hospitals in many respects, have some very special needs, in part because of the small volume of patients many of them admit. Though they represent a relatively small percentage of total Medicare revenues, they are a critical source of care for those living in rural areas. An understanding of their problems, which will result in part from a representative being part of the Commission's deliberations, will be necessary to enable us to make appropriate adjustments and modifications in the payment system to accommodate the needs of these institutions where appropriate.

With respect to nursing services, it goes without saying that the input of nursing will be essential in any attempt to make the payment system relevant to the care being provided in hospitals. Nurses remain a primary source of direct patient care in hospitals and, on average, spend more time than any other group with hospital inpatients.

It is true that due to the staggering of terms of appointment there are scheduled to be three vacancies on the Commission this year, however, two of the individuals whose terms expire hold important subcommittee chairmanships and it is hoped by many that they will stay through this formative period. As a result, it is not likely that many new members will be appointed this year. It is for this reason, in part, that we recommend expanding the Commission at this time. In addition, we believe the amount and complexity of the work assigned to the Commission to be sufficient as to warrant some expansion.

However, notwithstanding our desire to expand the Commission to meet these needs it is not our intention, nor do we believe it would be appropriate in the future, to automatically expand the Commission to accommodate specific interests. The staggering of the terms of appointment and this small increase in the size of the Commission, should be adequate to meet future needs.

### CONCLUSION

Mr. President, as I indicated at the outset, the work of the Propac will be critical to our efforts to keep the payment system up to date, and in my view, input from the rural hospital community and from the nursing com-

munity is absolutely critical to the Commission's deliberations.

There are a great many interests that should appropriately be represented on the Commission. For example, the manufacturers of the equipment utilized by hospitals; hospital financial managers; health care economists; consumers; insurers; hospital employee groups; and of course, hospitals themselves. The modest increase in the size of Propac that we suggest in this legislation will help to allow for an appropriate broadening of the representation on the Commission.

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. 984

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1886(e)(6)(A) of the Social Security Act is amended by striking out "15 individuals" and inserting in lieu thereof "17 individuals".*

*(b) The Director of the Congressional Office of Technology Assessment shall appoint the two additional members of the Prospective Payment Assessment Commission, as required by the amendment made by subsection (a), no later than 60 days after the date of the enactment of this Act, for terms of three years.*

Mr. DURENBERGER. Mr. President, I join my colleague from Kansas [Mr. DOLE] in introducing this amendment to expand the membership of the Medicare Prospective Payment Assessment Commission by two positions. The Commission, authorized by the Social Security Amendments of 1983, was designated to make recommendations to the Secretary of Health and Human Services and the Congress on the annual increase in Medicare payments for hospital discharges and what adjustments, if any, should be made in prices for treatments or procedures by the Medicare Program to accommodate changes in medical practice and technology.

The 15 members of the Commission were chosen last year by the Congressional Office of Technology Assessment [OTA]. The OTA made these appointments without sufficient consultation with the congressional policymakers who originated the Commission. I know Senator DOLE, as well as myself and others, were concerned about the selection process of the Commission and have expressed these feelings publicly on other occasions. I am confident in the future that the selection process to fill expired terms in the Commission will be conducted with greater guidance from Congress.

Stuart Altman, the Commission's Chairman, was an excellent choice and the Commission clearly includes other qualified individuals. The Commission,



nevertheless, does not have representatives from important sectors such as the business community, nursing, or rural health care. Expanding the Commission at this time would allow the reappointment of certain members whose 1 year terms expire but hold critical the subcommittee positions on the Commission, while providing positions for new appointments from business, nursing and rural health care.

The expansion of the Commission is appropriate because the body is still in its formative stages and needs to retain certain talent critical to its early work as well as to accommodate other perspectives. The amendment is not meant to set a precedent for the expansion of the Commission to meet the needs of every interest group, but only to assure the Commission will be appropriately representative of the areas affected by its work.

Mr. BAUCUS. Mr. President, I am pleased to join our distinguished majority leader in introducing S. 984, a bill to strengthen the Medicare Prospective Payment Assessment Commission by establishing seats for two additional commissioners.

This Commission—usually referred to as Propac—was established as part of the 1983 prospective payment legislation to advise the Secretary of Health and Human Services and the Congress on the operation of the new Medicare payment system for hospitals.

#### MEDICARE PROSPECTIVE PAYMENT

The prospective payment system represents a fundamental change in the way Medicare pays for inpatient hospital services. After a transition period, the payment rate for a patient's stay will be based primarily on the patient's diagnosis. A separate payment rate is established for each of 469 diagnostic related groups [DRG's].

The use of DRG's as a basis for pricing hospital services has been a subject for study over a number of years, and the New Jersey Hospital Rate Setting Program has had limited experience with DRG's. However, the new Medicare hospital payment system must be recognized for what it is—only a good beginning. Propac will be needed to advise the Secretary and the Congress on a number of important, complex, and controversial issues and decisions that must be dealt with over the next several years as the new system develops.

Perhaps the most important of these issues concerns the percentage by which the DRG payment rates will be increased from year to year. While the law directs the Secretary to set the payment rates for 1984 and 1985 so as to duplicate the outlays that would have resulted had the prior law remained in effect, the statute gives the Secretary very broad discretion for setting the payment levels for later years.

In addition, it will be necessary under the new payment system for the Secretary to revise existing DRG's, establish new DRG's, and raise and lower payment rates for specific DRG's so that the new system will keep pace with changes in technology and hospital practices.

#### PROPAC

The Prospective Payment Assessment Commission, which I sponsored, was established to advise the Department and the Congress on these and numerous other difficult issues. It is presently composed of 15 independent experts, selected by the Director of the Office of Technology Assessment, who have expertise and experience in the provision and financing of health care. Medicare beneficiaries are represented on the Commission.

I urged establishing Propac in 1983 because I strongly believe that without a strong, independent, and broadly representative Commission to monitor the new prospective payment system, there would be a significant risk that we will see hospital payment rates develop in this country that do not bear a rational relationship to the cost of the kind of care we seek to purchase for the elderly. This would mean wasteful spending for some DRG's. In other cases, it would mean less care or poorer quality care for the elderly, the shifting of costs to other patients, and increased demands by hospitals that they be permitted to charge the elderly for the part of their costs that is not borne by Medicare.

#### NEED FOR BROADENED REPRESENTATION

As the Commission has worked to prepare its first report, gaps in its membership have become apparent. First, none of the members can speak from the perspective of the business community. This is a serious omission because private businesses pay for much of the health care that people under age 65 receive. Moreover, business has played an increasingly important role in containing hospital costs. Much of the recent success in dampening the rise in health costs is attributable to private efforts.

A second omission is the lack of a representative from the nursing profession. As hospitals are forced to find ways to become more cost effective in treating patients, there is always a danger that the quality of care delivered to Medicare patients will suffer. The peer review organizations [PRO's] have a great deal of responsibility in this regard, but members of the nursing profession are on the front lines and can offer timely advice and criticisms.

The most serious omission, Mr. President, is the lack of representation of small, rural hospitals. While these hospitals are of vital importance to the millions of Americans who live in sparsely populated areas, their unique character and needs are sometimes

overshadowed by the concerns of the larger, urban hospitals, who all too often tend to dominate policy debates.

Continued access to quality health care in rural areas is a serious concern in Montana. Of the 67 hospitals in Montana, half have fewer than 50 beds. Most of these small hospitals are in small communities and isolated rural areas. Each provides essential services—if one closes, its patients might easily have to drive 100 miles or more for emergency medical care.

Cutbacks in Medicare payments hit small, rural hospitals particularly hard because they have so many Medicare patients. Half the patients in my rural Montana hospitals are Medicare patients, mostly because rural populations nationwide are aging as younger people move into larger cities and towns. When Medicare cuts back on its payments for these patients, there is often no way a small hospital can make up the loss.

#### CONCLUSION

The Prospective Payment Assessment Commission should be enlarged to accommodate members from the business community, the nursing profession, and small rural hospitals. Adding two seats will help make this possible. I believe it is vitally important that rural hospitals in particular be added to the Commission as quickly as possible.

With these important additions, Propac will be better able to present balanced, informed advice to the administration and to the Congress. I urge my colleagues to support this important initiative.

Mr. QUAYLE. Mr. President, I join my fellow Senators, Mr. DOLE and Mr. DURENBERGER, in introducing this amendment to increase the membership of the Prospective Payment Assessment Commission [Propac] by two slots. Propac was authorized by Public Law 98-21, which established the prospective payment system, for the purpose of establishing an advisory body to the Secretary of Health and Human Services. Specifically, Propac is charged with making recommendations to the Secretary regarding the need for adjustments to the DRG system based on its evaluation of scientific evidence regarding new practices, including the use of new technologies and treatment modalities.

The purpose of this amendment is to provide more appropriate representation on the Commission while allowing it to retain the expertise of a number of its current members serving in key subcommittee positions. It is my expectation that new appointments will be made to ensure that input is provided from representatives of the nursing and business communities and from the sector of the health field concerned with rural health care. I am deeply concerned that many of our

rural hospitals are being impacted disproportionately by the prospective payment system. Therefore, I believe that it is essential that this voice be heard on the Commission.

The rationale behind the establishment of Propac highlighted the need for the prospective payment system to be able to account for the technology factor. I think Propac can make, and should be allowed to make, an important contribution in this area. The last few decades have seen a proliferation of new health care technologies, which include increasingly sophisticated drugs and medical and surgical procedures requiring expensive equipment. In many cases, new technology had led to increased cost without apparent benefits. The health care system, at present, has not always been able to appropriately evaluate health care technologies. Thus, the activities of both Propac and the private sector in technology assessment are vitally needed.

Mr. BENTSEN. Mr. President, I am pleased to join the majority leader as an original cosponsor of S. 984, a bill to increase the number of members of the Prospective Payment Assessment Commission [Propac] by two. As many of our colleagues may be aware, Propac was created by the Social Security Amendments of 1983—Public Law 98-21—to advise the executive and legislative branches on implementing and updating the prospective payment system used to reimburse hospitals and health care providers under the Medicare Program. The Congress intended members of the Commission to be knowledgeable about health care issues and sufficiently independent to ensure that recommendations which they develop are technically sound. By law, the Commission must include individuals with expertise and experience in health care delivery, financing and research. A review of the current membership confirms that we have been successful in attracting to the Commission the highest caliber of talent from the health care professions, academia, industry, business, labor and nonprofit organizations. However, conspicuous by their absence from the Commission are representatives of rural health delivery facilities and the nursing profession. Failure to incorporate these interests into regular deliberations deprives the Commission of the special perspective which the smaller community and its professionals can lend. Because Medicare is vital to the survival of many rural facilities and to the continued availability of quality care in nonurban areas, it is particularly appropriate that spokespersons for these interests be added to the Commission.

I commend the distinguished Senator from Kansas for his initiative in developing this legislation, and encourage each of our colleagues to join

with us in support of this constructive revision in the current membership of Propac.

By Mr. GRASSLEY:

S. 985. A bill to protect the rights of victims of child abuse; to the Committee on the Judiciary.

#### CHILD ABUSE VICTIMS RIGHTS ACT

● Mr. GRASSLEY. Mr. President, Congress has often been accused—correctly, in many cases—of being ineffective and slow to act on the major issues of the day. But Congress can point with pride to its recent accomplishments in one area—combating the scourge of child pornography.

Last year, we passed, and the President signed, the Child Protection Act of 1984, which I had sponsored with Senator SPECTER and others. The Child Protection Act removed the requirement that child pornography meet the murky definition of "obscenity" to fall afoul of Federal law, and also removed the requirement that this hideous form of exploitation be undertaken for a commercial purpose.

The results of this legislation have been dramatic. In recent testimony before a Senate Governmental Affairs Subcommittee, the Justice Department credited the Child Protection Act with a large increase in prosecutions.

In the last 9 months, according to the Justice Department testimony, 63 defendants have been indicted on child pornography charges—almost as many as in the previous 6½ years. And the number of convictions nearly tripled last year over 1983.

But as effective as the Child Protection Act has been in stepping up Federal efforts to guard our young people, we have only scratched the surface in terms of what could be done.

Federal and State enforcement officials need additional tools to end the outrage of child exploitation—and our young people need additional protection.

Accordingly, I am today introducing a new series of initiatives in the continuing fight against those who would destroy the lives of our children for their own cheap and tawdry pleasure and profit.

The first of these initiatives would make sections 2251 and 2252 of title 18, United States Code, predicate offenses triggering the racketeering and influence of corrupt organizations [RICO] statutes. Placing the child pornography sections of the code under RICO would provide the additional penalties and fines available under that statute against these organizations, and might also reach pedophiles who infiltrate legitimate child-care, educational and recreational organizations to gain access to potential victims.

In addition, RICO would provide the personal civil remedies now sorely

lacking under Federal law, including injunctive relief to halt the dissemination of pornography across State lines—out of the reach of State remedies—and treble damages for personal injuries.

This provision differs from earlier efforts in this area in that it limits the expansion of RICO coverage to injuries to the person to violations of sections 2251 and 2252.

The second provision of this package is a variation on legislation I introduced in the last Congress to provide a national clearinghouse on cases involving child abuse and allow child-care organizations to conduct employee background checks.

In hearings on this legislation last year, the FBI objected that such a data base would be a costly duplication of information already existing in the FBI's Identification Division and in the National Crime Center's interstate identification index, that starting such an effort from scratch would cause it to miss many past offenses, and that such an effort would undermine decentralization efforts undertaken by the FBI under Public Law 92-544.

However, the existing data bases are inadequate in that they do not provide information on the victim's age—that is, whether the offense involved a child victim—or on the relationship between the accused and the victim.

Not only would this lack of specificity hamper background checks, it also limits the effectiveness of studies on child abuse based on information contained in these files.

Therefore, I have included in this package a provision directing the FBI and the National Crime Information Center to update their information-collecting efforts by including information on the age of the victim and the relationship to the perpetrator, and to provide a uniform definition of a "child" for the purpose of classifying crimes as being committed against children.

Since I introduced the data base bill last year, Senator DeCONCINI was able to amend last year's continuing resolution to provide additional child abuse training funds for States which establish procedures pursuant to Public Law 98-544 requiring employee background checks by facilities primarily dealing with children. It is important that we act to update the index if the DeConcini amendment is to have any vitality and if we hope to encourage States to take advantage of the information available to child-oriented employers.

Two additional provisions would protect children against repeat offenders through mandatory sentences. Section 5 of the bill provides for a mandatory life sentence for kidnapping of children under 18 by nonparents, and gives the judge discretion to issue a sentence of



death if the kidnaped child is murdered.

We must substantially increase penalties for this vicious crime to deter potential perpetrators and prevent repeat offenses.

Section 6 of the bill provides for mandatory 5-year sentences for repeat violations of sections 2251 and 2252. Again, evidence indicates that many pedophiles are repeat offenders who will strike again if they are released from custody.

Section 7 of this legislation is aimed at a troublesome roadblock to prosecution of offenses against children: the investigative, prosecutorial and courtroom procedures which discourage the use of child victims as witnesses.

Children with the requisite intelligence and communications skills are competent to testify in most jurisdictions. Indeed, the child victim is often the best and/or the only witness against an abuser. A recent conviction in Rockville, MD, where the 5-year-old daughter of an abuser was a key witness, is a well publicized case in point.

However, the justice system erects a number of barriers to the participation of child victims in trials for abuse and exploitation. As if courtrooms were not sufficiently intimidating, often children must confront their tormentors, who in many cases have threatened to harm the children or their loved ones if they tell of their abuse.

Then, once on the stand, they may be confronted with hostile and complex questioning designed to take advantage of their nervousness and inexperience. News reports from the McMartin case in California indicate that the young witnesses were subjected to long, complex and confusing lines of questioning intended to throw them off guard, produce inconsistencies and therefore reduce their credibility.

But the continued torment of these young victims by the system sworn to protect them begins long before they come to the stand. Testimony in hearings conducted last year indicates that repeated interviews by attorneys, investigators, and social workers may cause the child to relive their horror so many times that they may become zombie-like in retelling the story. This also has the effect of reducing their credibility at trial.

And investigators not trained in dealing with the special problems of child witnesses may botch potential prosecutions. News reports indicate that exactly that kind of mishandling of testimony by youngsters led to all the charges being dropped in the Jordan, MN, case, despite the conviction of investigators that a number of children were indeed abused.

It is little wonder that many parents of child abuse victims decide not to

subject their children to the ordeal of testifying against their attackers.

If we hope to increase the number and quality of child exploitation prosecutions, we must act to remove the barriers to participation by child witnesses. And the place to begin is with the procedures employed by the Federal Government in child abuse and exploitation prosecutions.

This legislation would direct the Attorney General to study possible changes in the Federal Rules of Evidence, Criminal Procedure, and Civil Procedure and other Federal courtroom, prosecutorial, and investigative procedures to facilitate the use of child witnesses in these cases. The study must include, but is not limited to, the use of closed-circuit cameras and two-way mirrors for live observation of child witnesses; allowing judicial discretion to circumscribe the use of harassing, overly complex and confusing questions against child witnesses; videotaping interviews to reduce repetition in the course of investigation and pretrial discovery and other streamlining of investigative procedures; and improved training of Federal prosecutorial, enforcement and investigative staff in the special problems of child victims.

The Attorney General is directed to report with findings and recommendations within 1 year of passage. It is my hope that such a study would produce an institutional commitment on the part of the Justice Department behind a set of recommendations, and provide the impetus for congressional action before the end of this Congress. I further hope that, though the Federal Government engages in fewer abuse and exploitation prosecutions than local authorities, the Federal influence would encourage parallel changes at the State level.

A final provision in the legislation would have the effect of allowing John and Noreen Gosch of Des Moines, IA, to share a seat on the board of the Missing Children's Center. John and Noreen's son Johnny, a Des Moines Register carrier, disappeared in 1982. Instead of withdrawing, which would have been an understandable reaction, John and Noreen have carried on a relentless search for their son, and have become experts in the area of protecting children from kidnaping and exploitation. They have become much in demand as speakers and have traveled widely, educating parents to protect other children from the fate that befell their son. They have earned the honor of a place on the board—and the board needs their expertise and energy.

I introduce this package knowing full well that it does not encompass the entire universe of possible approaches to carrying on the fight against the abuse and exploitation of our children. I acknowledge and wel-

come the initiatives of a number of other Senators who share my interest in this area. I offer this package in the hope that it will help us build on the momentum we have established on this issue, and promote a full hearing and debate on all the measures that have been introduced to date.

The continued interest on the part of my colleagues in providing protection for children provides further proof that there is much more that can be done. The battle to save our children is a never-ending one—and there is no time like the present to launch the next offensive.

Mr. President, I ask that the text of the legislation be inserted in full at this point in the RECORD.

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

S. 985

*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 "Child Abuse Victims Rights Act of 1985".*

#### FINDINGS

SEC. 2. The Congress finds that—

(1) child exploitation has become a multi-million dollar industry, infiltrated and operated by elements of organized crime, and by a nationwide network of individuals openly advertising their desire to exploit children;

(2) Congress has recognized the physiological, psychological, and emotional harm caused by the production, distribution, and display of child pornography by strengthening laws proscribing such activity;

(3) the Federal Government lacks sufficient enforcement tools to combat concerted efforts to exploit children proscribed by Federal law, and exploitation victims lack effective remedies under Federal law;

(4) child molesters and others who prey on children frequently seek employment in or volunteer for positions that give them ready exposure to children;

(5) Congress has encouraged background checks to prevent individuals with a record of child abuse from attaining such positions; however, current Federal files contain insufficient information to identify crimes involving abuse of children;

(6) abductions of children under the age of 18, frequently involving noncustodial parents, cause considerable emotional and physical trauma, yet individuals convicted of such offenses are rarely sentenced and noncustodial parents are rarely prosecuted;

(7) mandatory sentences for kidnaping of children would provide an effective deterrent for such offenses and reduce recidivism; and

(8) current rules of evidence, criminal procedure, and civil procedure and other courtroom and investigative procedures inhibit the participation of child victims as witnesses and damage their credibility when they do testify, impairing the prosecution of child exploitation offenses.

#### INCLUSION OF SEXUAL EXPLOITATION OF CHILDREN UNDER RICO

SEC. 3. Section 1961(1)(B) of title 18, United States Code, is amended by inserting after "section 1955 (relating to the prohibition of illegal gambling businesses)," the fol-

lowing: "sections 2251 and 2252 (relating to sexual exploitation of children)."

#### AUTHORIZATION OF CIVIL SUITS UNDER RICO FOR PERSONAL INJURY

Sec. 4. Subsection (c) of section 1964 of title 18, United States Code, is amended to read as follows—

"(c) Any person injured—

"(1) personally by reason of a violation of section 1962 of this chapter if such injury results from an act indictable under sections 2251 and 2252 of this title (relating to sexual exploitation of children); or

"(2) in his business or property by reason of any violation of section 1962 of this chapter,

may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee."

#### DEATH SENTENCE OR MANDATORY LIFE IN KIDNAPING OFFENSES INVOLVING THE MURDER OF A MINOR

Sec. 5. Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a) by striking out "except in the case of a minor by the parent thereof,"

(2) in subsection (a) by inserting, "except as provided in subsection (g) of this section," before "be punished"; and

(3) by adding at the end thereof the following:

"(g)(1) If the victim of an offense under subsection (a) is a person who has not attained the age of 18 years, the punishment shall be imprisonment for life. Notwithstanding any other provision of law, the court, in imposing a life sentence under this subsection, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole.

(2) If during the course of an offense for which the punishment is provided by this subsection, the offender kills such victim, the judge may, in lieu of the punishment provided in paragraph (1), sentence such offender to the penalty of death. The procedures made applicable to the penalty of death in aircraft piracy cases by section 903(c) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1473(c)) shall also be applicable to the penalty of death under this subsection, except that, notwithstanding paragraph (7) of such subsection, the court may decline to impose the sentence of death."

#### MANDATORY MINIMUM SENTENCE

Sec. 6. Section 2251(c) of title 18, United States Code, is amended by—

(1) striking out all that follows the fifth comma and that precedes the first period, and inserting in lieu thereof "such person shall be imprisoned not less than five years nor more than 15 years, and may also be fined not more than \$200,000".

(2) adding at the end thereof the following: "Notwithstanding any other provision of law, the court, in imposing sentence for a person with a prior conviction under this section, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole until he has served not less than five years."

(b) Section 2252(c) of title 18, United States Code, is amended by—

(1) striking out all that follows the fifth comma and that precedes the first period, and inserting in lieu thereof "such person shall be imprisoned not less than five years

nor more than 15 years, and may also be fined not more than \$200,000".

(2) by adding at the end thereof the following: "Notwithstanding any other provision of law, the court, in imposing sentence for a person with a prior conviction under this section, shall not sentence the defendant to probation, nor suspend such sentence, and the defendant shall not be eligible for release on parole until he has served not less than five years."

#### ATTORNEY GENERAL REPORT

Sec. 7. (a) Within one year after the date of enactment of this Act, the Attorney General shall submit a report to Congress detailing possible changes in the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, and other Federal court-room, prosecutorial, and investigative procedures which would facilitate the participation of child witnesses in cases involving child abuse and sexual exploitation.

(b) In preparing the report, the Attorney General shall consider such changes as—

(1) use of closed-circuit cameras, two-way mirrors, and other out-of-court statements;

(2) judicial discretion to circumscribe use of harassing, overly complex, and confusing questions against child witnesses;

(3) use of videotape in investigations to reduce repetitions of interviews;

(4) streamlining investigative procedures; and

(5) improved training of prosecutorial and investigative staff in special problems of child witnesses.

#### REQUIREMENT OF DETAILED FBI OFFENSE CLASSIFICATION SYSTEM

Sec. 8. The Attorney General shall modify the classification system used by the National Crime Information Center in its Interstate Identification Index, and by Identification Division of the Federal Bureau of Investigation in its Criminal File, with respect to offenses involving sexual exploitation of children by—

(1) including in the description of such offenses the age of the victim and the relationship of the victim to the offenders; and

(2) classifying such offense by using a uniform definition of a child.

#### MEMBERSHIP OF ADVISORY BOARD ON MISSING CHILDREN

Sec. 9. Subsection (a) of section 405 of the Missing Children's Assistance Act (Title IV of Public Law 93-415), as added by section 660 of the Comprehensive Crime Control Act of 1984 (Public Law 98-473) is amended by—

(1) striking out "9 members" and inserting in lieu thereof "10 members";

(2) striking out "and" after the semicolon in clause (5);

(3) striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(4) inserting at the end thereof the following:

"(7) One member position to be filled by the parents of a missing child to be selected from the State of Iowa based on their knowledge of child abuse prevention and their contributions in the area of missing children.".

By Mr. BOREN (for himself, Mr. BUMPERS, Mr. FORD, Mr. MELCHER, Mr. PROXMIER, Mr. PRYOR, Mr. GORE, Mr. DECONCINI, and Mr. ROCKEFELLER):

S. 986. A bill to amend the Internal Revenue Code of 1954 to disallow any

deduction for advertising or other promotional expenses with respect to arms sales; to the Committee on Finance.

#### DEFENSE CONTRACTOR ADVERTISING EXPENSES

Mr. BOREN. Mr. President, the legislation I am introducing today with my colleagues, Mr. BUMPERS, Mr. FORD, Mr. MELCHER, Mr. PROXMIER, Mr. PRYOR, Mr. GORE, Mr. DECONCINI, and Mr. ROCKEFELLER, is very simple. It eliminates the tax deductions that defense contractors presently enjoy for public relations costs. This is a small but important step to demonstrate to the American people that the Congress is interested in controlling the costs of defense.

The Internal Revenue Code provides a deduction for ordinary and necessary expenses of doing business. The defense industry sells almost entirely to the Federal Government; therefore, little advertising and promotion is necessary.

The question comes to mind: Why treat defense contractors differently? Well, Mr. President, defense contractors are already treated differently. What other companies have their research and development costs paid for? What other companies have government-owned facilities in which to conduct business? What other companies receive 90 percent of their costs each month? What other companies have a public law to provide "Extraordinary Contractual Relief Costs?"

For many months, stories about waste and possible fraud continue to flood the front pages of this Nation's newspapers. The Department of Defense continues to flounder in attempts to correct these abuses. The latest is a "Certificate of Overhead Costs" to be signed by a corporate official verifying the contents of their claims. It is very unclear as to what official must sign, what the penalty would be and to whom it would be charged. DOD also recently published changes in its regulations to control the present practice of collecting public relations costs in the contracts. And yet, the reports of abuse continue to mount.

In 1985, 54,000 personnel in the Department of Defense will have the responsibility of supervising 15 million contracts, according to the recent series in the Washington Post. There are 20,000 prime contractors and 150,000 subcontractors and vendors. The purchasing rules alone number 7,500 pages.

Mr. President, at this point in time I am not in the least convinced that we can get a handle on the immense problem of defense contract accounting. This bill would at least insure that contractors cannot collect for advertising and other public relations costs and then turn around and deduct them as ordinary business costs from their taxes. The American public de-



serves a better deal than the defense corporations presently seem willing to give.

I urge my fellow colleagues to join me in sending a strong signal to the defense industry that it is long past time to assist the administration and the Congress to insure the strongly possible defense posture at the least possible cost to the American taxpayer.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 986

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:*

**"SEC. 280H. ARMS SALES PROMOTION EXPENSES.**

**"(a) GENERAL RULE.**—No deduction shall be allowed under this chapter for any arms sale promotion expense.

**"(b) ARMS SALE PROMOTION EXPENSE.**—For purposes of this section—

**"(1) IN GENERAL.**—The term 'arms sale promotion expense' means any amount otherwise allowable as a deduction under this chapter with respect to—

**"(A)** any advertisement primarily for purposes of—

**"(i)** promoting the sale of arms, or  
**"(ii)** informing or influencing the general public (or any segment thereof) with respect to defense expenditures, or

**"(B)** any of the following incurred or provided primarily for purposes described in subparagraph (A)—

**"(i)** travel expenses (including meals and lodging),

**"(ii)** any amount attributable to goods or services of a type generally considered to constitute entertainment, amusement, or recreation or to the use of a facility in connection with the providing of such goods or services,

**"(iii)** gifts, or

**"(iv)** other promotion expenses.

**"(2) ARMS.**—The term 'arms' means any arm, ammunition, or implement of war designated in the munitions list published pursuant to the Military Security Act of 1954.

**"(c) REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary to carry out the purpose of this section."

(b) The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 280H. Arms sales promotion expenses."

(c) The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

**MR. PROXMIER.** Mr. President, I am pleased to join the distinguished Senior Senator from Oklahoma [Mr. BOREN] in introducing legislation to prohibit weapons makers from passing along to the Government their public relations and advertising costs. This

legislation would disallow business expense deductions for money spent advertising or promoting the sale of any weapons system to the U.S. Government.

Current Pentagon regulations are sufficiently ambiguous to permit contractors to bill the Government millions of dollars annually to recover their public affairs costs. The Defense Contract Audit Agency and the General Accounting Office recently estimated that this costs taxpayers \$140 million each year. Another GAO review of 12 contractors placed the figure at \$500 million. Even assuming the more conservative figure is correct, we are dealing with sufficient funds to purchase 7,000 antitank missiles for the Army, 140 Harpoon anti-ship missiles for the Navy, or 7 F-16 fighter planes for the Air Force.

Instead of supporting our soldiers in the field—where it belongs—this money now is buying plastic models of military equipment; glossy advertisements in trade magazines and general publications; and exhibit space in military trade shows.

I am aware that the Pentagon has attempted to revise the regulations responsible for this significant loophole. The current fiscal situation, however, requires immediate action to close it. At a time when the Congress is being asked to cut back or eliminate so many worthwhile domestic programs, we cannot turn a blind eye to such a blatant waste of Government resources.

Specifically, this bill would amend the Internal Revenue Code to prohibit business expense deductions for any advertisements promoting weapons sales to the United States. We simply do not need to subsidize slick media spreads, especially when the advertising promotes weapons we've been buying for years from a single source. What's the point of it?

Weapons advertising doesn't influence Government officials who make procurement decisions. In fact, the Government is not the intended recipient of these ad campaigns at all. The real purpose is to get the company's name before the public, generate name recognition, and thereby promote the firm's other products or services. When viewed in this light, there simply is no way to justify any taxpayer subsidy for such advertising costs.

This legislation also would disallow business deductions for promotional travel and entertainment expenses. Moreover, it would discontinue subsidizing expenditures for gifts such as models and calendars, even when less than the current \$25 business-gift maximum. Our Nation's military needs high-quality weaponry, not plastic models of it. It needs the best available tanks, ships, and planes, not a media blitz about them. In short, our defense dollars should be subsidizing muscle, not Madison Avenue.

Mr. President, I strongly urge the Senate to follow Senator BOREN's lead by approving this much-needed reform legislation. We need to stop defense contractors from passing their advertising expenses along to the Government.

Mr. President, I ask permission that my speech be inserted in the RECORD following the remarks on this subject by the senior Senator from Oklahoma, Senator BOREN.

Mr. FORD. Mr. President, for the last several months the press has carried what seems to be almost daily accounts of more than questionable billing practices by defense contractors and extremely lax oversight of contracts by the Department of Defense. This waste of our defense dollars sickens and angers me. How can this occur at a time of record Federal deficits, at a time when the Congress, in trying to bring the budget back into balance, is having to cut deeply into domestic programs on one hand and is asked to increase defense spending on the other? It is incredible to me, and it is impossible to explain to my constituents. Among the numerous letters I have received from Kentuckians on the subject has come the suggestion that if private businesses operated the way the Defense Department does, they would be bankrupt, and I cannot argue with that.

We must try to get control of the defense contracting system. I do not know exactly how we are going to do this, but at the very least we are going to need direction from the President, plus the combined efforts of the Secretary of Defense, the Service Secretaries and the Congress. Stricter oversight is certainly necessary, but it will not come from within the Defense Department unless there is pressure from the top. While I do not feel it is the duty of the Congress to involve itself in actual oversight of defense contracts, we can tighten laws and guidelines and perhaps even reduce the Department's budget so that it will treat our tax dollars a little less cavalierly.

I have notice that several committees are investigating these latest reported abuses by defense contractors, and I am sure that some corrections in the system will result from this. Additionally, a number of my colleagues have ideas on how to turn around the waste, fraud and abuse in the Department of Defense budget that appears, I am sorry to say, to be more flagrant than originally anticipated. I am joining their efforts today as I cosponsor with the senior Senator from Oklahoma legislation designed to close a loophole in the Internal Revenue Code.

The bill, which I recommend to my colleagues, would eliminate the ability of defense contractors to deduct public relations expenses as a business expense. The Code provides deduction

for ordinary and necessary expenses of doing business. But the defense industry sells almost exclusively to the Federal Government, so why is advertising necessary, and why should we pay for it? Furthermore, as a double whammy, these contractors bill the defense department for advertising and other public relations costs, and then turn around and deduct them from their taxes.

If this were not bad enough, the list of items billed as the cost of doing business is shocking: Country club fees, dinner parties, babysitting expenses, golf shirts, hats, and promotional giveaways. To my mind, these are not legitimate tax-deductible expenses.

I hope our colleagues will join us in sending a strong signal to the Defense Department and to the defense industry that the Congress and the American people want more, a lot more, for their defense dollar.

By Mr. EXON:

S. 987. A bill to recognize the organization known as The Daughters of Union Veterans of the Civil War 1861-1865; to the Committee on the Judiciary.

DAUGHTERS OF UNION VETERANS OF THE CIVIL WAR

Mr. EXON. Mr. President, I am pleased and honored to offer a bill today which would grant "The Daughters of Union Veterans of the Civil War 1861-1865" a Federal charter.

We who live here in Washington or spend a good deal of time here are reminded more often than most Americans of the great struggle years ago which first divided our Nation and then inseparably bound it together. One does not have to venture far in any direction from this Chamber to find a monument or marker paying tribute to those who participated in that struggle. Many of the major battlefields of the Civil War are located just a short drive from Washington and today provide scenic parks in which to spend a relaxing day.

The Civil War is part of our rich American heritage and its events and outcome should be remembered by all Americans.

One organization which has worked hard to preserve this part of our national heritage is "The Daughters of Union Veterans of the Civil War 1861-1865." This fine organization of 7,000 members nationwide encourages the preservation of historic sites and the construction and preservation of monuments commemorating the struggle between the North and South. It maintains a museum of Civil War history and a library containing official documents of the Civil War, as well as artifacts, biographies, and personal accounts of the conflict. Both are open free of charge to the public.

The efforts of The Daughters of Union Veterans of the Civil War go well beyond preserving the Civil War as part of our history. Members also care for veterans of all wars through volunteer programs in Veterans' Administration medical centers and in homes and other institutions maintained by our States for the welfare of our veterans. The organization also conducts scholarship programs at the State and national levels, encourages contests of educational merit, and works with other groups devoted to American history, veterans' affairs, and community interests.

I first heard of the many efforts of this fine organization through one of its leading members and a fellow Nebraskan, Leah Way.

"The Daughters of Union Veterans of the Civil War 1861-1865" is an organization that merits the recognition of the Congress and all Americans. The granting of a Federal charter this year, the centennial of the organization's existence, would be a most appropriate gesture.

By Mr. WALLOP:

S. 988. A bill to amend title XVIII of the Social Security Act to prohibit the Secretary of Health and Human Services from requiring certain physician certifications relating to inpatient hospital services, and to allow physicians to charge Medicare beneficiaries without regard to the fee freeze if the patient chooses to pay the physician from private sources; to the Committee on Finance.

S. 989. A bill to amend title XVIII of the Social Security Act to allow physicians to charge Medicare beneficiaries without regard to the fee freeze if the patient chooses to pay the physician from private sources; to the Committee on Finance.

MEDICARE LEGISLATION

● Mr. WALLOP. Mr. President, today I am introducing two bills to amend the physician services part of the Medicare Program. The bills will correct several problems in the operation of this program which have been brought to my attention by Wyoming physicians.

The first bill involves the so-called penalty statement which the Health Care Financing Administration requires physicians with Medicare patients to sign. The form is basically a statement by physicians that they are not crooks. I cannot think of a more demeaning or arrogant exercise of bureaucratic power.

It is my understanding that the form is required because the Inspector General at HHS and other authorities are worried that physicians might abuse the Medicare prospective payment system. The abuse would result from alleged misdiagnosis and utilization of unnecessary services. However, there are already several means by

which the physicians are either self-policed or independently reviewed. For each hospital patient, Medicare or otherwise, a physician must sign the chart indicating the medical problem and method of treatment. Also, PRO's review Medicare cases. The penalty statement is obviously uncalled for, and the bill I am introducing would prohibit HCFA from requiring that physicians sign such forms, either on a case-by-case basis, an annual basis, or once in a lifetime.

The second bill involves the Medicare physician fee freeze which was included as part of the deficit reduction of 1984. Under the act, physicians cannot, for a 15-month period, charge Medicare patients a fee higher than what was charged during a base period. This is similar to the fee freeze which was tried back in 1971 when wage and price controls were ineffectively used to bring inflation under control. In the next few days, we may vote here in the Senate to further extend the physician fee freeze.

The legislation introduced today responds to one small problem with the freeze. The fee freeze is in effect for every Medicare patient seen by a physician. However, some Medicare-eligible patients do not participate in the Medicare Program. They may pay for their medical expenses out of pocket, or they may still be working and are covered by private insurance. But, the physician's fees are frozen, regardless of the cost of the services or source of payment. My bill simply unfreezes the physicians whenever their Medicare-eligible patients have their medical expenses paid by a means other than Medicare.

Both bills provide some sanity to a very confusing, irritating and demoralizing situation. I would ask unanimous consent that the two bills I am introducing be printed in the RECORD.

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

S. 988

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1886 of the Social Security Act is amended by adding at the end thereof the following new subsection:*

*"(h) The Secretary may not require, as a condition for payment for inpatient hospital services, that a physician make a certification with respect to the accuracy of the diagnosis of a patient who received inpatient hospital services, or with respect to the necessity of such services."*

*(b) Section 1842 (j) of such act is amended by adding at the end thereof the following new paragraph:*

*"(5) Paragraph (1) shall not apply to any case where no payment is made or requested under this part with respect to the particular physicians' services involved."*

*(c) The amendments made by subsections (a) and (b) shall apply to services furnished after the date of the enactment of this Act.*



S. 989

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 1842(j) of such Act is amended by adding at the end thereof the following new paragraph:*

*"(5) Paragraph (1) shall not apply to any case where no payment is made or requested under this part with respect to the particular physicians' services involved."*

*(b) The amendment made by subsection (a) shall apply to services furnished after the date of the enactment of this Act.*

By Mr. DANFORTH (for himself, Mr. PACKWOOD, Mr. GORTON, and Mr. STEVENS):

S. 990. A bill to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 991. A bill to provide authorization of appropriations for certain fisheries activities; to the Committee on Commerce, Science, and Transportation.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REAUTHORIZATION LEGISLATION

● Mr. DANFORTH. Mr. President, today I am introducing, along with my colleagues from Oregon [Mr. PACKWOOD], Washington [Mr. GORTON], and Alaska [Mr. STEVENS], two bills to provide for comprehensive authorization of the National Oceanic and Atmospheric Administration's [NOAA] Fisheries Programs, Ocean and Coastal Programs, and program support functions.

Over the past several years, the Commerce Committee has worked to achieve a goal of bringing all of NOAA under active authorization, rather than operating under a standing authorization. The purpose of this approach is to ensure that NOAA is held fully accountable in carrying out its activities and functions.

This year, funding pressures on all Federal agencies, including NOAA, will be quite severe. Funding levels are expected to be frozen at the fiscal year 1985 level. The bills that I am introducing today reflect these budget concerns. Therefore, it is vital that we direct our limited resources to the areas of greatest need.

Reauthorization hearings on NOAA are expected to illuminate the areas and programs most deserving of support. The bills introduced, as part of a comprehensive NOAA package, freeze funding levels for these NOAA programs, setting the fiscal year 1986 level at the fiscal year 1985 appropriation level and allowing a 4.5-percent increase for fiscal year 1987. After the hearing process, authorization levels may be adjusted or shifted to reflect priorities identified during the hearings.

The Marine Fisheries Program authorization provides \$64,710,000 during fiscal year 1986, and \$67,621,950 for fiscal year 1987, for NOAA's National Marine Fisheries Service to carry out a portion of its duties in the areas of information collection and analysis, fishery conservation and management, and State and industry assistance programs. The balance of the funding needed by the fisheries service to carry out these functions is authorized under several cyclical authorizations, the primary one being the Magnuson Fishery Conservation and Management Act [MFCMA].

The fisheries authorization bill also includes a 2-year reauthorization of the Commercial Fisheries Research and Development Act at the fiscal year 1985 appropriation level of \$4,500,000 for fiscal year 1986, and \$4,702,500 for fiscal year 1987.

A 2-year reauthorization of the Anadromous Fish Conservation Act is also provided at a funding level of \$3,500,000 for fiscal year 1986 and \$3,657,500 for fiscal year 1987.

NOAA's Ocean and Coastal Programs and program support functions are contained in a second authorization bill. In the area of program support, \$47,954,000 is provided for NOAA's overall executive management and retirement pay for commissioned officers of the NOAA corps during fiscal year 1986, and \$50,111,930 for fiscal year 1987. NOAA's marine fleet operations are authorized at \$64,886,000 for fiscal year 1986, and \$67,805,870 for fiscal year 1987. Aircraft support services are authorized at \$12,744,000 for fiscal year 1986, and \$13,317,480 for fiscal year 1987. The bill proposes to fund the National Advisory Committee on Oceans and Atmosphere at the fiscal year 1985 appropriation level of \$630,350 for fiscal year 1987.

Title II contains reauthorizations of two important ocean and coastal programs, the Ocean Dumping Research Program carried out under the Marine Protection, Research, and Sanctuaries Act and the National Ocean Pollution Planning Act. Also, the bill authorizes \$2,000,000 during fiscal year 1986, and \$2,090,000 during fiscal year 1987, for continuing programs associated with development of ocean mineral resources.

NOAA's ocean research activities are reauthorized at \$28,471,000 for fiscal year 1986, and \$29,752,195 for fiscal year 1987. Ocean service centers such as tide data surveys and operation of ocean service centers, are authorized at \$20,314,000 for fiscal year 1986, and \$21,228,000 for fiscal year 1987. Finally, reauthorization is provided for NOAA's mapping, charting, and geodesy functions, including production and distribution of nautical and aeronautical charts.

The authorization levels provided in these bills reflect the need to restrain Government spending and still provide essential services.●

By Mr. COHEN (for himself, Mr. ROTH, and Mr. CHILES) (by request):

S. 992. A bill to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Governmental Affairs.

#### CONGRESSIONAL REPORTS ELIMINATION ACT

● Mr. COHEN. Mr. President, at the request of the administration, I am introducing today, along with Senators ROTH and CHILES, the Congressional Reports Elimination Act of 1985. This legislation is modeled after the Congressional Reports Elimination Act of 1982 (Public Law 97-375) and is designed to improve the effectiveness and efficiency of agency operations by eliminating or modifying recurring reports to Congress which, in the administration's view, no longer serve a useful purpose.

Thousands of requirements in Federal law require agencies to make recurring reports to Congress. Periodically, the Office of Management and Budget [OMB] review these requirements to determine if they are serving their original purpose. Repeal or modification of the statutory reporting requirement is recommended if:

A report no longer serves its original purpose;

No congressional use is evident;

The information is available to Congress from other sources; or

The cost and time involved in preparing the report outweigh the benefit of the report to the public.

In this case, OMB has recommended repeal of 185 requirements and modification of 49 others.

Although the reports slated for repeal represent only a small fraction of the reporting requirements now in Federal law, I am well aware that not everyone in the Senate may agree with OMB's assessment of what is necessary and what is not.

Therefore, the Subcommittee on Oversight of Government Management, of which I am chairman, will carefully review the bill and distribute copies of it to each of the affected committee chairmen for their comments. If a chairman feels a report is still necessary, we want to know about it. Every effort will be made to respect the chairman's interests. I hope and trust, however, that the chairmen will not automatically request the retention of reports but will determine whether or not they are truly needed. We will also be happy to consider additional reporting requirements which any chairman believes should be eliminated.

Mr. President, I hope that we will be able to move quickly on this matter,

since it is estimated that passage of this bill will save the Government over \$10 million each year.●

By Mr. HATCH:

S. 993. A bill to amend the Internal Revenue Code of 1954 to allow a credit for the occupational training of displaced homemakers; to the Committee on Finance.

#### DISPLACED HOMEMAKERS OPPORTUNITY ACT

Mr. HATCH. Mr. President, Mother's Day is less than a month away; on this day we will recognize and show our formal appreciation for the marvelous achievements and unselfish efforts of mothers everywhere. Mothers spend innumerable hours caring for children and ensuring that families have warm, comfortable homes. In so doing, they have often sacrificed academic and employment opportunities. To be sure, these full-time homemakers have greatly enriched the lives of many American families and have earned the gratitude and admiration of us all.

Unfortunately, these deserving mothers are not always rewarded for their achievements and sacrifices. In fact, their sacrifices in particular place some of these homemakers at a severe disadvantage when they are faced with the death, divorce, or disablement of a husband. Suddenly, these homemakers must enter the labor market in order for their families to subsist. Since these displaced homemakers have devoted their time, energy, and creativity to raising and providing a home for a family, they often do not possess the skills necessary to obtain employment outside the home at wages high enough to maintain a family alone. Often, they must turn to forms of public assistance. In fact, of the over 10 million American families headed by women, 50 percent must resort to some form of public assistance.

Of these same 10 million family heads, 41 percent earn less than \$5,000 per year and 60 percent earn less than \$10,000 per year. In harsher terms, over half of the American families headed by women exist below the poverty level. If one considers the numbers involved here—6 million women and more than twice that many children—it is apparent that we need to investigate this disturbing problem and take steps toward its resolution. It is time our gratitude helped pay the rent.

We in the Congress can take these steps. We can provide greater opportunities for these displaced homemakers to receive job training. This training would improve their ability to command a decent wage, thus freeing these women from their dependence on public assistance. With these actions, we would greatly bolster these women's sense of self-sufficiency and self-worth.

The legislative initiative which I introduce today, the Displaced Homemakers Opportunity Act, would provide this needed assistance by expanding the number of private sector job training opportunities for this special category of women. The bill permits employers to claim a tax credit equal to 50 percent of wages for hiring a displaced homemaker and providing on-the-job training, or a credit worth 50 percent of the expenses incurred by sending a displaced homemaker to a qualified independent training program.

An employer may also take a credit for upgrading the skills of already employed displaced homemakers earning less than \$10,000 per year.

The credit may be 50 percent of the training cost if release time is provided, or 40 percent if it is not.

This program could be implemented using IRS' existing administrative system, so it would not require new offices or significantly more personnel. Moreover, since the training program would be in the form of a tax credit, there would be no direct Federal Government expenditure and virtually no waste—a displaced homemaker is either employed and being trained in a job or she is not. It's that simple.

With this legislation, we will give these displaced homemakers greater opportunities for meaningful employment and independence from public welfare programs. The children of these displaced homemakers will have some sense of security as well as an appreciation for the benefits, satisfaction, and ethics of work. Furthermore, we will cease to penalize these mothers for their commendable efforts to be good mothers, good wives, and good homemakers.

I welcome the support of my colleagues in enacting the Displaced Homemakers Opportunity Act. With this legislation, we will be providing millions of American women with a way out of poverty and a way to achieve a true sense of independence and personal worth.

Mr. President, I ask unanimous consent for the text of the bill to be printed in the RECORD.

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

S. 993

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Displaced Homemakers Opportunity Act".

#### SEC. 2. DISPLACED HOMEMAKER TAX CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting after section 44H the following new section: "SEC. 44I DISPLACED HOMEMAKER CREDIT.

"(a) IN GENERAL.—At the election of the taxpayer, there shall be allowed as a credit

against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 50 percent of the aggregate wages paid or incurred by the taxpayer during such taxable year to displaced homemakers who received on-the-job training from the taxpayer, or

"(2) 50 percent of the aggregate amount paid or incurred by the taxpayer during the taxable year to a qualified training organization for the provision of occupational training services to displaced homemakers, or

"(3) 50 percent of the aggregate amount paid or incurred by the taxpayer to a qualified training organization for the provision of upgrade occupational training services to displaced homemakers who are compensated displaced homemakers, but whose earnings do not exceed \$10,000 per annum, or

"(4) 40 percent of the aggregate amount paid or incurred by the taxpayer to a qualified training organization for the provision of upgrade occupational training services to displaced homemakers who are not compensated displaced homemakers, and whose earnings do not exceed \$10,000 per annum.

"(b) LIMITATION.—

"(1) ONLY WAGES AND AMOUNTS PAID WITHIN 2 YEARS OF HIRING TAKEN INTO ACCOUNT.—Wages or other amounts paid or incurred by the taxpayer with respect to any displaced homemaker shall not be taken into account under this section if such wages or amounts are paid or incurred more than 2 years after the date on which the taxpayer first paid or incurred wages or other amounts with respect to such displaced homemaker which were taken into account under this section.

"(2) NO CREDIT IF ANY DISPLACED HOMEMAKER DISCHARGED WITHOUT REASONABLE CAUSE.—No credit shall be allowed under this section for the taxable year if—

"(A) the taxpayer was allowed a credit under this section for any taxable year preceding such taxable year with respect to any displaced homemaker, and

"(B) the taxpayer discharged such displaced homemaker without reasonable cause at any time prior to the close of such taxable year.

"(3) LIABILITY FOR TAX.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the credit allowed by subsection (a) for any taxable year shall not exceed the excess of—

"(i) the amount of the tax imposed by this chapter, over

"(ii) the sum of the credits allowable under a section of this part having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43.

For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(B) SPECIAL RULE FOR PASSTHROUGH OF CREDIT.—In the case of an individual who—

"(i) owns an interest in an unincorporated trade or business,

"(ii) is a partner in a partnership,

"(iii) is a beneficiary of an estate or trust, or

"(iv) is a shareholder in an electing small business corporation (within the meaning of section 137(b)),

the credit allowed by subsection (a) for any taxable year shall not exceed the lesser of the amount determined under subpara-



graph (A) for the taxable year or an amount (separately computed with respect to such person's interest in such trade or business or entity) equal to the amount of tax attributable to that portion of a person's taxable income which is allocable or apportionable to the person's interest in such trade or business or entity.

"(c) DEFINITIONS.—For purposes of this section—

"(1) COMPENSATED DISPLACED HOMEMAKER.—The term 'compensated displaced homemaker' means any displaced homemaker who is paid wages by the taxpayer which—

"(A) are for not less than 5 of the hours per day during which such displaced homemaker receives occupational training services from a qualified training organization, and

"(B) are at the same rate of compensation the taxpayer pays such displaced homemaker for services performed when such displaced homemaker is not receiving such occupational training services.

"(2) DISPLACED HOMEMAKER.—

"(A) IN GENERAL.—The term 'displaced homemaker' means any individual who—

"(i) was a homemaker for 5 years,

"(ii) had no occupation skills or insufficient occupational skills on the date on which such person was hired by the taxpayer,

"(iii) entered the work force due to—

"(I) the death or disability of the wage-earning spouse of such person, or

"(II) the divorce of such person from the wage-earning spouse, and

"(iv) is employed by the taxpayer at the close of the taxable year.

"(B) MEMBERS OF TARGETED GROUPS.—The term 'displaced homemaker' does not include any individual with respect to whom the taxpayer has been allowed a credit under section 44B for any taxable year.

"(3) ON-THE-JOB TRAINING.—The term "on-the-job training" means any occupational training program which provides a displaced homemaker with the general training and supervision necessary to learn the specific tasks required for satisfactory performance of the work that comprises an occupation.

"(4) QUALIFIED TRAINING ORGANIZATION.—The term 'qualified training organization' means any organization which is certified by the Secretary of Labor as qualified to provide occupational training services.

"(5) OCCUPATIONAL TRAINING SERVICES.—The term 'occupational training services' includes—

"(A) remedial education and basic occupational skills training,

"(B) job counseling,

"(C) institutional skill training,

"(D) programs of advanced career training which provide a combination of on-the-job training and institutional training and internship assignments which prepare individuals for career employment,

"(E) programs to develop work habits and other services to individuals to help them obtain and retain employment,

"(F) upgrading of occupational skills,

"(G) retraining of occupational skills, and

"(H) literacy training and bilingual training.

"(6) WAGES.—The term 'wages' has the meaning given to such term by section 3306(b) (determined without regard to any dollar limitation contained in such section).

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter with respect to any amount for which a credit is allowed under subsection (a).

"(e) RECAPTURE OF TAX BENEFIT.—

"(1) IMPOSITION OF ADDITIONAL TAX.—If, at any time after the close of the taxable year for which the taxpayer is allowed a credit under subsection (a) with respect to a displaced homemaker, the taxpayer discharges such displaced homemaker without reasonable cause, then there is hereby imposed an additional tax on the income of the taxpayer which shall be in an amount determined with respect to such displaced homemaker.

"(2) AMOUNT OF ADDITIONAL TAX.—

"(A) IN GENERAL.—The amount of the additional tax imposed by paragraph (1) with respect to any displaced homemaker shall be equal to the sum of—

"(i) the excess of—

"(I) the income tax liability of the taxpayer for the taxable year in which the credit was allowed under subsection (a) with respect to such displaced homemaker (determined without regard to the portion of such credit attributable to the training of such displaced homemaker), over

"(II) the income tax liability of the taxpayer for such taxable year, plus

"(ii) interest on the excess described in clause (i) at the annual rate established under section 6621 for the period beginning on the date on which the return of the tax imposed by this chapter for such taxable year was required to be made and ending on the date on which payment of such additional tax is made.

"(B) INCOME TAX LIABILITY.—For purposes of this paragraph, the term 'income tax liability' means the tax imposed by this chapter reduced by any credit allowable against such tax.

"(3) DUE DATE.—The additional tax imposed by paragraph (1) shall become due and payable on the date which is 90 days after the date such tax is imposed.

"(4) STATUTE OF LIMITATIONS.—If an additional tax is imposed under paragraph (1)—

"(A) the statutory period for the assessment of such additional tax shall not expire before the expiration of 3 years from the date the Secretary is notified (in such manner as the Secretary may by regulations prescribe) of the occurrence which gives rise to the imposition of such additional tax; and

"(B) such additional tax may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment."

"(b) CONFORMING AMENDMENTS.—

"(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44H the following new item:

"Sec. 44I. Displaced Homemaker credit."

"(2) Section 6096(b) of such Code (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44H" and inserting in lieu thereof "44H, and 44I".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1983.

By Mr. JOHNSTON:

S. 994. A bill to facilitate the national distribution and utilization of coal; to the Committee on Energy and Natural Resources.

COAL DISTRIBUTION AND UTILIZATION ACT

● Mr. JOHNSTON. Mr. President, today I rise to introduce a bill that would facilitate the development of

coal slurry pipelines. This measure would grant the Federal power of eminent domain to those interstate coal pipeline systems determined by the Secretary of Energy to be in the national interest.

More than ever I am convinced that the development of alternative modes of transportation is in the national interest. Coal slurry, in particular, is a known and reliable method of coal transport which is economical and causes minimal environmental impacts.

Legislation similar to this measure has been considered since 1974. This bill is essentially the same version as the Committee on Energy and Natural Resources reported favorably in the 98th Congress. I have made technical corrections, eliminated redundancies, and added a new section to allow pipeline operators to enter into long-term contracts.

I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD followed by a section-by-section summary of the bill.

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

S. 994

*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 "Coal Distribution and Utilization Act of 1985".*

#### FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the continuing dependence of the United States on foreign sources for petroleum and petroleum products entails grave national security risks, results in major balance-of-payment deficits, and increases inflation and unemployment in the domestic economy;

(2) the United States possesses extensive coal reserves that must be produced, distributed, and utilized to reduce the Nation's dependence on imported petroleum;

(3) domestic coal reserves cannot be developed and used for fuel unless adequate transportation systems and facilities exist for the efficient and economic distribution of large quantities of coal across great distances to markets in interstate and foreign commerce at competitive prices;

(4) the Nation's coal distribution system must include interstate coal pipeline distribution systems that will assist the Nation in the development and efficient utilization of coal resources;

(5) the construction of interstate coal pipeline distribution systems to distribute domestic coal will be facilitated by granting the power of eminent domain to certain interstate coal pipeline distribution systems;

(6) the construction of interstate coal pipeline distribution systems is a public use that justifies granting the Federal power of eminent domain to those systems for which a determination of national interest has been made pursuant to this Act;

(7) the water resources of the States are necessary for the development of other resources within those States, and State water laws or terms and conditions of permits and authorizations for the appropriation, use,

and diversion of water that restrict, limit, or condition the export of water in interstate coal pipeline distribution systems are reasonable and permissible means for the protection of the resources and the public interests of States;

(8) State water law and interstate compacts are carefully balanced and structured systems for the allocation of water;

(9) the national interest is best served by developing interstate coal pipeline distribution systems pursuant to those State water laws, interstate compacts, and laws governing the interstate allocation of water, including, notwithstanding any adverse impact such law may have on interstate commerce, laws relating to or prohibiting the export or use of water within or outside the State granting or denying such export or use; and

(10) the need for a national coal distribution system is subservient to the national interest in the primacy of State water law, interstate compacts, and laws governing the interstate allocation of water.

(b) The purpose of this Act is to facilitate the development of interstate coal pipeline distribution systems by granting the Federal power of eminent domain to those interstate coal pipeline distribution systems that are determined to be in the national interest: Provided, That such development is subject to State water law, interstate compacts, and laws governing the interstate allocation of water.

#### DEFINITIONS

Sec. 3. For the purposes of this Act the term—

(1) "coal" means any of the recognized classifications of coal, including anthracite, bituminous, semibituminous, subbituminous, and lignite;

(2) "interstate coal pipeline distribution system" means any pipeline system the primary economic purpose of which is the distribution of coal in a liquid or solid state—

(A) from one or more points outside a State to one or more points within a State or between two or more points within a State through another State, or

(B) from one or more points within Alaska to one or more points in a foreign country. Such a pipeline system shall be deemed to be in interstate or foreign commerce if coal that enters the pipeline system is delivered for commercial use in a State other than Alaska, in a territory of the United States, or in a foreign country.

An interstate coal pipeline distribution system includes line pipe, valves, pumping stations, water supply pipelines, and such dewatering facilities as are necessary. Such systems shall not include rail, port, highway, or other ancillary coal-gathering or coal-storage facilities.

(3) "private lands" means any interest in any land other than interests—

(A) owned by the United States or agency thereof or owned by any State or any political subdivision thereof;

(B) held in trust by the United States for an Indian or Indian tribe or owned by an Indian or Indian tribe subject to a restraint against alienation imposed by the United States or

(C) owned by a regional or village corporation established under the Alaska Native Claims Settlement Act, as amended, if such land was transferred to such corporation pursuant to said Act;

(4) "right-of-way" means such interest in private lands, excluding any interest in water, as may be necessary for construction,

operation, and maintenance of an interstate coal pipeline distribution system;

(5) "Secretary" means the Secretary of Energy or his successor;

(6) "State" means a State of the United States and the District of Columbia; and

(7)(A) "State water law" includes but is not limited to all substantive and procedural State constitutional provisions, statutory law, judicial decisions, administrative regulations, and administrative decisions authorized by the State which apply to water; and

(B) in the case of any State water law which might be argued to be invalid as an improper burden, interference, or regulation of interstate commerce, such State water law shall not be deemed to be invalid for that reason insofar as such law applies to the export or use of water within or outside the State granting or denying the export or use of water for any interstate coal pipeline distribution system. State water law includes both existing law and that new law properly enacted or created in the future.

#### EMINENT DOMAIN AUTHORITY

SEC. 4. (a) AUTHORITY TO MAKE NATIONAL INTEREST DETERMINATION.—(1) Upon application of any person proposing to construct an interstate coal pipeline distribution system, who has filed and secured approval of a water permit or acquired other appropriate authorization to control, reserve, appropriate, purchase, transfer, use, export, divert, dedicate or claim water under State water law as provided in section 5, the Secretary shall determine whether the construction of such system is in the national interest.

(2) The determination of the Secretary under paragraph (1) shall be based on the record as a whole, taking into consideration each of the criteria set forth in subsection (b).

(b) FINDINGS.—In making a determination under subsection (a) the Secretary shall make findings concerning the extent to which the system—

(1) would help meet national needs for coal distribution and utilization considering, among other matters, alternative routes, or means of distributing coal;

(2) would enhance competition and provide new market outlets and opportunities for coal producers, including small and independent producers;

(3) would contribute to the national security by encouraging the displacement of imported petroleum, petroleum products, and coal with domestic coal;

(4) would result in economic benefits including—

(A) reduced coal transportation costs;

(B) reduced wholesale and retail electric rates; and

(C) enhanced reliability of supplies of both coal and electric energy; and

(5) would affect the environment, compared to the environmental impacts of alternatives, including—

(A) railroad transportation;

(B) alternative pipeline routes; and

(C) coal utilization facilities, including electric generating plants at coal mine sites and coal gasification plants.

(c) SMALL AND INDEPENDENT COAL PRODUCER ACCESS.—(1) For purposes of protecting small and independent coal producers, the Secretary shall require, as a condition of his determination under subsection (a), that the applicant, prior to application, shall offer to make available to such producers the lesser of—

(A) 10 per centum of the total pipeline capacity of the proposed interstate coal pipeline distribution system; or

(B) that portion of the total capacity necessary to satisfy the total interstate coal pipeline distribution system transportation demand of all such small and independent producers located in the geographic region (as determined by the Secretary) served by such pipeline;

under the same terms and conditions as other contracting entities.

(2) For purposes of this subsection, the term "small and independent coal producer" means a coal producer, or a broker or cooperative that represents individual coal producers—

(A) who produced two hundred thousand tons or less of coal during the calendar year preceding the calendar year in which the application is filed, and

(B) are not affiliated with any other company. For purposes of this subparagraph, a coal producer shall be treated as affiliated with another company if such company controls, is controlled by, or is under common control with such coal producer. The term "control" shall have the same meaning as provided by section 10102 of title 49, United States Code.

(d) PROCEDURES.—(1) Any decision under subsection (a) shall be made after notice and opportunity for presentation of written data, views, or arguments in accordance with section 553 of title 5 of the United States Code. If the Secretary, in his discretion, decides to hold hearings, the Secretary shall expedite such hearings and proceedings, and shall schedule all hearings, proposed findings and conclusions, exceptions and any recommended decisions so that the Secretary's final decision under this section shall be issued and completed within eighteen months from the date of receipt of a complete application, except that the Secretary may, for good cause, extend such eighteen-month period for additional periods of not more than ninety days.

(2) Within thirty days after receipt of an application for a determination under this section, the Secretary shall determine whether the application contains all of the information required for its consideration whereupon he shall, within seven days, publish notice of receipt of the application in the Federal Register. The Secretary shall further notify the Governor of each State in which the interstate coal pipeline distribution system will be located. Each notification shall identify the lands over which the interstate coal pipeline distribution system is to be constructed or operated and the water source to be used. If the Secretary determines that all of the required information is not in the application, he shall immediately notify the applicant of all the deficiencies in the application and provide a reasonable period of time for such applicant to provide additional information.

(3) Each applicant for such a determination shall reimburse the Secretary for administrative and other costs incurred by the Secretary in processing the application in such manner as the Secretary shall, by rule, prescribe.

(e) ANTITRUST REVIEW.—(1) Not later than ten days after any application for a determination under this section is received by the Secretary, the Secretary shall notify the Attorney General of the filing of such application and shall provide the Attorney General with a copy of such application and such other information as the Attorney General may request. The Attorney General shall conduct an antitrust review to determine the likely effects upon competition of ap-



proval of such application, and not later than one hundred and twenty days after the date of receipt of such notification shall advise the Secretary of the results of such review, including, but not limited to, findings, and recommendations concerning such terms and conditions as the Attorney General deems necessary to protect and promote competition. No application may be determined to be in the national interest under this section if the Attorney General advises the Secretary in writing that, on the basis of such review, approval of such application is not consistent with the antitrust laws.

(2) For the purpose of paragraph (1), the term—

(A) "antitrust laws" has the meaning such term has under section 1 of the Clayton Act (15 U.S.C. 12); and

(B) "antitrust review" has the meaning the term "antitrust investigation" has under section 2 of the Antitrust Civil Process Act (15 U.S.C. 1311).

(f) **EMINENT DOMAIN AUTHORITY.**—(1) Any person proposing to build an interstate coal pipeline distribution system, the construction of which has been determined by the Secretary to be in the national interest, may, after making good faith efforts to acquire such rights-of-way by negotiations between such person and private landowners, acquire rights-of-way over, under, upon, or through private lands by exercise of the power of eminent domain in the United States district court for the district in which such lands are located or in the appropriate court of the State in which such lands are located. In any action or proceeding to acquire rights-of-way under this section, such action or proceeding shall conform to the laws, practices, and procedures relating to the general eminent domain law of the State where the property is situated, except that in the case of any such State law, practice, or procedure, the effect of which would prohibit any acquisition under this section, or which discriminates against interstate coal pipeline distribution systems, such State law, practice, or procedure shall not be applicable.

(2) Nothing in this section shall be construed to permit any person to acquire any water right through the exercise of the power of eminent domain granted under this Act.

(3) No interstate coal pipeline distribution system constructed pursuant to the authorities of this section shall be considered to be a Federal project for purposes of the application for or assignment of water rights.

(4) Unless there is no feasible and prudent alternative to the acquisition of right-of-way and reasonable planning is made to minimize harm resulting from the acquisition, no such right-of-way may be acquired through exercise of the power of eminent domain under this Act if such right-of-way is over, under, upon, or through—

(A) lands of National, State, or local historic significance as determined by the Federal, State, or local officials having jurisdiction thereof; or

(B) lands held by a qualified organization as defined in section 170(h)(3) of the Internal Revenue Service Code of 1954 primarily for wildlife refuge, sanctuary, recreational or natural resource conservation purposes.

(g) **ALTERNATIVE ROUTES.**—(1) Nothing in this section shall be deemed to prohibit the applicant from amending his application to request a right-of-way over any alternative route.

(2) The Secretary may require the relocation of any right-of-way sought pursuant to this Act upon a showing that—

(A) such relocation is necessary to enable the United States to realize fully the value of its mineral interest;

(B) such alternative route is available; and

(C) such relocation would not result in unreasonable expense.

(h) **PAYMENT FOR FEDERAL COAL.**—(1) Each application for a determination of national interest filed pursuant to subsection (a) shall list each instance where the proposed right-of-way crosses lands wherein the United States maintains a mineral interest regarding coal (hereinafter referred to as "Federal coal"). Not later than ten days after any such application is received by the Secretary, the Secretary shall notify the Secretary of the Interior of the filing of such application and shall provide the Secretary of the Interior with a copy of such application and such other information as the Secretary of the Interior may request.

(2)(A) The Secretary of the Interior shall evaluate the effects of approval of such application upon the ability of the United States to realize the value of such mineral interest as a result of approval of the application.

(B) The Secretary of the Interior shall—

(i) establish terms and conditions necessary to minimize the impact of such right-of-way on the establishment of logical mining units; and

(ii) determine the extent to which alternative routes are available which would minimize the impact of granting the right-of-way on the ability of the Federal Government to realize the value of Federal coal.

(C) The Secretary of the Interior shall establish the fair market value of the Federal coal precluded from being recovered as a result of the proposed right-of-way. The Secretary of the Interior shall also establish the amount of reduction of the fair market value of Federal coal which will be more costly to recover as a result of the proposed right-of-way.

(3) The Secretary shall thereafter establish such terms and conditions requiring the applicant to pay the United States the amount established by the Secretary of the Interior pursuant to subparagraph (C).

(i) **RULES AND REGULATIONS.**—The Secretary shall promulgate such rules and regulations as are necessary for the expeditious exercise of the authority granted in this section.

(j) **ADDITIONAL REQUIREMENT.**—In implementing this section, the Secretary shall be subject to the provisions of section 210 of Public Law 90-537, as amended (43 U.S.C. 1511).

#### PRIMACY OF STATE WATER LAW

Sec. 5. (a) No person, legal entity, or governmental entity (including the United States, a State or subdivision thereof), their agents, permittees, licensees, or transferees, or any interstate coal pipeline distribution system, shall control, reserve, appropriate, purchase, transfer, use, divert, dedicate, dispose of, distribute, acquire, exercise, export or claim water, or any right or interest therein, for export or use within or outside the State granting or denying the export or use of water in an interstate coal pipeline distribution system, unless such control, reservation, appropriation, purchase, transfer, use, diversion, dedication, disposal, distribution, acquisition, exercise, export or claim takes place pursuant to and in compliance with the State water law of that State. Such State water law shall be enforced even

though enforcement would result in the failure to build an interstate coal pipeline distribution system, and even though it would result in uneven and disparate effects on interstate commerce.

(b) In full recognition of its powers under Article I, section 8, of the United States Constitution, Congress expressly delegates to the States the power to regulate the use or export of water in interstate coal pipeline distribution systems, through State water laws, notwithstanding any adverse impact such delegation may have on interstate commerce or on any interstate coal pipeline distribution system. This delegation expressly includes but is not limited to provisions of State water law which provide for the establishment or exercise of terms or conditions (including terms or conditions terminating use or relating to or prohibiting the export of water) on permits or authorizations for, interests in, or rights to control, reservation, appropriation, purchase, transfer, use, diversion, dedication, disposal, distribution, acquisition, exercise, export or claim of water for the export or use in any interstate coal pipeline distribution system.

(c) Nothing in this act shall—

(1) impair the validity of or preempt any provision of state water law, or of any interstate compact governing water;

(2) alter the rights of any State to its apportioned share of the waters of any body of surface or groundwater, whether determined by past or future interstate compacts, or by past or future legislative or final judicial allocations;

(3) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal;

(4) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resources; or

(5) affect water rights of any Indian or Indian tribe which were established by the setting aside of a reservation by treaty, executive order, agreement or Act of the Congress.

(d) No waters to which a Federal right can be asserted shall be used or exported in any interstate coal pipeline distribution system, unless authorized pursuant to and subject to State water law in the same manner as provided for in subsection (a).

#### APPLICATION OF STATE AND LOCAL LAWS OTHER THAN STATE WATER LAW

Sec. 6. (a) Nothing in this Act shall impair the validity of or preempt any State or local law, regulation, or rule of law pertaining to the location, construction, operation, or maintenance of an interstate coal pipeline distribution system except where such State or local law, regulation, or rule of law discriminates against interstate coal pipeline distribution systems.

(b) Access to water for the operation and maintenance of an interstate coal pipeline distribution system shall be governed by State laws and procedures except where such State laws and procedures would discriminate against such access.

#### UNDERGROUND CONSTRUCTION

Sec. 7. All coal pipelines granted Federal powers of eminent domain, pursuant to the provisions of this Act, for rights-of-way and extensions thereof shall, to the maximum extent practicable, consistent with environmental protection, safety, and good engineering and technological practices, be located underground, and the person holding such right of Federal eminent domain shall replace sufficient topsoil on disturbed areas

so that a vegetative cover, comprised of native species where practicable, can be re-established at least equal in extent of cover as that which sustained the natural vegetation in the area.

#### CONTINUING JURISDICTION OF STATE PUBLIC UTILITY COMMISSIONS

Sec. 8. Nothing in this Act shall be construed to require any forms of automatic passthrough of, or preempt the ratemaking authority of any State utility regulatory agency or the Federal Energy Regulatory Commission with respect to costs related to construction, operation, and maintenance of any interstate coal pipeline distribution system, whether or not such costs have been provided for by contract between a utility and the interstate coal pipeline distribution system operator.

#### LIMITATION ON FURTHER REGULATION

Sec. 9. Nothing in this Act shall be construed to authorize the further regulation of, or to relate to or otherwise affect the regulation of, interstate common carriers.

#### APPLICABILITY OF ENVIRONMENTAL CONTROL LAWS

Sec. 10. Any interstate coal pipeline distribution system authorized under this Act shall be subject to the requirements of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), and any other applicable Federal environmental control laws.

#### WATER DISCHARGE REQUIREMENTS

Sec. 11. Prior to the issuance of any findings pursuant to section 4 of this Act, the Secretary shall notify the Administrator of the Environmental Protection Agency of his consideration of the application for a determination under subsection (4)(a). The Secretary and the person applying for such determination shall provide such information as the Administrator shall require to conduct a review of the ability of the proposed interstate coal pipeline distribution system to comply with Federal water discharge requirements. The Administrator shall have one hundred and twenty days from the date of receipt of such notification to conduct such review and to advise the Secretary with respect thereto. The Secretary shall not issue any findings pursuant to section 4 unless he has received a report from the Administrator of the Environmental Protection Agency advising that, in the judgment of the Administrator, it can reasonably be expected that the water discharge can meet the requirements of the Federal Water Pollution Control Act.

#### ACCESS TO COAL PIPELINE TRANSPORTATION CONTRACTS

Sec. 12. (a)(1) By filing a contract between a prospective shipper and a pipeline carrier with the Federal Energy Regulatory Commission (hereinafter referred to as the Commission), within ten business days of signing said contract, any person operating or proposing to operate an interstate coal pipeline distribution system may enter into contracts with one or more shippers of coal to provide transportation under specified rates, terms and conditions but may not unreasonably discriminate by refusing to enter into similar contracts under similar rates, terms and conditions with other shippers who are seeking service from the same origin areas to the same terminus areas and are ready, fit, willing, and able to enter into such contracts in a contemporaneous period. The term "ready, fit, willing and able" as used in this section includes, but is not limited to financial fitness. Such contract filing shall in-

clude all rates, terms and conditions of said contract.

(2) Service under a contract executed pursuant to paragraph (1) of this subsection is deemed to be a separate and distinct class of service. Persons operating interstate coal pipeline distribution systems shall be obligated to perform only those duties specified by the terms and conditions of any such contract in connection with the services provided under such contract. Service under such contracts shall not be interrupted for the purpose of prorating or allocating to other shippers the pipeline capacity committed to service under such contracts.

(b)(1) Any person operating or proposing to operate an interstate coal pipeline distribution system who files contract under this section for the transportation of a volume of coal that would totally obligate the capacity of the pipeline shall, in the 60-day period beginning on the date of the filing of such contract, enter into contracts with shippers who are ready, fit, willing and able to enter into such contracts under rates, terms and conditions similar to the rates, terms and conditions contained in the contract that has been so filed. That person shall enter into such similar contracts in the chronological order in which binding written offers to enter into such similar contracts are submitted to such person. The obligation imposed by this subsection shall remain in effect—

(A) until the capacity of the pipeline is totally committed for providing transportation under contracts approved under this section, or

(B) until the end of the 60-day period, whichever occurs first.

(2) Not later than the 30th day following the end of such 60-day period, a shipper of coal may file a complaint with the Commission on the grounds that the person operating the interstate coal pipeline distribution system is violating this subsection.

(3) If, following a notice and an opportunity for a hearing, but not later than the 30th day following the filing of a complaint in accordance with paragraph (2) of this subsection, the Commission finds that the person is violating this subsection and has, with respect to the complaining shipper, an obligation under this subsection to enter into a contract, the Commission shall order that person to provide the service specified in the offer under such rates, terms and conditions contained in the contract that is filed with the Commission under paragraph (1) of this subsection. In addition, if the Commission finds that a person is violating this subsection by entering into contracts with shippers of coal pursuant to paragraph (1) of this subsection in an order other than the order in which binding offers are submitted, the Commission shall establish the proper order of such for approval under subsection (c) of this section.

(4) The Commission may not approve, under this section, any contract for the transportation of coal by pipeline—

(A) if approval of such contract will result in the total tonnage of coal obligated to be transported by the pipeline in any period under contracts approved under this section exceeding the maximum capacity of the pipeline in such period; or

(B) if the provision of coal transportation services under such contract would result in a destructive competitive practice.

#### SUMMARY

Section 2 sets forth the findings and purpose of the bill which is to facilitate the de-

velopment of interstate coal slurry pipeline systems by granting the Federal power of eminent domain to those systems that are determined to be in the national interest. Any such development shall be subject to state water law.

Section 3 sets forth the definitions within the bill. Significant among these is a definition of "state water law". This phrase, as defined, includes existing and future substantive and procedural statutory law, State constitutional provisions, judicial decisions and administrative law which apply to water. It also makes clear that State water law which might be invalid in the absence of this legislation on the grounds that it poses an impermissible burden on commerce, shall not be deemed invalid as it applies to interstate coal pipeline systems.

Section 4 sets forth procedures for granting and acquiring the Federal power of eminent domain. Subsection (a) requires the Secretary of Energy to determine whether the construction of the proposed interstate coal pipeline system would be in the national interest. Prior to a determination, the applicant must file and secure approval of a water permit or other appropriate authorization.

Section 4 (b) requires the Secretary of Energy to make findings on five specified criteria as a basis for determining whether the pipeline is in the national interest. The criteria include transportation needs, competition, economic benefits, national security, and the environment.

Section 4 (c) sets aside a portion of the capacity of the pipeline for small and independent producers, defined as those who produce 200,000 tons of coal or less, and are not affiliated with other companies.

Section 4 (d) provides for procedures and time limitations on proceedings required for the Secretary to make a national interest determination.

Section 4 (e) requires the Attorney General to assess the effects upon competition of approval of the application for an interstate coal pipeline system. No application may be determined to be in the national interest if the application is not consistent with the antitrust laws.

Section 4 (f) authorizes the use of Federal eminent domain power to those persons whose applications for constructing an interstate coal pipeline system have been determined to be in the national interest. This provision imposes certain limitations on rights-of-way that may be acquired by exercising the power of eminent domain.

Section 4 (g) permits the applicant to amend his application to request a right-of-way over any alternative route. The Secretary may also require the relocation of any right-of-way under certain circumstances.

Section 4 (h) requires the Secretary of the Interior to evaluate the effects of a proposed interstate coal pipeline system upon the ability of the United States to recover the value of affected mineral interests. The Secretary shall require the applicant to pay the fair market value of coal precluded from being recovered as a result of the proposed right-of-way.

Section 4 (i) requires the Secretary of Energy to promulgate rules and regulations necessary to exercise the eminent domain authority provided for in this section.

Section 5 establishes the primacy of State water law. Subsection (a) prohibits any person from using water for export or use in any interstate coal pipeline system, unless such export or use is pursuant to the substantive and procedural law of the State



where the diversion takes place. State water law shall be enforced even if such enforcement means that an interstate coal pipeline system shall not be constructed.

Section 5(b) delegates to the State the power to regulate the export or use of water in an interstate coal pipeline system, even if it would constitute an impermissible burden on interstate commerce.

Section 5(c) provides that this bill does not impair the validity of or preempt any provision of State water law or interstate compact governing the use of water.

Section 5(d) denies the use of any water for which a Federal right can be asserted unless it is authorized under State water law.

Section 6(a) provides that State and local laws and regulations are not preempted by the bill unless such laws discriminate against interstate coal pipeline systems.

Section 6(b) provides that access to water for the operation and maintenance of an interstate coal pipeline system shall be governed by State laws and procedures except where they discriminate against such access.

Section 7 requires underground construction, to the maximum extent practicable, of interstate coal pipeline systems. This section also requires the replacement of topsoil in disturbed areas.

Section 8 makes clear that nothing in this measure requires any form of automatic passthrough of, or preempts the ratemaking authority of any State utility regulatory agency or the Federal Energy Regulatory Commission with respect to costs associated with the interstate coal pipeline system.

Section 9 makes clear that nothing in this bill shall be construed to authorize the further regulation of interstate common carriers.

Section 10 provides that interstate coal pipeline systems authorized by this bill are subject to the requirements of the Federal Water Pollution Control Act, and other relevant Federal environmental control laws.

Section 11 requires the Administrator of the Environmental Protection Agency to conduct a review of the ability of an interstate coal pipeline system to comply with Federal water discharge requirements. The Secretary shall not make a determination of national interest unless the Administrator reasonably expects that the water discharge from the proposed system can meet the requirements of the Federal Water Pollution Control Act.

Section 12(a) provides that any person who proposes to operate an interstate coal pipeline system, and files with the Federal Energy Regulatory Commission a contract between a prospective shipper and a pipeline carrier within ten business days of signing the contract, may enter into long-term contracts with one or more shippers of coal to provide transportation under specified rates, terms and conditions. Coal pipeline operators are obligated to perform only those duties specified by such contract. These contracts shall be enforceable and are not subject to prorationing once in effect.

Section 12(b) provides that in cases where the pipeline operator files a contract under this section for the transportation of a volume of coal which is less than the total pipeline capacity the operator shall enter into subsequent contracts with shippers in the chronological order in which written offers are submitted, provided the shipper is "ready, fit, willing, and able". This section also provides a shipper with the right to file a complaint with the Commission if access to the pipeline is unfairly denied by the

pipeline operator. This provision further provides that the Commission may not approve a contract if it would result in a transportation obligation that exceeds the maximum capacity of the pipeline, or if it would result in a destructive competitive practice.●

By Mr. LUGAR (for himself, Mr. MATHIAS, and Mr. DOLE):

S. 995. A bill to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon such policies; to the Committee on Foreign Relations.

#### OPPOSITION TO APARTHEID POLICIES OF THE GOVERNMENT SOUTH AFRICA

● Mr. LUGAR. Mr. President, today I introduce on behalf of myself, Senator MATHIAS, and Senator DOLE a bill to address the important issues surrounding American policy toward the Republic of South Africa. The bill seeks to provide direct, tangible assistance to the black majority in South Africa in its effort to gain full political, economic, and social rights in South Africa and to provide that in the absence of progress in eliminating apartheid, it shall be American policy to consider economic measures against the Government of South Africa.

The bill provides for the creation of a \$15 million scholarship program for black South Africans, one-third of which will be reserved for programs to enable black teachers to improve their educational credentials. Education has been a high priority for blacks in South Africa, since it will only be through the creation of a strong, viable, and well-educated black community that they will be able to wage successfully their own political struggle for human rights and justice.

The bill also provides for making permanent the Kassebaum Human Rights Fund, which was started in 1983, and for increasing the funding level of this program to \$1.5 million. This program provides small grants to community organizations in South Africa promoting a more just society or aiding the victims of apartheid. The grants are small in part to avoid turning the community organizations into U.S. Government aid programs. It is important to remember, in our desire to help, that the impetus for change in South Africa must always be from the South African people themselves. We can support their efforts, but we cannot seek to manage or control their efforts.

The Sullivan Principles effort has been a major success story of American private initiative in fostering a more just society in South Africa. Much of the credit for this effort must go to the leadership of the Rev. Leon Sullivan of Philadelphia, who had the courage and vision to come up with an innovative approach to the challenge that apartheid presents the world. The bill we are introducing today provides for the Sullivan Principles to be

mandatory for all American companies in South Africa which employ more than 25 persons there. The penalty for failing to comply with the principles is the denial of U.S. Government assistance for export activities of noncomplying firms, and a prohibition on new investment in South Africa for those firms. A company which is not a good corporate citizen in its operations in South Africa should not benefit from the prestige of the U.S. Government in carrying out its activities in either South Africa or in other parts of the world.

The bill also addresses the employment practices of the U.S. Government in South Africa. The U.S. Government is one of the larger American employers in South Africa, with some 181 direct hire, contract, or official residence employees. As a government, we are not taking those positive steps that other American employers have deemed necessary to enable black employees to overcome the handicaps that inevitably arise in an apartheid society. For instance, many American employers in South Africa provide assistance to their black employees to move into new career fields because the opportunity to have done so in the past was so severely limited. Under standard government employment practices, we are limited to providing only training and education to enable employees to carry out their present duties more effectively. Some of the American companies provide additional assistance to their black employees to enable them to send their children to nonsegregated private schools rather than to the segregated public schools. Others make a deliberate effort to channel contracts to the emerging black business community. These are examples of ways in which we should be acting in South Africa, to set an example for other American entities in South Africa rather than legislating for others what we do or not do as a government.

The bill also directs the Export-Import Bank and the Overseas Private Investment Corp. to carry out their activities in an effort to promote black business enterprise. For many years, black South Africans were severely hampered in their independent businesses by a host of apartheid laws. These laws are being changed, but their legacy has been to deny black South Africans the financial resources to take advantage of today's opportunities. Perhaps in some small way, we can help them overcome this legacy of apartheid. And I believe firmly that we should assist black South Africans to overcome the legacy of apartheid in this as well as in other areas.

OPIC will be directed to provide a full range of its services on behalf of joint ventures between Americans and black South Africans as long as the

South African partner or partners have a majority interest in the venture or as long as there is a program for the South Africans to assume a majority position over the term of the joint venture. American businesses have taken the lead in this field, and it is time the American Government got behind their efforts. American banks helped provide the financial backing that created the first black-owned bank in South Africa, and IBM recently helped establish the first black-owned computer dealership in the heart of the formerly white-only Johannesburg downtown business district. Mobil and Ford have helped launch black automobile dealerships. More can be done with our assistance.

Finally, the bill incorporates the language of the Mathias bill reported by the Committee on Foreign Relations on March 27 by a vote of 16 to 1. This bill sets forth American expectations for progress on the elimination of apartheid and states that the President shall make a report to Congress within 2 years on the progress that is being made to eliminate apartheid. In the event the President determines that sufficient progress has not been made, he will recommend one or more of a specified list of economic measures. I sincerely hope that the South African Government will so conduct its policy that the President will be able to report to Congress that significant progress has been made.

The message of the bill is a two-fold message: Apartheid must end and the United States stands ready to provide tangible help to South Africans to enable them to overcome the burdens of apartheid. As President Reagan said 4 years ago, apartheid is abhorrent. He also asked "Shouldn't we be trying to be helpful?" I think he spoke for all Americans. This bill is a step toward ending apartheid and beginning the process of erasing its effects on South Africa. I ask that all Members of the Senate consider this approach carefully and join as cosponsors of this bill. It is important that the Senate speak with a strong, united voice on this important and complex foreign policy issue.

● **Mr. MATHIAS.** Mr. President, today I join in sponsoring a bill introduced by Mr. LUGAR and supported by Mr. DOLE that addresses the problem of apartheid in South Africa. The heart of this bill is the legislation adopted by the Foreign Relations Committee by a vote of 16 to 1 on March 27, which I introduced. That committee passed bill is also being reported to the Senate today.

The administration's policy of constructive engagement has born little fruit and needs to be reassessed. The massacre at Uitenhage reinforced for Americans everywhere the daily discrimination and dangers faced by South Africa's black population. The

abhorrent policy of apartheid that led to this massacre must end. It is time for the U.S. to act.

The question that faces the Senate is how best to fashion legislation which creates the rewards and punishments needed to bring reform to South Africa. To answer this question, I turned to the principles of Bishop Tutu who is a South African and can best tell us what will work in his country.

Bishop Tutu's advice was to create a time period for reform, perhaps 2 years, and to put the Government of South Africa on notice that economic sanctions would be imposed if certain reforms were not made. I believe Bishop Tutu was wise in the advice that he gave because it allows for human nature. Economic sanctions imposed now and implemented immediately could simply lead to a hardening of South Africa's policies because they would have already paid the penalty and no incentives are provided.

The bill states that it is now the policy of the United States to implement economic sanctions if within 2 years significant progress has not been made toward ending the policy of apartheid. It provides both a carrot and a stick. The carrot is continued economic relations on the current basis if reforms are made. The stick is economic sanctions if these reforms are not made.

I also turned to the works of Bishop Tutu to determine which specific reforms are of immediate importance to the blacks of South Africa. The bill requires the President to report to Congress on Bishop Tutu's criteria by March 1, 1986, and to use them in making a judgment as to whether significant progress has been made in reforming apartheid. It will be clear to the Government of South Africa what they have to do to maintain their current economic relationship with the United States.

The criteria that I understand were suggested by Bishop Tutu and contained in the bill are progress in: First, housing black workers with their families; second, abolishing the pass laws which prevent blacks from moving freely into the cities; third, terminating the migrant labor system; fourth, allowing unrestricted labor union rights for all; and fifth, increasing local investment in black education and training.

If the President, using these criteria, determines that significant progress has not been made, then it will be the policy of the United States to implement economic sanctions. The bill lists four sanctions for the President to consider. If the President under these circumstances fails to impose sanctions, the bill also provides for expedited procedures in the Senate and highly privileged procedures in the House of Representatives for any joint

resolution seeking to implement sanctions.

In addition to these measures, the bill calls upon the President to raise the issue of reform in South Africa during the upcoming economic summit and to suggest the creation of an Inter-Allied Working Group on South Africa. The effort to reform apartheid will not work unless the effort includes all the industrialized democracies.

The bill which I am cosponsoring with Mr. LUGAR and Mr. DOLE contains other provisions which should ease the plight of some black South Africans while reforms are hopefully being made to the apartheid system. These provisions include:

A \$15 million scholarship program for black South Africans.

The provision of \$1.5 million for the Human Rights Fund for South African blacks.

Authority for the Overseas Private Investment Corporation and the Export Import Bank to encourage black-run business in South Africa.

The establishment of model labor practices for blacks in South Africa employed by the U.S. Government.

Strong incentives for U.S. businesses in South Africa to use these same model labor practices.

Mr. President, these measures may not convince the Government of South Africa. We do not control that government, we can only try to influence it. I believe the measures contained in my bill, as reported by the committee, and now those in the bill I have cosponsored with Mr. LUGAR and Mr. DOLE, offer a reasonable prospect of persuading that government to join the march of history toward justice and freedom.

By Mr. CHILES:

S. 996. A bill to amend Public Law 96-350 to further define the customs waters for the purposes of certain drug offenses; to the Committee on Commerce, Science, and Transportation.

#### JURISDICTION OF DRUG TRAFFICKERS IN INTERNATIONAL WATERS

● **Mr. CHILES.** Mr. President, for years our Nation has been fighting a war against drug traffickers. Florida has been on the front lines of that war since the beginning.

While we are still a long way from winning the war, we have won some battles. Several years ago, we amended the posse comitatus statute so that now the military can assist, to a limited degree, in drug interdiction missions.

Unfortunately, drug traffickers have found a legal loophole which enables them to escape conviction even after our law enforcement agencies, often aided by the Coast Guard, Customs and the military, have made arrests.



Their defense tactic argues that the United States does not have jurisdiction in international waters to arrest or seize foreign drug ships. This argument has held up in court even in cases when our Coast Guard has received authority from the flag country for the arrest.

To remedy this problem I am introducing companion legislation to H.R. 2132, introduced by Congressman SHAW in the House, which will close that loophole by amending 21 USC sec. 955(a). With this change, the law will more clearly define the kind of authority we must obtain from a foreign country in order to have jurisdiction over drug traffickers in international waters. The intent of the law we seek to amend was to allow the United States to interdict criminals in international waters. This legislation will restore the enforcement power to that law. ●

By Mr. BRADLEY:

S. 997. A bill to improve the operation of the strategic petroleum reserve and to authorize emergency financial assistance during an oil supply disruption; to the Committee on Energy and Natural Resources.

#### EMERGENCY PREPAREDNESS ACT

Mr. BRADLEY. Mr. President, today I am reintroducing the Emergency Preparedness Act of 1985. This bill is similar to the bill I introduced last year that was marked up in the Energy and Natural Resources Committee last June, and it is similar to the bills and amendments I have offered in committee and on the floor since 1981.

The state of our preparedness for the next disruption to our oil supplies is, ironically, both shocking and well known. We know that the world now relies, and will increasingly rely, on oil from the Middle East, a region continually buffeted by instability, confrontation, and war. We know that a disruption in the world's oil supply will raise the price of oil in all economies that participate in the world oil market. We know that the increase in oil prices will be about the same in all countries, no matter how much the countries depended on Middle East oil the day before the disruption. The United States, with our relatively low level of purchases from the Middle East, will face the same price increase as Europe and Japan, with their relatively high levels of purchases from the Middle East.

We know all this, and yet we hesitate to fill our strategic petroleum reserve. We allow the procedures for extracting oil from the SPR to be cumbersome and untested. We neglect to make any allowances for those people and local governments who will be least able to adapt to the higher prices that will accompany the oil supply disruption. The bill I am introducing ad-

resses these glaring deficiencies in our preparedness for the inevitable.

The bill is straightforward. First, it allows the President to conduct a test sale of the oil in the SPR. A test sale would demonstrate that the oil can be withdrawn, sold, transported, and refined. Current law prohibits such a demonstration.

Second, the bill allows the President to divert oil destined for the SPR onto the market if an oil supply disruption appears imminent. Again, this is not allowed under current law.

Third, the bill authorizes the President to establish programs to sell a limited portion of SPR oil in anticipation of, instead of in response to, an oil supply disruption. One promising method is the sale of SPR options.

Finally, the bill requires the President to prepare, and authorizes him to implement, a program of emergency block grants to States to enable them to deal with the effects of suddenly higher oil prices during an oil emergency. These block grants would be sent to States pursuant to an emergency supplemental appropriation which would also specify how much emergency assistance would be provided to each State.

Mr. President, we are not prepared for the next oil supply disruption. The provisions of this bill, together with continued construction and fill of the strategic petroleum reserve, are desperately needed. The Energy and Natural Resources Committee will soon take up the reauthorization of the Energy Policy and Conservation Act. This law provides the basic emergency authorities, including SPR authorities. This reauthorization is the logical vehicle for the authorities contemplated in the bill I introduce today. I look forward to the hearings on this reauthorization at which I will ask the witnesses for their opinions on the provisions of this bill.

I urge my colleagues to examine and support this bill. I ask unanimous consent that the full text of the bill be included at the conclusion of my remarks.

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

S. 997

*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 "Emergency Preparedness Act of 1985."

#### STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) Congress finds and declares that—

(1) disruptions in the supply of imported oil are likely during the next decade;

(2) such emergencies will disrupt normal petroleum market operations; the Strategic Petroleum Reserve should be used, and used early, to mitigate the potential for market turmoil;

(3) if oil stockpiles are unavailable or insufficient to fully offset the reduction in oil available to the world oil market, oil prices will rise, possibly rapidly and to high levels;

(4) without compensating action, such high prices will create severe economic dislocations and individual hardships;

(5) severe oil supply disruptions constitute a threat to public health, safety and welfare which can most effectively, efficiently, and equitably be dealt with through early use of the Strategic Petroleum Reserve and prompt fiscal action by the executive branch of Government; and

(6) no emergency program will be able to avoid entirely the market disruptions and personal hardships that will accompany a petroleum supply disruption; however, prompt fiscal action by the executive branch of Government will reduce individual hardships and economic dislocations more effectively than other mechanisms used in the past.

(b) The purpose of this Act is to grant the President of the United States authority to sell in advance of a supply disruption options to purchase SPR oil, to improve the operation of the SPR, to authorize a test sale of SPR oil, and to provide financial assistance to low-income Americans during an oil supply disruption.

SEC. 3. (1) Definitions "United States" means the several States, the Commonwealth of Puerto Rico, the District of Columbia, and the Trusts and Territories of the United States.

(2) "State" means the 50 states, the Commonwealth of Puerto Rico, the District of Columbia, or the Trusts and Territories of the United States.

#### TITLE I—STRATEGIC PETROLEUM RESERVE

SEC. 101. Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. Sec. 6231-6247) is amended by inserting after section 167 the following new section:

#### "STRATEGIC PETROLEUM RESERVE PETROLEUM TEST SALE"

"SEC. 168(a). Notwithstanding any provision of this Part other than this section, the Secretary of Energy may conduct a test sale of at least 1.0 million but not more than 5 million barrels of Strategic Petroleum Reserve petroleum products.

"(b) Any such test sale shall be in accordance with the provisions of the Strategic Petroleum Distribution Plan and implementing regulations and contract provisions, modified as the Secretary of Energy believes appropriate to adjust them to the artificialities of a test and the absence of an actual energy supply shortage.

"(c) All petroleum products shall be sold during test sale at a price not less than that which the Secretary of Energy determines appropriate in the circumstances of the test nor, in any event, at less than eighty (80) percent of the price estimated by the Secretary of Energy for comparable petroleum product being sold in the same area at the time the Reserve's petroleum product is offered for sale.

"(d) For any fiscal year in which a test sale is conducted, the minimum required fill rate in effect under section 160(c) and Public Law 98-146 shall be reduced by the amount of any oil withdrawn, pursuant to the test sale, from the Strategic Petroleum Reserve during the fiscal year in which the test sale occurs, and the minimum required fill rate otherwise in effect for next fiscal year shall be increased by the same amount."

## CONFORMING AMENDMENTS

SEC. 102. Section 167(b) of the Energy Policy and Conservation Act (42 U.S.C. sec. 6247(b)) is amended—

- (a) in the first sentence, by adding "test sales of petroleum products from the Reserve," before "and the drawdown", and
- (b) in paragraph (3) by adding "test sale under section 168 or" before "drawdown".

## PREDRAWNDOWN DIVERSION OF SPR OIL

SEC. 103. Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding the following new subsection:

"(g) If the President finds that a severe energy supply interruption appears to be imminent and that the world price of crude oil has as a result begun to increase, then the execution of new contracts for the purchase of petroleum products for and the injection of petroleum products into the Strategic Petroleum Reserve may be curtailed or suspended, and the provisions of sections 160 (c) and (d) shall not apply. The period during which such Presidential declaration is in effect and the quantity of any petroleum products involved shall be disregarded in applying the provisions of such subsections for periods following the effective period of such declaration. When such a declaration is in effect, the Secretary is authorized to sell, in accordance with the rules or regulations which he shall promulgate, any petroleum products acquired by contract and produced for storage in, but not injected into, the Strategic Petroleum Reserve. The receipts from such sales shall be deposited in the "SPR Petroleum Account" under section 167 and shall be subject to section 167(d)."

## STRATEGIC PETROLEUM RESERVE OPTIONS

SEC. 104. The President may by rule establish programs which provide for the sale in advance of an oil supply disruption, notwithstanding section 161 of the Energy Policy and Conservation Act, of oil from the strategic petroleum reserve. Such programs may include the sale in advance of an oil supply disruption of rights to be exercised at the option of the buyer to purchase SPR oil at a specified price during a limited period of time following the sale of such rights. The programs established by such rule shall serve the purpose of Section 151(b) of the Energy Policy and Conservation Act and shall only permit the sale of the volume of strategic petroleum reserve oil that the President determines to be consistent with national security interests and international obligations, and in no case more than 30 percent of the total volume of oil in the strategic petroleum reserve at the time of the sale.

## TITLE II—EMERGENCY FINANCIAL RESPONSE

## AUTHORITY TO PROVIDE EMERGENCY ASSISTANCE

SEC. 201. (a) The President shall under the authority of this Act supplement the rules implementing the Low Income Energy Assistance Program to provide an independent mechanism for emergency financial assistance in the form of standby block grants to State Governors (acting in accordance with State law) as part of the Federal Government's response to a petroleum disruption.

(b) The standby block plan under subsection (a), to the maximum extent practicable, shall provide for—

- (1) the maintenance of essential public services so as to protect public health, safety, and welfare;

- (2) the mitigation of extreme personal hardship caused by higher prices during the petroleum supply disruption; and

- (3) maintenance of economic efficiency.

(c) The standby block grant plan shall include guidelines and requirements for State Governors (acting pursuant to state law) under which the block grants are conditioned, including provisions for submittal of State plans to ensure the objectives listed in subsection (b) are met. Reasonable accounting and auditing procedures shall be established. The standby block grant plan shall be developed in consultation with State Governors and State Legislatures and with the benefit of public participation.

(d) The requirements described in subsection (c) shall provide for a limitation on the percentage of the funds that may be used by state agencies for planning and administrative costs.

(e) The Secretary shall submit to the Congress within 90 days the standby block grant plan described in this Title.

## IMPLEMENTATION OF THE STANDBY BLOCK GRANT PLAN

SEC. 202. If the President determines to implement the standby block grant program, then he shall transmit his determination to the Congress together with his request for an emergency supplemental appropriation, including his recommendation for a formula allocating the appropriated funds among the several States.

## DIRECT FEDERAL ASSISTANCE

SEC. 203. The President shall within 90 days of the enactment of this Title provide to the Congress his recommendations for changes in existing law so as to provide for direct Federal assistance to recipients to complement the standby block grant plan established under this Title. The President's recommendations shall provide for changes in existing Federal direct assistance programs, such as the Low-Income Energy Assistance Program or for such other forms of direct federal assistance as he deems appropriate, where the use of such programs in conjunction with the standby block grant plan would more effectively or more efficiently achieve the objectives in Sec. 201(b).

## AUTHORIZATION OF APPROPRIATIONS

SEC. 204. There are hereby authorized to be appropriated such funds as may be necessary to carry out this title; the allocation of such funds among the several States shall be determined as provided in the emergency supplemental appropriation required by Section 202 of this Act.

By Mr. MATHIAS:

S.J. Res. 121. Joint resolution to designate June 15, 1985, as "National History Day," to the Committee on the Judiciary.

## NATIONAL HISTORY DAY

Mr. MATHIAS. Mr. President, today I introduce a joint resolution to designate June 15, 1985, as "National History Day." This special designation highlights the contribution the National History Day Contest makes to our young people's interest in history.

Since 1974, when the program started, it has attracted more and more attention among scholars and students; 10 years ago, only 100 students from one State were involved. Last year nearly 150,000 students from all over the United States took part in the

competition. Local and regional contest winners progress to the national finals held at the University of Maryland where they display their research, reports, or rehearse their plays, all dealing with an annual theme.

The competition encourages greater understanding of world history, develops research skills, and fosters creative expression. It also produces better educated and more civic-minded citizens. Such results surely deserve our attention and support.

The success of our national effort to improve the American educational system will to a very large extent determine our potential for continued world leadership. Of particular importance to this effort is encouraging the study of history. History not only allows us to understand our past; it also illuminates our present society and provides a framework for the future. The study of history also helps our children to become responsible citizens—the bedrock of a democratic society.

On June 15, 1985, the award ceremony of the national history contest will be held. By adopting this resolution, the Congress can pay tribute to this program and the important contribution it makes to the teaching of history in the United States. I urge my fellow Senators to join me in cosponsoring this joint resolution.

By Mr. BRADLEY:

S.J. Res. 122. Joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day"; to the Committee on the Judiciary.

## NATIONAL ARBOR DAY

Mr. BRADLEY. Mr. President, I am pleased to introduce today a joint resolution to designate the last Friday in April as "National Arbor Day."

In 1970 and 1972, Congress legislated and the President proclaimed "the last Friday in April" in those 2 years as National Arbor Day. The legislation I am introducing would make this observation an annual event.

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



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

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

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

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

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

Because of our concern about damage to our forests and trees it is particularly appropriate that we annually take special note of the importance of trees through designation of a National Arbor Day.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. HOLLINGS, Mr. NUNN, Mr. LEAHY, Mr. SYMMS, Mr. LUGAR, Mr. LEVIN, Mr. BOREN, Mr. DURENBERGER, Mr. PRYOR, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BRADLEY, and Mr. WILSON):

S.J. Res. 123. Joint resolution to designate Dr. Jonas Salk Day; to the Committee on the Judiciary.

DR. JONAS SALK DAY

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a resolution honoring the man who developed the first vaccine against polio, Dr. Jonas E. Salk, by designating May 6, 1985 as Dr. Jonas E. Salk Day. Thirty years ago, in April 1955, the Salk polio vaccine was officially declared safe and effective for general use.

Many still remember the days when poliomyelitis, more commonly known as polio, killed and crippled thousands of men and women each year. The disease is known to have existed in ancient Egypt, but it was not identified in this country until 1894. By 1916, it had become a dreaded affliction. In that year more than 6,000 people died and 27,000 more were crippled by polio. Another outbreak in 1921 left Franklin Delano Roosevelt paralyzed from the waist down. Nearly four decades later, in 1949, more than 24,000 people were stricken. Polio was a grim part of American life. Four years later, Dr. Salk developed the vaccine, sparing millions from the disease.

Dr. Salk was born in New York City in 1914, the son of a garment worker. He attended City College on a scholarship, and graduated from the New York University School of Medicine in 1939. After a 2 year internship at Mount Sinai Hospital in New York, he became a professor of epidemiology at the University of Michigan. In the late 1940's, while serving as director of the Virus Research Laboratory at the University of Pittsburgh, Dr. Salk began his extensive research on influenza and poliomyelitis. In 1953, he developed the polio vaccine. The vaccine consists of the three principal strains of the polio virus, neutralized with formaldehyde and injected into the body. The neutralized virus stimulates the body to produce polio antibodies, which then can repel later exposure to the polio virus. Dr. Salk and his own family were among the first tested with the experimental vaccine.

In 1954, the March of Dimes led a massive nationwide project to test the vaccine's effectiveness. More than 20,000 physicians and public health officials, 40,000 registered nurses, 220,000 volunteers and a half million school children participated in the tests; and finally, on April 12, 1955, the Salk vaccine was declared safe and effective for public use. The benefits were immediate, and by the time the Sabin oral vaccine was approved 7 years later, polio outbreaks had declined 97 percent. President Dwight D. Eisenhower awarded Dr. Salk the Congressional Medal of Honor for this "great achievement in the field of medicine."

Today, 90 percent of American children between the ages of 5 and 14 have received one of the polio vaccines, and in 1983, just eight cases of this disease were reported in the

United States. It is difficult to fully express our thanks to Dr. Salk and the others who developed the polio vaccine. This resolution, to honor Dr. Salk on the 30th anniversary of the Salk vaccine's approval, is one small way to pay tribute.

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the RECORD at this point.

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

S.J. Res. 123

Whereas Dr. Jonas E. Salk discovered the first effective vaccine that was approved for widespread use against poliomyelitis in 1955 and was awarded a congressional gold medal for the discovery;

Whereas poliomyelitis epidemics were a fact of life in the United States before the Salk vaccine was discovered;

Whereas during the most severe epidemic of poliomyelitis, which occurred in 1952, 57,626 persons were stricken with the disease and 3,330 persons died;

Whereas the incidence of poliomyelitis in the United States was reduced by 97 percent through the use of the Salk vaccine before another effective vaccine against the disease was discovered;

Whereas Dr. Salk still serves the Salk Institute for Biological Studies, which he founded in 1963, as a distinguished professor of international health sciences;

Whereas the Salk Institute for Biological Studies, under the leadership of Dr. Salk, has earned a reputation for being in the vanguard of basic biological research on molecular-cellular mechanisms in genetics, immunology, and neurobiology;

Whereas on May 6, 1985, the City University of New York will host a dinner to honor Dr. Salk, who is a graduate of the City College of New York, and to celebrate the 30th anniversary of the licensing of the Salk vaccine for public use;

Whereas the proceeds from the honorary dinner for Dr. Salk will be used to support the Jonas E. Salk Scholarships for Medical Study; and

Whereas the historic achievement of Dr. Salk deserves recognition: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 6, 1985, hereby is designated "Dr. Jonas E. Salk Day", 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 such day with appropriate ceremonies and activities.*

● Mr. D'AMATO. Mr. President, I rise today to join my colleague, Senator MOYNIHAN, as a cosponsor of a resolution designating May 6, 1985, as "Dr. Jonas E. Salk Day."

Dr. Jonas Edward Salk, a native New Yorker, is both a brilliant physician and scientist and a great American. His ability was recognized at a young age when he was described as a person who "read everything he could lay his hands on, tried to be a perfectionist in school work, and earned high grades"—New York Times, October 11, 1953. He earned his BS degree from the College of the City of New York

and then studied medicine at New York University College of Medicine.

Dr. Salk's most notable achievement has been the development of a killed-virus vaccine that proved to be effective in preventing polio. His efforts are responsible for virtually eliminating polio as a public health threat. In 1952 he tested a group of children with polio and found that after inoculation their antibody levels rose significantly. The vaccine was then administered to persons who had never had polio. By the end of 1954, the results indicated that the vaccine was safe and effective in reducing the incidence of polio. Dr. Salk, confident of his vaccine, tested it on himself, as well as his wife and children. He also pledged that he would be personally responsible and accountable for its use.

Dr. Salk's honors include the Congressional Gold Medal, a Presidential Citation, and the Presidential Medal of Freedom.

Dr. Salk's polio vaccine is responsible for reducing polio from epidemic proportions in 1952 to a rare virus today. He has saved many lives and assisted many others who may have been affected by polio. It is fitting that we honor Dr. Salk as a great American hero.

Mr. President, I urge adoption of this resolution.●

#### ADDITIONAL COSPONSORS

S. 23

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 23, a bill to reauthorize trade adjustment assistance for workers and firms.

S. 49

At the request of Mr. McCLURE, the names of the Senator from Maine [Mr. COHEN], and the Senator from Arizona [Mr. DeCONCINI] were added as cosponsors of S. 49, a bill to protect firearm owners' constitutional rights, civil liberties, and rights to privacy.

S. 58

At the request of Mr. BENTSEN, the name of the Senator from Arizona [Mr. DeCONCINI] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 104

At the request of Mr. THURMOND, the name of the Senator from Delaware [Mr. ROTH] 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. 140

At the request of Mrs. HAWKINS, the name of the Senator from Kentucky

[Mr. McCONNELL] was added as a cosponsor of S. 140, a bill to amend the Child Abuse Amendments of 1984 to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of sexual child abuse cases.

S. 274

At the request of Mr. DENTON, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 275

At the request of Mr. DENTON, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 275, a bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes.

S. 276

At the request of Mr. DENTON, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 276, a bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence.

S. 377

At the request of Mr. DeCONCINI, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 377, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 408

At the request of Mr. WEICKER, the name of the Senator from California [Mr. CRANSTON] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 426

At the request of Mr. WALLOP, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 426, a bill to amend the Federal Power Act to provide for more protection to electric consumers.

S. 599

At the request of Mr. EXON, the names of the Senator from Arizona [Mr. DeCONCINI], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of 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.

S. 625

At the request of Mrs. HAWKINS, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Utah [Mr. HATCH], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 625, a bill to include the offenses relating to sexual exploitation of children under the provisions of RICO and authorize civil suits on behalf of victims of child pornography and prostitution.

S. 627

At the request of Mr. DOMENICI, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of S. 627, a bill to promote and expand the vitality of the U.S. copper industry.

S. 704

At the request of Mr. THURMOND, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 704, a bill to establish an inter-circuit panel, and for other purposes.

S. 725

At the request of Mr. BENTSEN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 725, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1986, 1987, 1988, 1989, and 1990.

At the request of Mr. CHAFEE, the names of the Senator from New York [Mr. D'AMATO], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Maryland [Mr. MATHIAS], the Senator from Florida [Mrs. HAWKINS], the Senator from Indiana [Mr. LUGAR], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 725, supra.

S. 729

At the request of Mr. DURENBERGER, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 729, a bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes.

S. 744

At the request of Mr. COCHRAN, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 744, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 795

At the request of Mr. EXON, the names of the Senator from Montana [Mr. MELCHER], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Arkansas [Mr. PRYOR], and the



Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of S. 795, a bill to amend section 13(i) of the Federal Deposit Insurance Act.

S. 827

At the request of Mrs. HAWKINS, the names of the Senator from Mississippi [Mr. STENNIS], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 827, a bill to amend the Public Health Service Act to provide for the compensation of children and others who have sustained vaccine-related injuries, and for other purposes.

S. 855

At the request of Mr. PRYOR, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as cosponsor of S. 855, a bill for the relief of rural mail carriers.

S. 975

At the request of Mr. DOMENICI, the names of the Senator from Illinois [Mr. DIXON], and the Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of S. 975, a bill to amend the Securities Exchange Act of 1934 to provide a moratorium on hostile corporate takeovers financed by "junk" securities, to prohibit federally insured institutions from holding "junk" securities, and for other purposes.

#### SENATE JOINT RESOLUTION 40

At the request of Mr. LUGAR, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 40, a joint resolution to designate the month of October 1985 as "National Down Syndrome Month".

#### SENATE JOINT RESOLUTION 55

At the request of Mr. COCHRAN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from California [Mr. WILSON], the Senator from Ohio [Mr. METZENBAUM], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate May 24, 1985, as "National Self-Help Housing Day".

#### SENATE JOINT RESOLUTION 66

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 66, a joint resolution designating June 14, 1985, as "Baltic Freedom Day".

#### SENATE JOINT RESOLUTION 78

At the request of Mr. SYMMS, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Nevada [Mr. LAXALT] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to provide for the designation of June 10 through 16, as "National Scleroderma Week".

#### SENATE JOINT RESOLUTION 83

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cospon-

sor of Senate Joint Resolution 83, a joint resolution designating the week beginning on May 5, 1985, as "National Asthma and Allergy Awareness Week."

#### SENATE JOINT RESOLUTION 92

At the request of Mr. DENTON, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Mississippi [Mr. COCHRAN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate October 1985 as "National Foster Grandparents Month".

#### SENATE JOINT RESOLUTION 101

At the request of Mr. LEVIN, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. GLENN], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 101, a joint resolution to designate April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man."

#### SENATE JOINT RESOLUTION 107

At the request of Mrs. HAWKINS, the names of the Senator from Utah [Mr. HATCH], the Senator from Ohio [Mr. METZENBAUM], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate the month of May 1985 as "Older Americans Month."

#### SENATE JOINT RESOLUTION 116

At the request of Mr. PELL, his name was added as a cosponsor of Senate Joint Resolution 116, a joint resolution to assure the cost of living adjustments for Social Security recipients.

#### SENATE JOINT RESOLUTION 118

At the request of Mrs. HAWKINS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 118, a joint resolution to designate May 25, 1985 as "Missing Children Day."

#### SENATE CONCURRENT RESOLUTION 14

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice.

#### SENATE CONCURRENT RESOLUTION 20

At the request of Mr. CRANSTON, the names of the Senator from California [Mr. WILSON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Concurrent Resolution 20, a concurrent resolution expressing the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

#### SENATE CONCURRENT RESOLUTION 22

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution to express the sense of the Congress that sufficient appropriations should be made available for the Job Corps Program in order to maintain it as a viable Federal effort to assist economically-disadvantaged youths in obtaining and holding employment and contributing to society.

#### SENATE CONCURRENT RESOLUTION 24

At the request of Mr. MATTINGLY, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the Social Security benefit disparity known as the notch problem.

#### SENATE RESOLUTION 50

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Resolution 50, a resolution reaffirming the Senate's commitment to the Job Corps Program.

#### SENATE RESOLUTION 81

At the request of Mr. ARMSTRONG, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Resolution 81, a resolution to establish regulations to implement television and radio coverage of proceedings of the Senate.

#### SENATE RESOLUTION 112

At the request of Mr. COHEN, the name of the Senator from Missouri [Mr. EAGLETON] was added as a cosponsor of Senate Resolution 112, a resolution relating to bilateral discussions between the United States and the Soviet Union to ban chemical weapons.

#### SENATE RESOLUTION 134

At the request of Mr. PELL, his name was added as a cosponsor of Senate Resolution 134, a resolution to assure the cost of living adjustments for Social Security recipients.

#### SENATE CONCURRENT RESOLUTION 44—REGARDING A PERMANENT SITE FOR THE OLYMPIC GAMES

Mr. BRADLEY submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

#### S. CON. RES. 44

Whereas the Olympic games, which were begun more than 2,000 years ago in Greece to foster peace and goodwill among the city

states, have more and more frequently become an arena not for sport but for nations to further their own political goals;

Whereas it is the athletes who suffer when nations use the Olympic games for propaganda purposes;

Whereas when nations boycott the Olympics it deprives the participating athletes from pitting their strength, skill, and endurance against all of their competitors to determine the best in the world;

Whereas the participants in the Olympic games form friendships that cross political and geographic borders and lead to better world understanding;

Whereas many millions of people cross this nation believe that the Olympic games should be insulated as much as possible from politics: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of the Congress that the International Olympic Committee should establish a permanent facility for the Olympic games on a site that is suitable for insulating the games from the unwarranted and disruptive international politics that have plagued the games in recent years.

Mr. BRADLEY. Mr. President, last year's withdrawal by the Soviet Union from the 1984 summer Olympic games provides an important opportunity. We have the chance to remove the games from the political arena and return them to their original purpose—to be an international gathering of the world's youth for the purpose of promoting mutual understanding.

Today, I will seize that opportunity and resubmit a concurrent resolution in the Senate calling for the establishment of a permanent facility for the Olympic games.

Since the Olympic games first began, they have been buffeted by politics. There were the Nazi Olympics of 1936; the withdrawal of the Swiss and Dutch in 1956 in condemnation of the Soviet invasion of Hungary; the events of 1968 and the assassinations of 1972, followed by the withdrawal of 28 Third World countries from the Montreal Olympics of 1976.

I remember when I participated in the games in Tokyo in 1964 waking up in the middle of the night to a commotion in the next dormitory. It was the North Koreans pulling out of the games.

It is time to remove the games from politics and give them a permanent home. One possible permanent site for the games is Greece, where they were held for nearly 12 centuries. Putting the summer Olympics permanently in Greece and the winter games in their own home would help the Olympics become a strong institution rather than short-lived competitions vulnerable to political or economic exploitation by temporary host countries and other nations.

If the games had had a permanent home in a neutral country, it is probable that neither the United States in 1980 nor the Soviet Union in 1984 would have withdrawn from the games. Given a stable, enduring set-

ting, the games could take on a special identity of their own, much like the celebrations of old.

A permanent site for the Olympics should also be coupled with an extension of the games from 2 weeks to 2 months. One of the primary purposes of the games has always been to promote mutual understanding and brotherhood. The way to do this is by expanding the experience of the athlete who lives in the Olympic Village. That was the most enjoyable and memorable aspect of my experience.

I remember the athletes I shared those weeks with, and I remember the sense of pride and achievement. The Olympic games would be more participant oriented. Too often, the athlete is lost amid the multimillion-dollar construction projects. Too often the years of grueling training and individual discipline are overshadowed by extraneous events.

The Olympics should provide the basis for the beginnings of understanding. It requires bold planners to initiate a true permanent site with games that are true to the original goals. It requires the willingness to share the financial burden by hundreds of nations. It requires a revision of the rules, and personnel who govern the Olympic movement. It requires the belief on the part of all of us that peace can prevail. The time is now.

#### NOTICES OF HEARINGS

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on child nutrition programs, focusing on reauthorization and budget issues.

Senator RUDY BOSCHWITZ will chair the hearing which will be held on Thursday, May 2, 1985, at 9:30 a.m., in room 328-A, Russell Senate Office Building.

For further information call the committee staff at 224-2035.

#### ADDITIONAL STATEMENTS

##### CONGRESSIONAL CALL TO CONSCIENCE

● Mr. ARMSTRONG. Mr. President, now that negotiations with the Soviet Union are certain, we have an excellent opportunity to once again draw attention to the plight of those in the Soviet Union who suffer daily under the tyranny of Soviet rule. Therefore, I am very pleased to take part in the Congressional Call to Conscience in which many of my colleagues are participating on behalf of Soviet Jews.

Time and again we hear the horror stories of abuses suffered by Jews and

other religious and minority groups in the Soviet Union. However, many people are unaware that the number and severity of incidents are increasing at an alarming rate. The State Department document, "Country Reports on Human Rights Practices in 1984," states that 1984 was an exceptionally difficult year for the Jewish community. According to the report, 1984 "saw the beginning of a major, sustained crackdown on Hebrew teachers and other Jewish cultural activists." The methods used by Soviet authorities included threats, beatings, and harsh sentences to forced labor camps where conditions can only be described as subhuman. And for what reason? Simply because Jews are practicing and teaching their faith.

Under these conditions, it is becoming impossible for Soviet Jews to maintain their dignity and their heritage. In fact, it appears that a serious effort is being made by the Soviet leadership to exterminate all religious belief and believers as quickly as possible. This seems to be confirmed by the State Department report which indicates that more people are disappearing into the gulags and that only an incredibly small number of people are being allowed to emigrate.

In the past, when Soviet-United States relations have been good, the Soviet leadership has allowed increased numbers of Jews to emigrate. A pattern developed where emigration numbers began to increase prior to formal negotiations and while East and West experienced relatively higher levels of cooperation. During the period between 1968 and 1981, more than 250,000 Jews received permission to leave. However, as Soviet-United States relations declined over the course of the 1970's, Jewish emigration dropped. In fact, fewer than a thousand Jews escaped Soviet tyranny in the last year.

Certainly, Soviet-United States agreement or disagreement is not the only factor in the sharp decline in Jewish emigration. Once emigration policies were relaxed, applications for emigration flooded into Moscow, much to the chagrin of the Soviet leadership. Instead of dampening the desire to leave the Soviet Union, Jews started lining up to depart as quickly as possible, followed closely by the other religious and minority groups seeking freedom outside the Soviet state.

One of the questions that most disturbs me about Soviet-United States negotiations is this question of emigration. Instead of the normal Soviet action of increasing emigration prior to negotiations with the West, the Soviet Union is continuing to clamp down on the number of Jews receiving permission to leave. And at the same time, we hear rumors, as reported in the New York Times and the Wash-



ington Post last month, that a substantial increase in annual emigration might be possible if the Soviets get what they want from the talks.

As a matter of principle, it is appalling to me that the Soviet Union may be willing to barter with the lives of its own citizens for a more advantageous bargaining position.

Therefore, I hope instead that in the spirit of good will, the Soviets will begin to allow the free practice of religious and cultural beliefs within their country regardless of the progress of the talks. But just as importantly, I hope they will allow a policy of open emigration—based not just upon the upcoming negotiations, but as an ongoing humanitarian policy.

Until we see real progress in Soviet policy, we in the United States must remain vigilant. The Soviet Union has made promises—in the U.N. Universal Declaration of Human Rights, in the Helsinki Final Act, and elsewhere—that it will uphold basic human rights for its citizens. Therefore, it is both our duty and our right to actively work for the freedom of the individual regardless of boundary lines.

Many of my colleagues have joined in the Call to Conscience to make others aware of the plight of Soviet Jews. But we must not stop here. Let us continue to encourage the ideals of freedom that we in the United States claim as our right. Only by aiding others who suffer under the tyranny of regimes such as the Soviet Union will we guarantee our own freedom. ●

#### STUDENT AID

● Mr. SIMON. Mr. President, going through some newspapers that accumulated prior to the election of last year, when I did not have a chance to do much reading and reflecting—something all of us are guilty of before an election, I am afraid—I came across an article from The Washington Post of October 1 of last year, about the difficulties people have getting their children through college; and, particularly, the tragedy that is facing our country in the ability of fewer and fewer blacks, minorities and poorer families to take advantage of a college education.

This, I hasten to add, was all written before this administration decided it would reduce student aid much more drastically.

There are those who seem to believe that the college aid program we have now is some massive doling out of money that is handed to students almost at whim.

The article by Jane Bryant Quinn shows that is not the case.

If we were to make a judgment on the basis of the national need, we should be increasing student aid, not cutting it back, as this administration wants us to do.

I am also submitting for the RECORD a letter to the editor, written by Bob Anderson, that appeared in the Washington Post last month.

It effectively refutes the statements some people have been making in this administration.

The Jane Quinn article and the Bob Anderson letter, together, form a powerful message I hope this Congress will not ignore.

I ask that the article and letter be printed following my remarks.

The material is as follows:

#### DWINDLING COLLEGE AID HAS NARROWED WORLD FOR NEEDIEST STUDENTS

(By Jane Bryant Quinn)

NEW YORK.—There's an untold story behind the stark figures that show fewer blacks and minority students in college today. The colleges and universities are no longer recruiting them seriously, if there incomes are low. Admissions directors are still going after the superblacks, with top grades or special athletic talent. But for the average inner-city student, the open door of a decade ago is swinging shut.

The reason is money. The federal government quit adding big bucks to the programs that help educate lower-income youngsters, and private sources can't fill the gap.

"The economically deprived need many thousands of dollars to meet college costs," says Charles Marshall of the National Association of College Admissions Counselors, "and the schools are no longer in a position to offer them a full package of aid. Rather than raising false hopes among these students, the college recruiters are staying away."

Low-income students may have other choices. Many are going to inexpensive two-year community colleges, financial-aid expert Robert Leider told my associate, Virginia Wilson, and they might make it into a four-year college later. But finding the money will still be hard.

Here's what is happening to college aid, and the extent to which its loss has narrowed the world for a generation of the neediest students:

Low-income students depend primarily on federal grants. But the size of the average Pell grant (now \$1,089) has not kept up with tuition inflation, so it covers a much smaller portion of college costs than it did a decade ago. The purchasing power of the maximum Pell for the very poorest students (\$1,900) is down even more.

The G.I. bill for Vietnam-era veterans started running out toward the end of the 1970s; education benefits through Social Security started phasing out in 1982. Both programs were disproportionately used by lower-income people. In theory, Pell grants and other federal programs should have taken up the slack for the truly needy, but they never did.

Since 1980, the amount of federal money allotted to National Direct Student Loans has been cut nearly in half. The colleges make these loans to the neediest students, at only 5 percent interest. The big loss of funds, along with other problems in the program, has led directly to a substantial decline in the number of blacks in graduate schools, reports Mary Carter-Williams of the Institute for the Study of Educational Policy at Howard University.

A handful of states have increased the total amount of aid they give to low-income students, but many others are giving less. A

study done for the National Association of State Scholarship and Grant Programs shows that the average amount of state aid per needy student has declined.

According to the National Student Aid Coalition, the talented but poor are 20 to 25 percent less likely to go to college than their wealthier peers; the poor of average ability are 40 percent less likely to get a college education.

One important point should be made about the access of low-income people to college. A study done for the American Council on Education shows that from 1974 to 1981, before the Reagan administration's scholarship cuts, the percentage of low-income blacks in college declined while the percentage of low-income white students was going up.

Those were years when inflation was badly eroding the value of financial aid, but why did it have a more harmful effect on minority students? The answer, Marshall believes, lies in the better counseling often available to students in predominantly white high schools.

Linda Berkshire of the National Student Aid Coalition says that many minority students don't know much about student aid, don't get enough personal counseling in their schools and don't have ready access to up-to-date language of personal finance. Some parents simply refuse to cooperate.

The smart and aggressive among the high-school counselors in inner-city schools are struggling for ways to meet the problem. They offer seminars on finding financial aid. They help parents fill in the application forms. They try to get students thinking early about college, to allow more time for financial planning.

Although their efforts can squeeze out more dollars from present programs for eligible students, they cannot awaken those of careless social conscience to the waste and tragedy of the unnecessarily undereducated. Taking money out of higher-education programs for the poor is a decision this country will come to regret.

[From the Washington Post, Mar. 16, 1985]

#### WHO DECIDES WHO "DOESN'T BELONG" IN COLLEGE?

(By Bob Anderson)

I get angry when I hear college-educated, upper income professionals mouth off about colleges being filled with those who "don't belong there." The latest in this cynical round of "college bashing" comes from Robert J. Samuelson, who arrogantly asserts that we should "Tighten Up College Aid" because "what you don't pay for isn't highly valued" [Business Feb. 27]. He adds gratuitously that "the cheapening of a college education is a well-intentioned crime in which we are all the ultimate victims." Well, enough is enough!

In the first place, going to college isn't cheap. Students and their families pay for college in hard work, sacrifice—and dollars. Next to a home mortgage, college costs are the largest single investment an American family makes, and coming over a short period of four or five years this financial obligation hits very hard. The current "student debt" stands at around \$40 billion.

Nor has a college education been cheapened. By any measure we have the finest system of higher education the world has ever known. We educate more people to higher levels than any other nation ever dreamed possible. How good is it? Not good

enough, but it is the best there is and getting better.

It doesn't take a college graduate to understand the message these malefactors are peddling: It says that a college education ought to be an exclusive privilege reserved to those within our society who already "have," and that those who "have not" should be denied this means to a better life. This retrograde view of access and equity in higher education is widely held in the Reagan administration, and to describe it as "elitist" obscures the truth of the matter.

I have five children. Two of them are college graduates, two more along with my ex-wife are in college now, and my youngest will start next fall. I doubt that any of us could give Samuelson or, say, Secretary of Education William Bennett, a satisfactory justification for his or her being in college, and I won't make the attempt. But college has been very good for everyone in my family.

I have watched each of us grow with the experience in so many different ways. We are all of blue-collar, working-class roots out of the suburbs of Milwaukee—not a college graduate among us less than 25 years ago—and today we can talk with each other about science, mathematics, philosophy, history, literature, music and art. Those of us who have finished college hold good jobs. More important, we have grown in our understanding of the democratic ideal and spirit, which make it possible for ordinary folks to participate more fully in the richness of American life.

Yes, my oldest son and I received "federal assistance" through the GI Bill; the others had hoped for some modest level of "student aid" next fall. We have all "scrimped," borrowed, and worked part-time jobs. All of us pay taxes, and we don't complain about it. We believe that everyone ought to go to college. We understand that some may not want to and others may be unable. What we don't understand is why a person of Bennett's education and experience should want to exclude anyone from a college education.

As for me, I would have great difficulty deciding which ones in my family "don't belong" in college. Perhaps Samuelson feels qualified to make that decision. I certainly do not. ●

#### NATIONAL POLICIES AND GLOBAL PROSPERITY

● Mr. LUGAR. Mr. President, I would like to call to the attention of my colleagues an important statement by Secretary of State George Shultz on the subject of "National Policies and Global Prosperity" given at the Woodrow Wilson School of Public and International Affairs on April 11, 1985. This is a remarkable statement on the problems and opportunities inherent in our current economic situation. I commend it to all colleagues, and ask that it be inserted, in full, into the RECORD at this point.

The statement follows:

#### NATIONAL POLICIES AND GLOBAL PROSPERITY

(Following is an address by Secretary of State George Shultz before the Woodrow Wilson School of Public and International Affairs, Princeton University, Princeton, New Jersey, April 11, 1985.)

My theme today is simple: the American economy is a success story—a dramatic success story. But success brings with it new

challenges, which we must address with great energy in order to preserve and build on the success we have achieved.

We face a paradox. In the past 2 years, our economy had made the strongest recovery of any in the last three decades, and the expansion remains robust. Yet we also see, in our domestic and international economic relations, some unusually large and important imbalances:

A large net capital inflow;

An exceptionally strong dollar;

The largest trade deficit in our history; and

Large and continuing deficits in the U.S. Federal budget.

What relationship is there, if any, between our clear economic success and these equally clear imbalances? How do these imbalances relate to each other? What are our prospects if the imbalances continue? And what conclusions follow for economic policy—in this country and in other countries? These are the issues I would like to discuss with you today.

The economic policies of this Administration—reducing the role of government, promoting private initiative, and encouraging free trade—have led the United States out of recession and toward prosperity. We can be proud of our economic performance. Our expansion has led to export-induced recoveries abroad—underscoring the interdependence among the world's economies.

In large part, the imbalances I mentioned have contributed to our economic success; some are partly the result of it. To a degree, they have been exacerbated by the economic policies of other nations. Whatever their source, my main conclusion can be stated up front: these imbalances are interrelated, and they must be corrected if we are to maintain the momentum of our economic success. We—and other countries—share a responsibility to make some hard political decisions.

Let me focus on these imbalances, first as they impact on the American economy and then as they are mirrored in other countries. Then I will lay out the policy responses I see as necessary—responses by all nations—to keep the world economy on the path of sustained, noninflationary growth.

#### CAPITAL FLOWS

First, the large net capital inflows into the United States.

An impressive investment boom has driven American economic expansion in the past 3 years. To a large extent, this boom reflects the new investment incentives the Administration provided in its first term—including incentives for vital research and development, which is the source of future investment. Gross saving by individuals, business, and state and local governments also recovered from its recession low of 18% of GNP [gross national product] in 1982 to 20% in 1984.

But with the Federal deficit, gross national saving alone could not finance this higher level of investment. In 1984, gross saving in the United States by individuals, businesses, and state and local governments ran about \$730 billion. On a net basis of capital consumption, the figure was \$325 billion. These are healthy amounts by recent standards. After taking account of the large Federal deficit, however, total national saving amounted to only about \$150 billion on a net basis or \$555 billion on a gross basis—considerably less than the \$635 billion recorded in gross private domestic investment in 1984.

As measured by our current account deficit, net capital inflows into the United

States were about \$100 billion last year. This is almost one-fifth the size of our gross national saving—and two-thirds the size of our net national saving—and has been an important factor in financing the expansion of our investment and, therefore, of our economy.

These inflows have come about largely because of the health and vigor of our own economy, in contrast with the less attractive conditions for lending and investment in other countries. But they come, to some degree, at the expense of building up foreign claims on the United States. On the basis of current trends, the United States will soon become a large net debtor nation—our foreign liabilities could exceed our foreign assets by \$100 billion by the end of the year.

And underlying conditions are bound to change in the future. As opportunities to invest improve in other countries, capital inflows into the United States will slow down and outflows will increase. In other words, even if we are prepared to finance investment in the United States through a continuing net inflow of funds, we cannot count on attracting adequate funds indefinitely. Without a compensating increase in domestic saving to support our own investment—and if our Federal deficit continues to preempt a large portion of domestic saving—lower capital inflows could force a decline in our investment and impair the long-term growth of the American economy.

#### THE STRONG DOLLAR

These large net capital inflows into the United States have produced an extraordinarily strong dollar. Although the dollar has receded somewhat in the last month, it is still, on a trade-weighted basis, about 80% above its 1980 average in nominal terms.

The exchange value of the dollar today is determined far more by capital movements than by trade balances. Many factors have contributed. The restoration of America's economic vitality and leadership on the world scene has had an important effect on investment decisions. Our economic success—and our bright prospects—cause investments in dollar assets to be judged more attractive and less risky than others despite the dollar's high value. The dollar market also offers the widest selection and greatest liquidity. And dollar assets are serving not only as a store of value but as a political safehaven as well. Exchange markets reflect all these considerations, particularly as they contrast with the poor growth performance in Europe, the financial problems of the developing world, and the large excess of saving over domestic investment in Japan.

The net inflows of foreign capital, and the resulting high dollar, have certain advantages. By reducing the cost of imports and forcing domestic suppliers to compete more effectively, the strong dollars has helped restrain inflation in the United States. The net capital inflows have helped moderate interest rates as well. Abroad, the growth of American imports and slower growth of American exports have stimulated export-related jobs and generated economies of scale for foreign producers. The high value of dollar also makes offshore procurement, tourism, and American foreign direct investment in other countries all less expensive.

But the extraordinarily high dollar also has important disadvantages.

It reduces the competitiveness of our exports and the potential for their growth. Even through our exports have increased and the United States is still the world's



largest exporter, our share of the world market for exports of manufactured goods in volume terms is estimated to have declined by 25% since 1980.

Because of increased domestic demand, economic activity in the United States has not yet been appreciably restricted. But that may change.

The dollar's strength is causing painful structural adjustments in many of our export-related industries; it is altering the character of the American economy in a basic and, in my view, undesirable way. Lower costs in other countries—due to exchange rates—are leading many American firms to locate abroad production facilities that would otherwise be competitive in the United States. Such decisions to locate or expand abroad would be both difficult and costly to reverse if the dollar's exchange value came down.

The large decline in the value of other currencies against the dollar has also eroded the value of existing foreign investments, sales, and earnings denominated in foreign currencies.

In the meantime, the growth of our imports is spurring protectionist demands for tariffs, nontariff barriers, and export subsidies. Whatever short-term relief for specific industries such measures might provide, the overall long-term cost to the mettle of the American economy, to the American consumer, and to the world economy would be devastating. Let us never forget the catastrophic effects of protection in the 1930s and the exhilarating impact of more open trade in the decades following World War II.

#### THE TRADE ACCOUNT

This leads me to the most visible international consequence of the strong dollar: its role in our huge and growing trade deficit, which reached a record \$123 billion in 1984.

Despite the strong dollar, our exports, in fact, grew last year by 9% to a total of \$218 billion—demonstrating the underlying strength of the American economy and reflecting adjustments in efficiency occurring within the market place. Nevertheless, the growth of imports overwhelmed the growth of exports, increasing 24% in volume terms and 26% in value terms. Over half of the \$85 billion deterioration in the U.S. trade account since 1980 has been attributed to the strong dollar.

I have already mentioned the growing demands for protectionism. The Administration is resisting these pressures, and I will have more to say about our approach to trade policy in a moment. But one point is crucial here: we should not delude ourselves into thinking that a lowering of foreign barriers will have a decisive or even substantial impact on the trade deficit.

We can break the back of the trade deficit only through a combination of, first, a strong worldwide recovery and, second, a strengthening of other currencies in relation to the dollar as the performance and prospects of other economies improve and as these prospects are recognized by the markets. Even with movement on these fronts, the effects on the trade deficit will be gradual.

With depreciation of the dollar, U.S. imports would become more expensive and there would be some increase in inflationary pressure, at least initially. The growth of imports should slow down but probably with a lag. Purchases of raw materials, energy products and petroleum, specialized capital goods, and many consumer goods do not respond quickly when their prices rise.

The growth of our export sales will depend on several factors: on our ability to remain competitive; on a faster pace of economic recovery in other nations, notably Europe; on the success of adjustment efforts in developing countries; and on long overdue action by Japan to open its markets. Exports to the developing countries, particularly to those in Latin America burdened by debt, will still depend upon their ability to expand their exports to pay for our goods. This means our markets and those of other industrialized countries must remain open to their products. And many American exporters have already lost major foreign markets, recoverable only with a major effort.

#### THE U.S. FEDERAL DEFICIT

I have discussed the large net capital inflows, the strong dollar, and the huge trade deficit. It is no coincidence that these imbalances are accompanied by huge Federal budget deficits.

As long as there are ample unused resources in our economy, the Federal budget deficit does not cause major immediate problems for the United States. But current deficits are simply not sustainable indefinitely. These deficits can become a habit and weaken an essential discipline over Federal spending and over the size of the Federal Government. They drain off national savings, leading to increased reliance on foreign capital or curtailment of needed investment. And, as our expansion begins to stretch our resources, continued large deficits pose an increasing danger to that very expansion.

We can all continue to debate what combination of policies is best designed to deal with all the imbalances I have discussed—budget deficits, large capital inflows, the dollar on a financial high, and trade deficits. But a consensus has emerged that action to reduce the Federal budget deficit is an essential part of our response. The President has shown the way with his proposals and in his negotiations with the Congress. Special interests must give way to the general interest.

Control of government spending, coupled with vigorous growth, must be the key to our effort. We must cut spending in a way that does the least harm to the economy's investment and growth potential and to basic national security. But significant cuts must be made now. Tax rate increases are not the answer. To the contrary, the recent Reagan tax cuts, like the Kennedy cuts two decades earlier, have stimulated investment, fueling the recovery and contributing to the future productive potential of the economy. In fact, further tax simplification and reform could be very helpful in reducing tax-induced distortions in economic activity and in stimulating additional growth.

#### OTHER INDUSTRIALIZED COUNTRIES

So far I have focused primarily on the American economy. But in our interdependent world, the impact of domestic policies and performance on the economies of other nations is a two-way street. Other countries face challenges in their own domestic policies. They, too, must meet their challenges if the world economy is to correct the imbalances that cloud our common future. The imbalances can do harm also to important political relationships. We all have a job to do.

The major industrialized countries are recovering from the 1980-82 world recession at different rates. Whereas the United States and, to a lesser degree, Japan and Canada have expanded vigorously, Western

Europe still lags. Average real growth in the four major European economies (Germany, France, the United Kingdom, and Italy) accelerated in 1984, but only to a year-over-year annual rate of 2.4%. This rise represented less than half the average of the American, Japanese, and Canadian rates. The Japanese and Canadian expansions, however, have depended heavily on the stimulus of exports to the U.S. market. The increase in Canadian exports to the United States amounted to over half the increase in Canadian GNP in current prices between 1982 and 1984, while the increase in Japanese exports to the U.S. market was over 10% of the increase in current-price GNP over the same period.

The slowness of recovery in Europe results from conditions that stifle investment, particularly structural problems in labor markets and government disincentives to adjustment and growth. The rigidities in European labor rates and conditions also tend to bias investment toward capital-intensive technologies—further inhibiting the growth of employment. There has been essentially no net job creation in Europe since 1970, compared with the American record of over 26 million new jobs during the same period. Over 7.5 million net new jobs have been created in this country since the trough of the recession in 1982.

Expressed as a share of output, gross investment in Europe has declined steadily since the first oil shock in 1973 and is now well below its share in the 1960s. Since investment opportunities in Europe have been less attractive than elsewhere, capital has flowed elsewhere. Much of the capital has come to the United States, either as investment in U.S. assets by foreigners, disinvestment by American investors abroad, or a reduction in the previous rate of foreign lending by U.S. banks. At the same time, it is estimated that half of Western Europe's growth in 1984 came from export sales to the United States. These exports amounted to \$75 billion or nearly 22% of total U.S. imports last year.

Capital outflows from Europe and a dependence on exports to the United States—like the other imbalances I have mentioned—cannot be expected to continue indefinitely. Other OECD [Organization for Economic Cooperation and Development] governments must find ways to stimulate growth-oriented investment, thereby making their investment opportunities attractive to domestic and international capital. At stake is an efficient allocation of global resources—a system which responds to economic potential. This will require sound economic policies and hard political decisions—but the result will be sustained growth, job creation, and a brighter economic future.

Japan is a special case. The \$37 billion U.S. trade deficit with Japan, as we all know, is a source of intense friction in our bilateral relationship and the cause of much of the growing demand for protectionism in this country. But the more meaningful measure of Japan's external imbalance is not our bilateral imbalance but Japan's overall trade surplus, estimated at \$44 billion in 1984.

The Japanese could reduce their trade surplus with the world by pursuing policies to offset the impact of their high savings rate. Gross private saving in Japan is over 30% of GNP, about 50% higher than the average of the other OECD countries. This high rate of saving means low consumption. The excess of production over private and

public consumption is not being used in domestic investment. It, therefore, appears as net exports. Or, to put it another way, under current conditions, Japan relies on a large excess of exports over imports to maintain full employment.

Opening up investment opportunities within Japan would be one way to use such resources and reduce the pressure to export. The needed decisions are more difficult for Japan politically than economically. The structural rigidities in the Japanese economy restrict access by even Japanese firms and investors. If the Japanese Government would improve incentives and reduce restrictions that currently restrain domestic and foreign firms from investing in Japan, all nations, especially Japan, would benefit. Steps are already underway to liberalize the Japanese capital market so as to channel Japanese savings more efficiently to both foreign and domestic uses and to widen the financial opportunities facing Japanese firms. As this proceeds, and as the international role of the yen expands, we would expect the value of the yen more fully to reflect the strength of the Japanese economy.

On the trade side, the removal of barriers to the sale of foreign goods and services in Japan would expand market opportunities for foreign suppliers, increasing Japan's imports. Prime Minister Nakasone's recent speech and the Japanese Government's package of measures to lower trade barriers and encourage imports are a laudable and encouraging beginning. More specifics must come.

All these steps would help defuse protectionist pressures in other countries. But Japan must deal with its savings-investment imbalance if its chronic imbalance in trade is to be corrected.

#### THE DEVELOPING COUNTRIES

The external accounts of the developing countries, like those of the European countries, help make up the mirror image of ours. The United States takes nearly 60% of all manufactured exports of developing countries to the industrial world. At the same time, our capital inflows from the developing nations are, in part, the result of American investors bringing their money home or of American banks reducing their foreign lending as opportunities in those countries appear less attractive.

Despite the progress made since the 1982-84 debt crisis, many developing countries still face the need for fundamental changes in their economies and economic strategies.

Several high-debt countries have successfully tackled the job of stabilizing their economies. They have cut public sector spending to more nearly match their resources, priced currencies to reflect better their market value, and set interest rates to encourage saving. They now face the need to get away from massive price subsidies or public sector dominance of investment resources and economic activity.

The emphasis should be on the positive. Austerity is not an end in itself. For difficult adjustments to be undertaken and sustained, a country's citizens must be able to see real prospects for future growth. Economic expansion, fueled by increased investment and exports, is the only way these countries can raise living standards for their people.

This is a theme that applies to many of the issues I have discussed today. Adjustments such as these are more difficult politically than economically—requiring new ways of thinking even more than they require resources. The cuts we must make in

our own Federal spending are painful, but they are justified because they safeguard the continued growth of the productive private sector of our economy. The structural reforms in Europe that will ensure an attractive investment climate for domestic savings and international capital are necessary to restore Europe's own growth and technological advance. For the Third World, structural adjustment is the key to economic development.

The developing countries will clearly need financing as they go through this process. But where will this financing come from? No one can realistically expect that official development assistance, bilateral and multilateral, is likely to expand; the net flows are already very large—around \$34 billion from official donors. And it is a fact of life that commercial bank lending will not return to the high levels of the past decade. Even increases from current levels are unlikely until developing countries improve their creditworthiness and offer productive investment opportunities. In any case, most developing countries already have more debt than they can readily handle.

There is no escaping this hard conclusion: domestic saving and private foreign equity investment will be the main sources of funds available to finance development and stimulate growth. Development and growth will come only to countries with sound domestic policies that stimulate domestic savings, promote trade, and attract external resources.

India is a striking example of a country that finances 92% of its investment needs from domestic savings. India's recent growth has been impressive and its prospects are bright.

Protectionism in the developing world can be a further drag on growth. The barriers to trade among developing countries are a hindrance to Third World expansion, and the barriers to outside trade and investment also retard development.

The value of foreign equity investment cannot be measured by the volume of funds alone. Foreign investors often bring technological and management skills that cannot be easily obtained in other ways. The enterprises of such investors tend to grow more rapidly and export more of their output than the economy as a whole. Moreover, there is no conflict between what needs to be done to stimulate foreign and domestic investment; both respond to a stable and predictable regulatory environment and to an expectation that they will be treated fairly.

Many developing countries seem reluctant to encourage foreign investment. It is their decision to make. But a number of countries have shed once fashionable mythology and recognized the opportunity. Now, after consistent application of sound policies, they are reaping the benefits.

#### INTERNATIONAL TRADE

For developed and developing countries alike, economic growth clearly depends also on the continued openness of the world trading system and, indeed, on a further liberalization of world trade. This is a collective international responsibility.

Protectionism is not the remedy to an illness. It is itself an illness. It is a hidden tax on the consumer, often an extremely regressive tax. Hold onto your pocketbooks when politicians start trying to "protect" you against buying what you want to buy. Even in the relatively open U.S. market, one estimate is that U.S. protectionist policies cost American consumers directly almost \$60 bil-

lion in 1980. That was over \$250 for every man, woman, and child in the country. Protectionism keeps prices up, reduces living standards, and stifles growth.

Trade promotes the flow not only of goods and services but also of ideas. All countries benefit from the further division of labor that permits a broadening of the international marketplace. Those developing countries will grow the fastest that reduce impediments to trade and exploit their comparative advantage. Nor can developed countries repeal the laws of economics and defy the principle of comparative advantages; they must be prepared, over time, to phase out industries in which they are no longer competitive.

The ninefold growth in the volume of international trade since World War II reflects the success of the world trading system. During this period, world trade increased considerably more than world production. In the prewar period, by contrast, protectionism and a decline in world trade thrust the world into depression. A new initiative is needed to sustain what has been achieved.

The United States has proposed—and strongly urges—a new round of multilateral negotiations early next year to liberalize trade, particularly to eliminate nontariff barriers such as quotas, voluntary export restraints, and subsidies. We want the GATT [General Agreement on Tariffs and Trade] to extend its coverage to trade in services, agriculture, and high technology and to strengthen its system of safeguards and dispute settlement. Progress in these areas will provide new opportunities and new markets, bringing tangible benefits to both developed and developing nations. It will also contribute to the fight against protectionism. In the absence of progress on the multilateral front, pressures for protection and a retreat to reciprocal bilateral arrangements will mount.

From a global perspective, a splintering of the multilateral trading system into a multilateral of bilateral arrangements would be a backward step. Bilateral free trade agreements, however, such as we have negotiated with Israel and have offered to discuss with other countries, need not have this result; they can stimulate trade and strengthen the multilateral system. Free trade agreements are sanctioned by the international rules and involve a tighter trade discipline; they can promote freer trade than the multilateral system is currently prepared to accommodate. Our hope, nonetheless, is that the example of greater liberalization—and the recognition that the United States can pursue another course—will help motivate a larger group of nations to tackle the job of expanding trade on a global basis.

But we cannot forget our responsibility here at home. We in the United States are today more affected by the health of the global economic system than we have ever been before. And as the world's largest economy, we cannot escape the reality that any protectionist action here can do enormous harm to the global economic system. So in our own long-term self-interest, we must remain loyal to our long-standing tradition—our proud commitment to free and open trade.

#### A PROGRAM FOR SUSTAINED GLOBAL GROWTH

Let me conclude with a message and a program that emerge from my analysis. The message is twofold: first, the main objective, and the key to success, is to accelerate growth in the world economy. That's what



this is all about. And second, growth in the world economy is the result of interaction among sound national policies. That is the most important common ingredient in the policy steps that nations must take to correct the imbalances I have discussed.

Together, these steps are a program of international action to protect the current recovery and move us decisively onto the path of sustained, noninflationary growth.

First, for our own part, and even for purely domestic reasons, the United States must—and will—substantially reduce its Federal spending and deficit.

Second, the West Europeans should adopt policies that reduce the obstacles to change and innovation, that attract capital, and that stimulate domestic investment.

Third, in addition to opening its markets to foreign products, Japan should reduce the impact of its high rate of domestic saving on its trade surplus. This could be done by a combination of steps, including liberalized capital markets that internationalize the yen and measures to stimulate investment in Japan by Japanese and foreigners alike.

Fourth, the developing nations, especially those heavily indebted, should continue to make the structural adjustments needed to stabilize their economies, reduce the economic burden of government, expand their trade, and stimulate growth. They should encourage domestic savings and foreign equity investment.

Fifth, all nations should support freer international trade and prepare for early commencement of a new international trade round. We must reject a surtax on imports; other countries must contain political pressures that threaten trade.

Finally, our approach to the strength of the dollar should concentrate on the fundamental market forces at work. Intervention in exchange markets addresses only the symptoms of the dollar's strength—and not at all successfully. An easy monetary policy, undertaken in an illusory effort to reduce interest rates, would only reignite fears of inflation, raise interest rates, and weaken economic prospects. Instead, we should maintain consistent, noninflationary growth in monetary aggregates to accommodate economic growth while continuing the trend to lower inflation.

This program of action calls for many hard decisions. But they are the right decisions. We stand at the threshold of what can be, if all governments meet their responsibilities, a long period of global economic expansion and a new era of unprecedented prosperity.

The benefits that economic growth can bring to all the world's people transcend the purely material—though for the world's poor and hungry, this alone would be a monumental blessing. A strong and growing global economy will help advance all of America's most fundamental goals: a world of cooperation, peace, stability, and progress, a world where human rights are respected and freedom flourishes. We have great opportunities to help build such a world, but we will succeed only if we have the will and the wisdom to recognize the dangers and confront them. We know what must be done. But we must act on that knowledge if our hopes for a better world are to become a reality. ●

## CARL PERKINS' SUPPORT OF EDUCATION

● Mr. SIMON. Mr. President, our House colleague, Representative WILLIAM D. FORD, chairs the Subcommittee on Postsecondary Education, which I formerly had the honor of chairing. Recently, he wrote a letter that appeared in the Chronicle of Higher Education, which is right on target.

I can understand why an observer of the political scene did not sense that the late Carl Perkins was a strong advocate of education and an effective chairman. He had a slow, deceptively casual method of conducting hearings and proceedings; but there was a backbone there and a tiger at work, I can assure my colleagues.

Representative BILL FORD modestly did not include himself among those who were continuing to provide vigorous leadership in the field of education, and he should have done that. He has been a strong leader for this good cause.

I ask that Representative FORD's letter be printed in full after my statement.

The letter follows:

### THIRTY-SIX YEARS IN CONGRESS IN SUPPORT OF EDUCATION

TO THE EDITOR: I must take strong exception to a statement by Norman J. Ornstein quoted in your article "Lawmaker Happy with Seat on Unpopular Education Panel" (February 20). Mr. Ornstein states, "He [former Education and Labor Committee Chairman Carl D. Perkins] had many positive qualities but he was not as strong a chairman as he could have been," particularly with respect to education.

Chairman Perkins was the most determined and effective champion that education programs have ever had. The \$18-billion in education programs focused primarily on providing educational opportunities to the disadvantaged of our nation are a monument to his 36 years' work in Congress in support of education. The fact that education programs sustained \$12.8-billion less in cuts than were proposed in President Reagan's first five budgets is further testimony to Chairman Perkins' success in recent years in sustaining our national commitment to education.

Congressman "Gus" Hawkins, who has chaired the Education and Labor Committee since the untimely death of Carl Perkins last fall, is continuing the tradition of vigorous leadership in support of education.

WILLIAM D. FORD,

Chairman, Subcommittee on Postsecondary Education, Committee on Education and Labor, U.S. House of Representatives, Washington. ●

## RULES AND MEMBERSHIP—COMMITTEE ON FOREIGN RELATIONS

● Mr. LUGAR. Mr. President, I am pleased to report to the Senate that the Committee on Foreign Relations has adopted its rules and subcommittee structure for the 99th Congress. For the benefit of all colleagues, I

submit for the RECORD the committee rules and the membership of the six subcommittees of the Foreign Relations Committee.

The material follows:

### RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 21, 1985)

#### RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.

9. International law as it relates to foreign policy.

10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

11. Intervention abroad and declarations of war.

12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

13. National security and international aspects of trusteeships of the United States.

14. Ocean and international environmental and scientific affairs as they relate to foreign policy.

15. Protection of United States citizens abroad and expatriation.

16. Relations of the United States with foreign nations generally.

17. Treaties and executive agreements, except reciprocal trade agreements.

18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that "... each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) *"Advice and Consent" Clauses.*—The Committee has a special responsibility to

assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

#### RULE 2—SUBCOMMITTEES

(a) *Creation.*—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the Principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments.*—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than three subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) *Meetings.*—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving reporting expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

#### RULE 3—MEETINGS

(a) *Regular Meeting Day.*—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) *Additional Meetings.*—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar

days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) *Minority Request.*—Whenever any hearing is conducted by the Committee or a subcommittee upon any measures or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) *Public Announcement.*—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member and with the advice of the Chief Clerk. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) *Staff Attendance.*—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority member, may limit staff attendance at specified meetings.

#### RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

#### RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all meas-



ures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

#### RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) *Presentation.*—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses.*—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

#### RULE 7—SUBPOENAS

(a) *Authorization.*—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving two hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

#### RULE 8—REPORTS

(a) *Filing.*—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee. Such views shall then be included in the Committee report and printed

in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

#### RULE 9—TREATIES

(a) The Committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

#### RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the four preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

#### RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee.

When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the Committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose.

(b) *Domestic Travel.*—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) *Personal Staff.*—One member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

#### RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher

may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, D.C., unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts:

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman;

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the others members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee; and

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

#### RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members of authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the office designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered, shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff shall undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

#### RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to origi-

nate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group.

(ii) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(iii) Staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.



## RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status*.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) *Amendment*.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the Committee which are based upon Senate rules may not be superseded by Committee vote alone.

## SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

Jesse Helms, Chairman.  
Nancy L. Kassebaum.  
Frank H. Murkowski.  
Paul S. Trible.  
Daniel J. Evans.  
Edward Zorinsky, Ranking.  
Christopher J. Dodd.  
Thomas F. Eagleton.  
John F. Kerry.

## SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, OCEANS, AND ENVIRONMENT

Charles McC. Mathias, Jr., Chairman.  
Rudy Boschwitz.  
Frank H. Murkowski.  
Paul S. Trible.  
Daniel J. Evans.  
Christopher J. Dodd, Ranking.  
Thomas F. Eagleton.  
John F. Kerry.  
Claiborne Pell.

## SUBCOMMITTEE ON AFRICAN AFFAIRS

Nancy L. Kassebaum, Chairman.  
Jesse Helms.  
Charles McC. Mathias, Jr.  
Larry Pressler.  
John F. Kerry, Ranking.  
Paul S. Sarbanes.  
Claiborne Pell.

## SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Rudy Boschwitz, Chairman.  
Nancy L. Kassebaum.  
Larry Pressler.  
Richard G. Lugar.  
Paul S. Sarbanes, Ranking.  
Alan Cranston.  
Claiborne Pell.

## SUBCOMMITTEE ON EUROPEAN AFFAIRS

Larry Pressler, Chairman.  
Charles McC. Mathias, Jr.  
Rudy Boschwitz.  
Paul S. Trible.  
Richard G. Lugar.  
Joseph R. Biden, Ranking.  
Paul S. Sarbanes.  
Edward Zorinsky.  
Thomas F. Eagleton.

## SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Frank H. Murkowski, Chairman.  
Jesse Helms.  
Daniel J. Evans.  
Richard G. Lugar.  
Alan Cranston, Ranking.  
Edward Zorinsky.  
Christopher J. Dodd.●

## THE COMPUTER AND THE SMOKESTACK INDUSTRY

● Mr. SIMON. Mr. President, I recently received a copy of the speech made by William D. Swanson, vice president of the National Steel Corp., and the general manager of their Granite City Steel plant. I recently had the opportunity to visit the Granite City Steel plant to meet some of the officers there to discuss their needs and their potential.

In 1983 the steel companies that accounted for 80 percent of domestic production reported a combined loss of \$3.6 billion, and yet National Steel, the sixth largest corporation steel company in the United States has, for seven quarters, posted a profit. It is the only domestic integrated steel company to have such a record.

Part of the key to their success is undoubtedly getting capable people like Bill Swanson to be part of the leadership.

Part of the key, also, is the marriage of the latest technology with production.

I get an uncomfortable feeling when I hear people say that we have moved to becoming an informational society or that high tech, and not smokestack industries, is the wave of the future.

The reality is that I cannot eat information. I cannot sit in information. I cannot drive in information. I need concrete things to improve the quality of my life and to sustain existence.

The United States cannot move away from the production of those concrete things.

What is the answer? I think National Steel is helping to provide the answer.

One other aspect of National Steel that may or may not be part of the future is that 50 percent of it is now owned by Nippon Kokan. Undoubtedly the Japanese involvement has been part of the National Steel ability to move on the latest developments.

Whether that is the pattern for the future and whether that ought to be encouraged, I am not sure.

But I do know that the merging of the latest technology with the production of concrete goods has to become the wave of the future for the United States if we are to remain competitive, and if we are to improve the standard of living for our people.

I am taking the liberty of inserting William Swanson's speech in the RECORD. I would add to my colleagues that some of it is technical. I, frankly, do not understand all of the references to various pieces of equipment, for example, but any of my colleagues who read the speech will come away with a better understanding of where we as a nation have to go.

I ask that the speech be printed in the RECORD.

The speech follows:

## THE COMPUTER AND THE SMOKESTACK INDUSTRY—PARTNERS IN PROGRESS

Thank you, John, for that gracious introduction, and thanks to the AISE for asking me here tonight.

This evening I'd like to present for your consideration a proposal that I believe is being overlooked by a majority of the people of this country.

I submit that much of the high technology revolution in this country is not limited to the Silicon Valley of California, nor is it limited to the IBM's, Honeywell's and the aerospace industry. Instead, the real high technology revolution in the United States is taking place and growing on a daily basis in the so-called basic—or smokestack—industries.

Put another way—while it is the role of the IBM's of the world to create computer technology—and, I should point out that it is a role in which they excel—an equally important function is being fulfilled by basic industry—such as steel—in providing the fertile ground for the application of that technology into process control, business systems, and information retrieval systems.

It is this relationship between the creation of computer technology and its application in basic industry which led me to the title of my remarks tonight—"the computer and smokestack industry—partners in progress."

I will use some very specific examples of the application of high technology at Granite City Steel. These will illustrate practical examples of the computer/smoke stack industry relationship which have resulted in helping us return to profitability, and which have even greater potential for long-term benefits.

I should point out that I don't believe we're unique in this situation. We have seen many other examples—such as in the auto industry—where applications of high technology can help improve quality, reduce costs and improve margins. I believe this is a high tech revolution second to none. Furthermore, it's time for a renewed public appreciation of the contribution basic industry makes to our economy.

It is time for Americans to reject the idiotic concept that America can be kept great by silicon chips and fast food chains—that most people can be employed in high technology so as to support the rest of the economy which will be involved in services. That is a theory which neglects the fact that the production of real goods provides the most jobs.

Now, let's turn to Granite City Steel division and its parent company, National Steel Corporation, as an example of what can be done. I will give you a brief background on the steel industry in recent years, some of the actions we took at National Steel to respond to the challenges we faced, and how the applications of computer technology have figured in those actions.

First, let's look at the steel industry as a whole.

## BACKGROUND OF DOMESTIC STEEL INDUSTRY

Almost everyone knows that the domestic steel industry has undergone some traumatic times in recent years with a loss of markets, reduction in employment, the suffering of large financial losses and a trimming of capacity as older, outmoded facilities have been closed.

According to Dr. Arthur T. Denzau in his recent report on the domestic steel industry for Washington University's Center for the

study of American Business, "The American steel industry has been sick for a long time."

In only one year since 1959 has the domestic steel industry earned a rate of return on equity equal to the average for all manufacturing. In 1983 steel companies accounting for 80 percent of domestic production reported a combined loss of \$3.5 billion. The previous year's combined loss was \$3.2 billion. The 1984 projections are for a loss of one-half a billion.

How did what was once a proud American industry ever get into such terrible shape? Surprisingly, the fault didn't lie in lack of investment. As a matter of fact, the industry invested more than \$24 billion between 1969 and 1978. That was three times as much as they paid in dividends. Yet, productivity growth averaged only three percent a year in that time. This says that the investment was not effective. Only two completely new integrated steel mills were built in the U.S. since World War II.

At the same time, 80 percent of the steel capacity in Japan was built since 1945, most of it using advanced steel making technology. And, the Japanese made advances in the continuous casting of steel, and extensive process control development, and very aggressive customer-oriented marketing concepts.

Yet, the domestic steel industry acted as though there was no immediate danger, and in the 1970s was putting out news releases claiming that—and I am quoting—"the domestic steel industry employs the most advanced steelmaking technology in the world. . .", or try this one. . . "new technology has not been and is not likely to be the answer to the immediate profit problem. . ." and, finally, "there is no new steel-making technology in sight."

In retrospect, such statements seem ridiculous at best and stupid at worst.

At the same time that this was going on, we were seeing not only a flood of imports from modern steel mills in Japan and other nations, but a shrinking of markets as alternative materials such as plastics began to replace steel, and automobiles started getting smaller.

Management wasn't alone in its malaise. Labor demanded—and continued to get exorbitant wages, costly benefits, and protection of outmoded work rules.

Instead of looking to technology, improved quality and more flexibility in work rules as an answer to the dilemma, the industry sought relief from imports.

I am not going to argue the case for or against import quotas tonight except to say that while we will take all the help we can get, quotas are not the answer to the long-term needs of the industry.

As a result of the malaise I have described, losses soared; the markets were lost to superior quality and more competitively priced foreign steel, and jobs in the steel industry diminished by nearly 140,000 in the past three years alone.

Where did Granite City Steel fit in this picture? We, too, suffered from the adverse conditions the industry faced, and our losses were staggering.

But, I am pleased to report that National Steel has proven to be a leader in many instances for the industry. While we certainly are not the largest—being sixth in the nation—we have already taken many of the steps which knowledgeable industry observers have cited as being essential if the domestic steel industry is to survive these troubled times.

As result, we at National Steel have recorded an operating profit for seven consecutive

quarters—the only domestic integrated steel company to enjoy such a record. Although a large part of National's strength relates to their balance from raw materials to shipped product, they are technologically advanced in many areas.

Let's look at some of the steps National has taken at Granite City Steel. These will include a review of the technology in our steelmaking process including the basic oxygen furnace, our continuous caster, and a new multi-million dollar computer in our hot strip mill. I'll also discuss the application of some new technology that is part of a \$60 million capital expenditure program at Granite City Steel for 1985, including a new iron desulfurization process, caster improvements, ladle metallurgy and the establishment of a new operations technology department.

Time will not permit me to cover all of the computerization at Granite City Steel. However, I would like to give you a sense of the magnitude of this effort. Let me touch briefly on the three areas of computerization; process control, commercial system applications, and the information center environment.

Process control is the application of computer technology to physically control a process to achieve the consistent production of a high quality product. To support these process control applications, commercial systems must be integrated into the scheme. Functions such as production reporting, inventory accounting, unit scheduling and cost forecasting provide management with the tools needed to deliver a low cost, high quality product to the customer when he wants it.

The final integration of computerization is the information center. Through an extensive network of over 300 terminals, granite city staff and operations people are able to monitor and analyze statistical, financial and metallurgical data without going through the data processing department. Data of all types can be retrieved from central data banks and analyzed or reported as desired. In addition, over 30 word processors and personal computers have been installed at Granite City Steel.

However, tonight I would like to look more closely at some major examples of process control technology, since this is the area which must grow rapidly to keep us competitive in the market place.

#### HOT STRIP MILL COMPUTER

Actually, Granite Steel has had a long history in the application of technology. It started at our 80" hot strip mill nearly twenty years ago when we were one of the first steel mills in the world to introduce extensive computer controls.

Now, in 1985, the 80" hot strip mill is entering a new phase of technological advancement at Granite City Steel as we complete the successful startup of a new \$5 million hot strip mill computer. It's a DEC VAX 11-780 that is interfaced to our existing IBM and G.E. systems.

This new system is significant for another reason. The programming was done entirely in-house, making it the largest in-house programming effort of its type ever attempted (according to our sources). We had five programmers dedicated to this task for more than two years. I believe this type of expertise is yet a further indication of the "high tech" revolution that is occurring in our industry. Only a few years ago, I doubt that such capabilities would have existed in any steel mill in this country.

The role of the hot strip mill computer in ensuring a quality product cannot be over-

estimated. It controls production functions from the time slabs are put into the furnace until they move down the conveyor as hot rolled bands. As the bar makes its track through the mill, the computer monitors its width and thickness by controlling horizontal and vertical rolls.

Also, the computer system controls cooling of the strip by varying its speed through the mill and on the runout table and by applying the laminar water needed in the process. At times, a thin strip may reach speeds of 50 miles an hour, so you can see that highly accurate and instantaneous monitoring is essential.

Computer models have been utilized in setting up roughing mills, the crop shear, finish mill speeds, finish mill screw positions and looper tensions.

The final cooling temperature is controlled by the computer, based upon another in-house developed model. Additionally, there are two x-ray gauges at the end of the finish mills which are connected to the computer for thickness control. The finished coil weights are recorded by a computer. We are quite proud of this new system as you might expect, and we believe it to be the equal of any in the world.

#### BOF COMPUTERS

We have also incorporated extensive computer technology at our basic oxygen furnace shop.

There we have a supervisory computer. It is a DEC PDP 11-44 which interfaces with our IBM computers and to a digital 11-73 that acts as a control computer. The supervisory computer is linked to CRT's, eight of which are analytical devices for our laboratories at the BOF.

The control computer monitors all signals and passes data to the supervisory computer once every five seconds to provide a history which is used if problems occur.

As of March 27, the control computer will be in control of the new LBE refining process recently installed on our #1 vessel. It will adjust the lance height, our top oxygen flow rates and our bottom gas flow rates. All of this is aimed at greater efficiency and predictability in the process.

I mentioned earlier that the supervisory computer is also linked to the laboratory analytical devices. These include two optical emission spectrometers, three carbon-sulfur analyzers, a nitrogen-oxygen analyzer, two liquid steel oxygen analyzers and two steel temperature measuring probes.

All the analyses made on these devices are stored in the supervisory computer.

This provides a more accurate monitoring of the process—and, we hope, improved yield and quality.

#### CONTINUOUS CASTER

Next, I'd like to take a brief look at a real success story for Granite City Steel—that's our continuous caster. Currently, we are continuously casting about 65 percent of our steel at Granite City Steel. National steel as a whole is somewhat higher than that.

We're not satisfied, though. Our goal is to reach the 100 percent figure that is achieved by some Japanese mills and many of the newer steel mills around the world.

Our continuous caster is controlled by a digital PDP 11-34 which we are in the process of upgrading to an 11-44 model. This computer is linked to 16 CRT's and performs a host of functions including:

Monitoring mold cooling parameters and sounding the alarm if conditions outside a given critical value arise.



Secondary spray cooling. The computer sets water flow rates for each zone of the caster as the slab is being cast, so that a specified volume of water per square foot of steel is applied to the slab from the time it exists the spray chamber.

The computer also provides a report for heats cast which is being expanded to assign automatic internal and external quality points for each slab cast.

The assignment of such quality points will allow the upgrading or downgrading of a slab before it is cut. This will improve our ability to match the characteristics of steel to the customer's needs as it is produced and therefore increase our performance in critical applications.

#### A LOOK AT THE FUTURE

As I said earlier, time doesn't allow me to take an in-depth look at all of the applications of technology on a daily basis throughout the mill, but I hope these few examples will illustrate my point. However, we must not be satisfied with what we have achieved. We must be looking ahead.

In the next year, we have planned further computerization of the mill, all of which will, I believe, improve our competitive position.

In the ironmaking area, we will use a micro-computer to control the scale cars which supply raw materials to the blast furnace. The blast furnace control parameters will be monitored by a distributed process control system.

Also, each blast furnace will have a supervisory computer which will be linked to the process control system, the scale car system and to an "area level computer."

This area level computer will be placed in the ironmaking area and will provide the communications to all levels of our growing computer hierarchy.

On the steelmaking side, a new ladle metallurgy station will contain a supervisory level computer and will pass control information into a programmable logic controller. Again, this computer will be integrated into our growing network.

All analytical devices now connected to the BOF computer will be connected with the area level computer, as will most of the CRT's and the caster computers.

In the finishing area, a computer will be used for cold mill shape control. This computer will control roll bending, screw positioning, interstand tension, and cooling water to provide a flat product.

However, I don't want to leave you with the impression that computer technology alone will provide the solution to the profit crisis facing the industry.

At Granite City Steel, we will continue to rely greatly upon the expertise of our people. As I mentioned earlier, our programming for the hot strip mill computer was done entirely in-house, making it, as nearly as we can tell, the largest job of its kind.

Another example of how we rely on people is our newly created operations technology department.

This group will have three major duties:

Development of SOP's for each unit.

Installation of statistical process and quality control methods.

Development of process improvement through technical problem solving.

Here is the way the three functions should interact:

The SOP identifies the key process elements that must be controlled and identifies the procedures that must be used to control them in order to produce a consistent product at our present state of the art.

Statistical process control methods are identified for each of the control elements and written into the SOP. This provides means to control these elements and allows us to monitor if they are in control. This may include graphs, X bar charts, or pre-control charts. The objective is to determine when the key control variables are going out of control and to take corrective action in order to prevent loss of control.

The technology teams are involved with improving the process. They will be highly qualified engineers (mechanical, electrical, chemical and metallurgical). They study deficiencies and formulate solutions. The SOP's are then modified to include these improvements.

If it all works as it should, we develop an upward spiral in quality and consistency.

1. Develop SOP's;
2. Monitor SOP's;
3. Develop improvements;
4. Modify and formulate improved SOP's; and
5. Continue the improvement spiral.

The program has just gotten underway. We expect to finish SOP's on four major units this year and complete SOP's on all major units in three years. During 1985, we expect to have twenty people working in operations technology.

The implications for process control resulting from this group are tremendous. Measuring the key control variables and charting them in the statistical process procedure may initially be manual. In the long run, however, we must develop automatic devices to measure the key variables, tie them to computers, and computerize the monitoring of these key variables. Furthermore, computerization of the SOP's will be essential in order to visually present them to the operators as they are performing the processes. This is a huge challenge.

At this point, let's discuss the impact of Nippon Kokan which is a 50 percent owner of National Steel Corporation.

Kokan is regarded by most industry observers as being a leader in the use of technology, and while we are only now beginning to explore some of the areas of potential cooperation with our new Japanese partner, I am confident that we will benefit tremendously from their knowledge.

It will be a major responsibility of the operations technology department to work hand in hand with Kokan and transfer what is learned throughout our operations.

So you can see that we are committed to the application of technology. We believe that this will be the key to helping National Steel, our parent corporation, become this country's first world-class steel producer.

#### SUMMARY

In closing, I'd like to briefly review my main points. We've talked about the morass that the domestic steel industry has found in. Much of this was undoubtedly due to our head in the sand—or elsewhere—approach of a decade ago.

I've talked about some of the examples of applied technology at our mill. And, we're not unique within National Steel, because a similar case could be made for our other divisions. We at National are already one of this Nation's most modern steel producers, and we're committed to accelerating the pace of our technological advancements.

Because of this, I have urged that policymakers, the public, and this audience to consider what I believe to be a natural relationship between so-called high-tech industries and the smokestack industries. Perhaps, the definition of a high-tech industry is ready for some broadening.

Technology alone, of course, cannot be the answer. But it must be a major contributor to an attack on the problems of quality and costs which have besieged the steel industry in recent years.

For this to happen, the steel industry itself must be willing to use the tools of technology rather than rely solely on relief from competition through artificial restrictions in the marketplace.

There are too many Americans who will not be sympathetic to the industry's pleas, unless they see a self-help program in progress.

Because of that, I hope that steel—of which I am proud to be a part—can capitalize on the technological opportunities which await it. For most steel firms, survival will depend upon the degree to which they become a customer-oriented producer of consistently high-quality, competitively-priced steel. This is our goal at Granite City Steel and at National Steel Corporation.

Speaking for Granite City Steel and National Steel, I believe that technology must play a vital role in helping us get there. And our success can be a part of the historical reshaping of one of the great industries of this country—an industry without which America cannot be great.

Thank you.●

#### BILL ORDWAY

● Mr. DECONCINI. Mr. President, Bill Ordway has served the State of Arizona as State transportation director since the establishment of the Arizona Department of Transportation [ADOT] in July 1974. His public service career spans 35 years, 27 of which have been spent with ADOT and its predecessor, the State highway department. Arizona is losing one of its finest and most cherished servants; Bill Ordway has announced his intention to retire.

As ADOT director, Bill has presided over a tripling of Arizona's transportation construction program which will exceed \$400 million this year. His agency has produced this increase in product with a manpower reduction of more than 1,200 since the peak interstate construction year through an aggressive program of operational cost reductions, use of new technology and systems, and calling on private sector services rather than increasing ADPT's full-time work force.

Bill is the only Arizonan to ever become president of the prestigious American Association of State Highway and Transportation Officials [AASHTO], service which he completed in December 1984. He has also headed the Western Association and has served in various leadership capacities in the national and regional transportation groups over the past 10 years.

Bill has served in the cabinets of four Arizona Governors. His expertise and experience will be sorely missed in Arizona. We are eternally grateful to Bill for his work on behalf of the State of Arizona.●

# PETITION OPPOSING ELIMINATION OF TVA LAND BETWEEN THE LAKES PROGRAM

● Mr. GORE. Mr. President, I am pleased to present to the Senate a petition from residents of Stewart County, TN. The petition, signed by 513 citizens, underscores the strong opposition many in my State have expressed about administration proposals to drastically reduce the Federal budget for TVA activities in our region.

The Office of Management and Budget has targeted TVA for a 70-percent reduction in its nonpower programs, including local economic development, natural resources activities, fertilizer research and development and other fertilizer programs, agricultural resources development, and other activities.

One of the extremely worthwhile programs conducted by TVA in recent years is the management of the Land Between the Lakes, an area within the banks of the Tennessee River which is now providing not only recreation, conservation, and research opportunities, but hundreds of new jobs in an area hard hit by the recent recession—an area which has, like much of Tennessee, not enjoyed the fruits of the economic recovery in other parts of the country.

TVA's orderly management of resources at Land Between the Lakes would end under the OMB proposal. I have expressed my strong opposition to such a proposal, and will continue to do so if such an ill-conceived reduction is part of the President's final budget soon to be presented to Congress.

Mr. President, too often budget numbers are only abstract reflections of Government activity. This petition from more than 500 Tennesseans provides a moving testimony that a Federal program, in this case the Land Between the Lakes activity by TVA, is of widespread benefit to many.●

## GENOCIDE CONVENTION

● Mr. SYMMS. Mr. President, I would like to recommend that my colleagues read the editorial by Senator HATCH which appeared in the New York Times of April 3, 1985. The Senator's article vividly describes the potential consequences of American ratification of the Genocide Convention. As is apparent from Senator HATCH's article, it is not the countries which commit genocide that need to fear punishment under the treaty—for they are only engaged in "political solutions"—but those such as Israel and the United States who support democracy and oppose communism which would be persecuted under this fatally flawed document.

I ask that the article be printed in the RECORD.

The article follows:

(From the New York Times, Apr. 23, 1985)

## REJECT THE GENOCIDE CONVENTION

(By Orrin G. Hatch)

WASHINGTON.—The Senate should proceed with the utmost caution next week when the Genocide Convention comes up for ratification for the sixth time since it was proposed in 1949. Today, as before, there is every reason to reject the treaty in its current form, which could so easily play into the hands of those hostile nations that wish to make trouble for America and its allies.

Consider the following scenario. The year is 1990. Israeli Defense Minister Yaakov Levin, in New York City to make a speech before B'nai B'rith, has been arrested in the lobby of his hotel on a Federal warrant charging him with genocide against the Palestinian inhabitants of the West Bank. The warrant was issued by the United States Attorney's Office upon a complaint filed by the United Nations Secretary General. After arraignment, he is to be turned over to the International Genocide Penal Tribunal, at the United Nations. (The United States had participated in the creation of the tribunal the year before through an executive agreement.)

The Defense Minister will be held incommunicado, for under the Genocide Convention there is no right to bail, no probable-cause hearing and no due-process protections afforded to defendants. He personally is charged with genocide, since according to the convention only individuals can commit such acts. Governments are exempt from liability and cannot even be accused of complicity.

The particular crimes in question are: causing serious bodily and mental harm (undefined), deliberately inflicting conditions of life calculated to bring about the destruction of the Palestinian people in whole or in part and forcibly transferring Palestinian children from the West Bank. There are additional counts of conspiracy, incitement, attempt and complicity.

The Defense Minister is accorded no presumption of innocence. He has no immunity as a government official. He will be given the right to an attorney, not necessarily of his own choosing, but does not have to testify on his own behalf. He does not have a right to confront his accusers, cannot prevent hearsay evidence from being introduced, has no fundamental fairness protections in court procedure and does not have to be proved guilty beyond a reasonable doubt.

He has no right to a jury trial and, if convicted, will not be able to make use of any appellate review process. He cannot be released, even temporarily, by means of habeas corpus, since that doctrine does not apply under the Tribunal Statute. He cannot prevent extradition to the United Nations custodial authorities, for the executive agreement binding the United States to Genocide Tribunal discarded traditional American extradition protections and bound us to deliver any accused person to the United Nations authorities for trial.

After a three week media extravaganza, the Defense Minister is convicted on all counts by a 13-2 vote—unanimity is not required—with only the American and Zairian judges finding in his favor. He is sentenced to life imprisonment at hard labor and transferred to Syria to begin his sentence.

Israel, in the meantime, dramatically withdraws from the United Nations, angrily accusing the United States of betrayal.

When Syria does not meet Israeli demands for return of the imprisoned minister, Israel mobilizes its army, and within days another Arab-Israeli conflict has begun. The Soviet Union immediately threatens the United States with retaliation. Israel is then declared an outlaw state in an overwhelming vote by the General Assembly, which calls upon all members to assist Syria.

Israel is a favorite target of Arab states and United Nations organizations. But under the provisions of the Genocide Convention as submitted to the Senate and the international court statute that would theoretically guide the establishment of the Penal Tribunal, this could happen to any foreign government official visiting the United States.

United States approval of the convention, as endorsed and interpreted by the Reagan Administration, could lead to this sort of fantasy becoming harsh reality. This must not be permitted, for the sake of our own national interests and world stability. We are all opposed to genocide, in any form, but the Genocide Convention, as proposed, is unacceptable.●

## JOHN R. MCINTIRE

● Mr. LEVIN. Mr. President, I would like to take this opportunity to commend John McIntire for his exemplary leadership as president of the Samaritan Health Center, of Detroit. Through his efforts, Samaritan Health Center has developed into a hospital facility that is responsive to the health, social, and economic needs of the community.

John McIntire came to Detroit in October 1977 to serve as director of the transition team responsible for planning the merger, in April 1978, of St. Joseph Mercy Hospital with Evangelical Deaconess Hospital. The merger of the two hospitals formed one entity, Samaritan Health Center, with John McIntire as president and chief executive officer.

At the time of the merger, two pressing issues were decreasing the cost of health care and reducing the number of acute care beds on Detroit's east side. The population was declining, while its characteristics were changing: The neighborhood was becoming older, poorer, and largely made up of minorities. These characteristics of the community increased health care needs at a time when primary care physicians were leaving. Under John McIntire's leadership, the new Samaritan Health Center responded to the growing health care needs of the east side community.

Later, a network of family health centers were built. Located in federally designated "Medically Underserved Areas" and "Health Manpower Shortage Areas" on Detroit's east and northwest sides, these modern, convenient health centers make basic health care available for many Detroiters. At these centers no one is denied service because he or she cannot pay.



The construction of General Motors' industrial park project near Hamtramck forced Samaritan Health Center to relocate its St. Joseph Mercy Hospital Unit. The planning and construction of Samaritan's inpatient replacement facility on Connor, by October 1984, represents an outstanding accomplishment in the construction of health facilities.

Furthermore, Samaritan's new Conner Campus has served as a nucleus for needed community and economic development on Detroit's east side. Through John McIntire's vision and leadership, a coalition of representatives from area businesses, institutions, and residents, joined resources to improve the quality of life for those living and working in the Warren/Conner area of Detroit's east side.

John McIntire has made an outstanding contribution to the Michigan hospital community in the field of facilities planning and construction. In addition, his leadership has benefited the larger community through community planning and revitalization efforts which are responsive to the social and economic needs of all citizens.

The Detroit community as well as the Samaritan Health Center will miss John McIntire. I join them in wishing John the best in his new position as chief executive officer responsible for merging two health facilities in the Minneapolis/St. Paul area for the Sisters of St. Joseph of Carondelet. I am sure that through his leadership health care facilities will continue to grow more responsive to the needs of the communities they serve.●

#### THE RETIREMENT OF FATHER JOHN NACCA

● Mr. D'AMATO. Mr. President, on May 15, 1915, a great man, a fine friend, and a leader was born, Father John J. Nacca. I rise today in honor of the full life he has led and the enormous contributions he has made in creating a better, more caring world for all of us. His outstanding contributions warrant our appreciation and honor on the occasion of his retirement.

Father Nacca was ordained into the priesthood on June 7, 1941. In hopes of offering his life to the service of others, his church, and God, John became assistant pastor at St. Francis d'Assisi Church and then assistant pastor of St. Francis Xavier in Rochester, NY. Fate brought Father Nacca to St. Mary's of the Assumption in Fairport, to later become pastor of St. Francis d'Assisi in 1949. At age 34, he became the youngest pastor in the diocese of Rochester and now has the longest tenure as pastor in the diocese.

As a result of the caring efforts of Father Nacca, his parishioners were led to provide the generosity necessary

to help build a new school, a shrine dedicated to Our Lady of Lourdes, and a new church building. But John Nacca was not interested in providing these benefits for just his surrounding community, he also wanted to reach out to other lands so that these people could appreciate some of the many opportunities that we so often take for granted in the United States. For example, he guided his parishioners and friends to fund the establishment of six mission churches including one in Africa, two in South Vietnam, and three in India.

John has been committed to helping people not only through the nourishing of their souls, but through the nourishing and clothing of their bodies as well. When an earthquake ripped through Italy in 1980, Father Nacca, along with his parishioners, labored to raise \$10,000 in aid and tons of clothing. As a man who constantly sought out suffering individuals in need, not just in crisis times, he annually encouraged those around him to donate tons of clothing as a part of the Thanksgiving Day appeal.

The father even extended his efforts to educating the minds of the youth around him: Believing in the complete individual he strove to nurture the soul, the mind, and the body. He offered this last part of assistance directly by teaching religion to 1st through 12th graders. So great have been his efforts that he was "Man of the Year" as honored by the Christopher Columbus Commemorative Committee. Above all these things, if a man's life can truly be valued by how much he is loved by others, then Father John Nacca has truly led a great life. We honor him and all that he stands for, and may he continue to share his joy with us, as it truly illuminates our lives.●

#### APPALACHIAN REGIONAL COMMISSION

● Mr. SARBANES. Mr. President, this is not the first time the Reagan administration has asked Congress to terminate the Appalachian Regional Commission. For 5 years the administration has sought to end it, and for 5 years Congress has wisely rebuffed the administration's request. In the 20 years of its existence, the ARC's objective has been economic development throughout the region, and its accomplishments are noteworthy: introduction of dozens of carefully developed projects, expansion of employment opportunities, strengthening of education and job training and retraining programs, and improvement in health care. The demonstrable success of its work is reflected in the dramatic decline in poverty levels and the concomitant rise in levels of personal income, education and health. In light of the achievements of the Commission, the

administration's attempts to put it out of existence are shortsighted and self-defeating.

Mr. President, in a recent editorial, the Baltimore Sun made a persuasive case for extending the life of the Appalachian Regional Commission. I ask to have the editorial printed in the RECORD.

The editorial follows:

#### KEEP APPALACHIA GROWING

The Appalachian Regional Commission, one of the most popular weapons in Lyndon Johnson's War on Poverty, is being phased out by the Reagan administration. It is dying of competition for tighter federal bucks and the fact that Jennings Randolph and Howard Baker, two influential regional champions, are no longer in the Senate. The panel is also a victim of its own success.

Created in 1965, the commission has since spent \$5 billion, \$3 billion on the vast Appalachian Development Highway System. The network of roads was built to free inhabitants from their regional isolation. According to federal figures, the system is working. Health, education and personal income levels have risen sharply since the highways were built.

Continued cutbacks in federal aid, however, are being felt in Appalachian states from New York to Alabama and Mississippi. In Western Maryland, both Allegany and Garrett county governments rely heavily on commission money, which in some cases is supplemented by the state. Governor Hughes has committed state funds to complete Western Maryland's National Freeway, now that the Reagan administration has set a 1990 deadline for receiving Appalachian highway money.

Any society committed to protecting citizens against sickness, poverty and ignorance should be happy with the commission's achievements. The dollars spent on training the young and retraining the jobless are two good reasons poverty has dropped from 31 percent of the region's residents in 1960 to 11 percent today. They are also two good reasons why the administration should think twice before turning out the light of opportunity to Appalachia prematurely.

The popular program still has plenty of support in the House of Representatives, including Western Maryland's Beverly Byron. But without Messrs. Baker and Randolph in the Senate, there is not enough muscle to stop the presidential phase-out. This is particularly unfortunate for the many villages lying in Appalachian hollows without water and sewer systems, or proper roads to carry them to jobs in neighboring towns already on their way to recovery. Admittedly, the president had serious choices to make, considering the budget-deficit situation. But when Congress finally approves a budget for this year, Appalachia should not be forgotten.●

#### HARVESTING THE TAX CODE

● Mr. BOSCHWITZ. Mr. President, the current tax structure in our country provides for agricultural tax shelters that permit high-income investors to shelter nonfarm income in agricultural investments. This not only adds to our agricultural surpluses, but also

costs our Government billions of dollars every year in lost tax revenues.

To remedy this situation, my esteemed colleague from South Dakota, Senator JAMES ABDNOR, has introduced legislation to limit to the national median family income at \$23,000, the amount of off-farm income that can be used to offset a farm loss. This will help to make farming the Tax Code substantially less attractive to those in search of tax shelters. I commend Senator ABDNOR on having taken the leadership here in the Senate in addressing this problem in our tax structure and have added my name as cosponsor of Senate bill 244.

Recently, Newsweek magazine published an article on Senator ABDNOR's involvement with this issue. I ask that this article, "Harvesting the Tax Code," from the March 18 edition of Newsweek be inserted into the RECORD.

The article follows:

#### HARVESTING THE TAX CODE

The need for shelter is almost as basic as the need for food, and some enterprising humans have figured out a way to satisfy both. The past 20 years have produced a bumper crop of agricultural tax shelters, generally designed to shelter nonfarm income with farming losses. But in the midst of the deep agricultural depression, there is a growing belief that farming the tax code is making matters worse. Republican Sen. James Abdnor of South Dakota argues that the phenomenon "adds to our surplus-production problems," drives up land prices—and may even be accelerating soil erosion by encouraging the planting of marginal lands.

As a result, Abdnor is one of several farm-belt legislators leading a drive to make agricultural shelters less attractive. In terms of deals marketed to investors, such shelters amounted to less than .5 percent of the \$18.6 billion in limited partnerships sold in 1984, according to tax-shelter consultants Robert A. Stanger & Co. But the various types of agricultural shelters cut a wide swath through farming. In 1981 farm net income reported to the Internal Revenue Service totaled \$8.5 billion; farm tax and operating losses equaled \$16.3 billion.

Most of those losses were incurred by full-time farmers aiming to make a profit, but a large portion were reported by several kinds of tax-code farmers. An estimated 60 percent of farm operators also earn income off the farm—and they may incur tax losses in farming that they apply against their non-farm income, sometimes leaving them with little or no tax liability. But there are also high-income earners—many of them professionals or celebrities—who live on or own farms that may produce as little as \$1,000 in sales each year. These "gentlemen farmers" often use tax benefits from farming—such as investment tax credits or depreciation of farm equipment and live stock—to shelter nonfarm income, if they live on a farm, they may be able to deduct almost all their living expenses and generate huge tax losses. Finally, there are also passive tax-shelter investors who simply buy into an agricultural Partnership, drawing many of the same tax benefits they would get from other forms of shelters.

Tax-code farming may produce a number of distortions in the economics of agriculture. Take, for example, the development of

the "supercow"—a superior milk producer that is artificially induced to produce dozens of calf embryos a year. Because cows are eligible for investment tax credits, rapid depreciation and other tax benefits, these are bought and sold frequently, bidding up prices to statuspheric levels. And because they and their offspring are so good at producing milk, some dairy farmers complain that they are exacerbating the nation's huge dairy surplus. "Is it fair? Hell, no," says George Morgan, a Walton, N.Y., dairy farmer who manages cows for investors. "But [I don't believe] the current tax system [is] fair at all."

Some economists think critics of tax-code farming overstate its ills. The current overproduction of cow embryos should be self-correcting; if the embryos "aren't very marketable," says Allen Bock, a professor of agricultural law at the University of Illinois, the business should shrink. Moreover, government dairy price supports are far more responsible for the dairy surplus than any number of supercows. Nonetheless, Abdnor has introduced a bill to limit to \$23,600 the amount of off-farm income that any individual can offset with farm losses. The bill is considered a long shot, but if it passes, it could send many absentee farmers looking for shelter somewhere else.

#### FCC POLICYMAKING

● Mr. GORE. Mr. President, over the past few years we have seen this country's telecommunications policies thrown into disarray by the divestiture of AT&T, the proliferation of new products and services, and the extraordinarily competitive environment that has ensued. The Congress has been continually involved, in an effort to gauge the impact on universal telephone service in particular. As a member of the House Telecommunications Subcommittee, I was active in this debate, and now, as a member of the Senate Communications Committee, I have continued that involvement.

These have always been extremely difficult, complicated issues to reduce to policy terms. In fact, it has often been alleged that new technology has always been one step ahead of the Congress' efforts to produce policies that are in the public interest.

Adding to this condition of confusion and complexity has been the new reluctance of the Federal Communications Commission to aggressively represent the public interest through commonsense regulation. Instead, the Commission has taken an ideological position, that the private marketplace will take care of any problems which face consumers in this new telecommunications environment.

I believe the Senate should actively consider whether the FCC has abandoned its traditional role. I recently came across an article in *Legal Times* by Harry M. Shooshan III and Erwin G. Krasnow, who make a strong case that the Commission has lost its bearings. I do not necessarily agree with all of their assumptions or conclusions, but the article is one of the most compre-

hensive recent examinations of the relationship between the FCC and Congress. I have worked with Mr. Shooshan when he was counsel to the House Telecommunications Subcommittee, and I commend this article to you.

The article follows:

[From the *Legal Times*, Apr. 8, 1985]

#### NEW CHECKS, BALANCES AFFECT FCC POLICYMAKING

(By Harry M. Shooshan III and Erwin G. Krasnow)

Throughout its 50-year history, the Federal Communications Commission has been a target of more criticism and prolonged investigation by Congress than any other federal agency. While the FCC technically may be an "independent" agency, its independence is circumscribed by its role as an "arm of the Congress," and its expertise is tempered by political concerns.

To Congress, the independence of the FCC means independence from White House domination, not independence from its congressional parent. Thus, the commission is free to make decisions, but must keep its eye on the House and Senate to protect its operating budget and political capital.

Congressional influence on FCC policymaking has assumed many forms, including statutory directives, budgetary limitations, and oversight by various congressional committees. However, during the last four years, the commission has been subject to more rigorous congressional control than at any time in its history. Congress has intervened to block or reverse an unusually large number of major FCC decisions, using legislative moratoriums, periodic authorizations, and 11th-hour riders to appropriations bills.

What has emerged is a new system of checks and balances on the FCC's decision-making power in matters of policy. Traditionally, if parties lost at the commission, they filed appeals with the courts. If that route proved unsuccessful, those parties could seek remedial legislation from Congress. Parties now are taking their cases directly to Capitol Hill, often before the commission has even completed its formal proceedings.

Do these new checks and balances constitute more effective oversight or unwarranted interference? The answer may depend on which side of the substantive issues one embraces. As one wag observed, "Where one stands in Washington depends on where one sits." But the rules of the game clearly have changed, and lawyers as well as clients must deal with the consequences of those changes.

#### LEGISLATIVE VETOES AND MORATORIUMS

Over the last decade, Congress has frequently passed legislation to override specific agency initiatives. The Federal Trade Commission, the Food and Drug Administration, and the Department of Transportation are among those agencies that have been affected. Until recently, the FCC has escaped such action, even though it has made a number of very controversial decisions.

For example, the FCC's decisions to open up the domestic telecommunications market to competition were carefully reviewed by Congress in the 1970's after criticisms from interested parties but were never vetoed. Similarly, the FCC's decisions to deregulate cable television, radio, and television were



controversial, yet they did not precipitate congressional intervention.

In 1983, however, Congress twice used the threat of legislation to reverse FCC decisions before they had been finally adopted. On Nov. 10, 1983, the House of Representatives passed H.R. 4102, which reversed the FCC's telephone access charge proposal and prohibited the commission from imposing a monthly \$2 "customer access line charge" on residential customers and a \$6 charge on business users. On Nov. 10, 1983, the House passed H.R. 2250, which imposed a six-month moratorium on the FCC's efforts to revise its restrictions on television networks operating in the syndication market—the so-called financial interest/syndication rules.

Neither bill was enacted because the FCC retreated in the face of letters from key senators urging the commission to back off from its proposed actions. As a result of this pressure, the commission delayed imposing any end user charges on residential and small business customers for 18 months and ultimately scaled back its proposed access charge to \$1 in December 1984. In addition, the commission abandoned its efforts to reform the financial interest/syndication rules and put this controversial topic "on the back burner" despite its careful deliberations on a voluminous record.

In both instances, the losers at the FCC built successful political coalitions on Capitol Hill to thwart the commission's initiative. In each case, Congress threatened to enact legislation that amounted to a "veto" of the commission's decision.

A moratorium is an attractive legislative tool. It offers relative political safety because supporters can argue that they are not taking sides on the merits, but are seeking only a fuller consideration of the issue. Since a moratorium has the effect of preserving the status quo, it places a heavy burden on those parties supporting change to demonstrate that the prevailing rules are "broke" and need fixing.

Such legislation—or even the threat of it—has substantive consequences for the FCC. While this form of legislative duress is not new, the 98th Congress marked the first time it was used to block FCC rulemakings.

#### PERIODIC AUTHORIZATIONS

The commission also faces more rigorous oversight because of its loss of status as a permanently authorized agency. Historically, most federal programs were permanently authorized; at the end of World War II, nearly 95 percent of the federal budget was under permanent authorization. A permanent authorization usually has no fixed term and does not refer to any specific fiscal year.

Moreover, it usually contains no dollar limitations, authorizing "such sums as may be necessary." Annual control over a permanently authorized agency's budget—and often over its substantive decisions—rests with the Appropriations Committees.

Beginning in the 1970s, Congress shifted an increasing number of agencies from permanent to annual or multiyear (i.e., two-to-five-year) authorizations. Only about half the federal budget now remains subject to permanent authorization. This change in the nature of authorizations reflected the proliferation of subcommittees and the growth of congressional staff. As Congress developed more expertise, the legislative committees and their subcommittees wanted to exercise tighter control over the agencies and programs within their jurisdictions.

Furthermore, since the use of annual authorizations reduces the time available for consideration by the Appropriations Committees, it virtually ensures that the legislative committees retain primary oversight and policy responsibility. While constraints on the appropriations process are less severe with multiyear authorizations, the need for Congress to authorize an agency on a periodic basis strengthens the legislative committees.

Elimination of the FCC's permanent authorization initially received attention with the introduction in 1978 of the first proposed "rewrite" of the Communications Act. Rep. James T. Broyhill (R-N.C.), the ranking Republican member of the House Energy and Commerce Committee, subsequently proposed a three-year authorization for the FCC. His approach was endorsed in 1981 by a coalition of key Republican leaders in the Senate. One of the Senate cosponsors, Bob Packwood (R-Ore.), made it clear that he was proposing the change in order to enable the Commerce Committee, which he chaired, to monitor the commission's activities more closely.

Spurred by their Republican colleague's interest in reform, House Democrats introduced legislation to require the annual authorization of the FCC. Both Republican and Democratic members of Congress clearly wanted to keep the commission on a tighter rein, and their concerns related to substantive policy rather than simply budgetary matters.

Neither the Senate nor the House bill passed. But a rider to the Budget Reconciliation Act of 1981 eliminated the FCC's permanent authorization and replaced it with a periodic authorization that was set initially at \$76.9 million for fiscal years 1982 and 1983. The conference committee report accompanying the fiscal year 1983 federal budget confirmed that the congressional objective was to "increase Commission accountability for the implementation of Congressional policy."

The shift to periodic authorizations not only strengthened the oversight roles of the House and Senate Commerce Committees, but also created an important legislative vehicle for changing the Communications Act every two years. Because an authorization statute is necessary to keep the FCC functioning, this legislation can carry the weight of amendments to the Communications Act that otherwise would be much more difficult to approve on their own.

The FCC Authorization Act of 1983 demonstrated that Congress would not be reluctant to use this power. The legislation contained 12 substantive provisions, including prohibitions on the Corporation for Public Broadcasting's funding of National Public Radio, relaxation of the regional concentration of ownership rules for certain broadcast stations that made changes to technical facilities to improve service, and bans on obscene messages made available over "Dial-It" telephone services.

The most significant amendment to the Communications Act was the adoption of a national policy "to encourage the provision of new technological and services to the public". Congress created a statutory presumption that any new technology or service is in the public interest and required the FCC to make a public interest determination as to any new technology or service within one year after a petition of application is filed.

Four of the provisions were added after the authorization bill had been reported by

the House Energy and Commerce Committee, demonstrating Congress' creation of a biennial "communications Christmas tree" for any manner of amendment.

#### APPROPRIATIONS: RIDERS AND REPORTS

Through its hold on the FCC's purse strings—a power shared to a limited extent with the Office of Management and Budget—Congress can control not only the total amount of money allocated to the commission but also the purposes for which funds may be used. Perhaps more vividly than any other form of influence, the appropriations process underscores the myth of the FCC's "independent" status. The impact of the 97th and 98th Congresses on FCC policymaking was even more significant because of changes in the traditional use of the appropriations process as an FCC oversight tool.

A common form of congressional control over regulatory agencies is for the Appropriations Committees to incorporate policy directives and restrictions in the reports accompanying appropriations bills. This practice became especially prevalent after Congress shifted from a line item to a "lump-sum" agency budget approach.

Although their committee reports are not law, the Appropriations Committees expect that they will be regarded almost as seriously as if they were—an expectation that the FCC usually fulfills. The FCC's ill-fated involvement in the "family viewing hour" plan came in response to an informal directive in a 1974 House Appropriations Committee report to deal with the effects of televised violence and sexually explicit material on children.

In 1983, a congressional appropriations bill report urged the commission to expedite the processing of applications for low-power television stations. Low-power television was a new service for which the FCC had begun to accept applications in 1980. At the time the FCC authorized this service, it had given little or no thought to how the thousands of applications would actually be processed. As the backlog increased, congressional pressure began to build, especially from Senate Democrats who charged that the Republican-controlled commission might be "soft" on fostering competition while taking a hard-line in support of deregulation.

#### HISTORICAL RELUCTANCE

Historically, the Appropriations Committees have been reluctant to use reports to make broad policy statements. In the 98th Congress, however, a Senate Appropriations Committee report reiterated congressional support for the FCC's political broadcasting rules and warned the commission not to weaken or eliminate the rules in any way. The committee's intent was to head off FCC rulemakings aimed at removing the personal attack and political editorial rules and modifying the general Fairness Doctrine. The FCC sagely retreated in the face of this congressional pressure, even though as a matter of law a committee report does not have the same force and effect as a statutory restriction.

Congress can also attach "provisos" to appropriations bills that limit expenditures, prohibit expenditures for certain purposes, or require expenditures for particular activities. Such provisos legally require the FCC to follow the congressional directive.

However, provisos and other statutory limitations can create problems under House rules that prohibit the inclusion of legislation in appropriations bills. There is

often a fine line between telling a federal agency how it should spend its funds and establishing new law or policy. Consequently, these rules have generated a substantial body of interpretation and precedent.

The rules were intended to protect and preserve the oversight jurisdiction of legislative or "substantive" committees. Therefore, any appropriations bill with a legislative provision is subject to a point of order on the Senate of House floor. Congress nevertheless has used riders to make policy on issues ranging from prayer to gay rights.

In the 98th Congress, Congress used an appropriations bill rider to block the commission's liberalization of its television group ownership rules. The FCC originally decided to increase the maximum number of stations from seven to 12 and to "sunset" its group ownership rules altogether in 1990.

Even before the commission had the opportunity to act on reconsideration, opponents took their case to Congress. The primary party was the Motion Picture Association of America, which was concerned that the new rule would increase the power of the three commercial television networks.

Immediate criticism of the FCC's action came from Sen. Pete Wilson (R-Calif.), a member of the Senate Appropriations Committee, and Rep. Tim Wirth (D-Colo.), chairman of the House telecommunications, consumer protection, and finance subcommittee. Wilson attached a rider to the supplemental Appropriation bill (H.R. 6040) that prohibited the FCC from changing its ownership rules until April 1, 1985.

Despite the fact that FCC Chairman Mark Fowler agreed to withhold action—as he had done with access charges and the financial interest/syndication rules—the House adopted the Senate-passed measure in the closing days of the 98th Congress. The FCC's proposed decision had, in effect, been "remanded" by Congress before its final adoption by the agency.

In December 1984, the FCC modified its original decision by eliminating the sunset provision, granting special treatment for minority ownership, and adding a limitation on the audience reach of a group's stations. Wilson, who helped negotiate the amended rule with FCC commissioners, hailed the FCC's action as an enlightened compromise, while Commissioner James Quello said the agency had been hit by an "absolute streamroller."

Clearly, excessive use of these forms of legislative duress undermines the independence of the agency. This is especially true when the threat of veto is in the hands of legislators who have influence over the FCC but who do not represent majority views in the Congress. Former FCC Chairman Newton Minow pointed out that "it is easy—very easy—to confuse the voice of one congressman, or one congressional committee, with the voice of Congress."

More recently, in a farewell address to the Federal Communications Bar Association, Commissioner Robert E. Lee observed:

"Every Commissioner is tested in his or her early days by requests for special attention. Many times these requests are legitimate; they seek redress for unreasonable delay or bureaucratic red tape. Of course, one must respond. But if special favors are granted, the requests never stop and one finds 535 bosses calling the tune."

Individual members of Congress may be subverting the intent of the Administrative Procedure Act. Wilson's private discussions with Fowler on rewriting the FCC's original television group ownership decision appar-

ently had much greater impact than the pleadings filed by interested parties and the commission's staff. Wilson has apparently also been quite active in opposing FCC efforts to liberalize its restrictions on network ownership of cable systems. Such behind-the-scenes "lobbying" by individual senators and congressmen tends to subvert the role of public participation in rulemaking proceedings mandated by Congress in the Administrative Procedure Act.

When more individual congressmen and interest groups recognize and capitalize on the changing relationship between the FCC and Congress, the commission may find itself threatened with legislative retaliation at every turn. Ironically, a political standoff in Congress on a given issue may neutralize the political pressures on the commission and allow the FCC to reclaim some of the independence it has lost over the last four years.

And while the commission's independence may have been challenged, its importance in establishing communications policy actually may be increasing. On many controversial issues, Congress has found that it is easier to defer to the FCC than to pass new legislation. While Congress stands ready to take legislative action to keep the FCC from moving too quickly, too soon, or too far in a "wrong" direction, Congress may have abdicated much of its legislative function to the FCC by merely reacting to commission initiatives rather than advancing its own proposals. ●

#### ON THE DEATH OF PATRICIA ROBERTS HARRIS

Mr. MATHIAS. Mr. President, an unswerving champion of civil rights and of a decent home and basic human services for those of limited means has passed from our midst.

Patricia Roberts Harris, who died March 23, had a long and distinguished career as a dedicated public servant.

Among the public posts to which Pat Harris brought grace, dignity, and a conviction of purpose were delegate to the United Nations; Ambassador to Luxembourg; Secretary of Housing and Urban Development; and Secretary of Health and Human Services. She carried out her duties in each of these positions with versatility and a quick command of the situation.

At no time, however, did she allow the power or prestige of these high public offices to go to her head. Pat Harris was well aware of and never forgot her roots as the daughter of a Chicago pullman car porter. Her experiences as a black woman and her sensitivity to the needs of black and other minority Americans during, not only times of segregation, but also times of more subtle and sophisticated discrimination, were always with her and never forgotten. She translated that sensitivity into a sense of purpose to right the wrongs of our society. She constantly challenged us to do better.

I had the good fortune to work closely with Pat Harris when she served as Secretary of Housing and Urban Development from 1977 to 1979. As the

ranking member of the Appropriations Subcommittee on HUD and Independent Agencies, I was impressed by her command of the facts and her single-mindedness of purpose to provide housing for those of low and moderate income.

In 1977, Secretary Harris came to me and asked me to introduce amendments to the Fair Housing Act to strengthen HUD's enforcement role in conciliating between the parties in individual housing discrimination complaints. I was proud to introduce the legislation which, after numerous hearings and markups, was passed by more than a two-thirds bipartisan majority in the House but failed by filibuster to pass the Senate.

Pat Harris did not mince words. When she saw a wrong to be corrected she went at it relentlessly, bringing her acumen in the law to bear.

For example, in testimony before the Senate Judiciary Subcommittee on the Constitution, in response to a Senator skeptical of the fair housing bill, who feared it represented Federal Government oppression of property owners, Secretary Harris had this to say:

I think that objectively, as one examines the history of this country and especially the history of housing discrimination, efforts to bring equality to the one area that I know about that is consistently refused, the offer of money by persons who are black, is not oppressive.

It is an effort to bring equality to the marketplace of housing and I cannot agree that an effort, a genuine, concerned effort to bring equality to an area which is clearly fraught within equality today, is an example of Federal oppression.

It is an example of the implementation of the 13th, 14th, and 15th amendments.

And before the counterpart House Judiciary Subcommittee, she got right to the heart of the matter:

Our present authority is limited to a purely voluntary process of "conference, conciliation, and persuasion." I will not dwell on the ironies associated with a law that mandates HUD to investigate and to establish the existence of violations of law, and then limits the Secretary to asking the discovered lawbreaker whether he wants to discuss the matter.

And again, in 1979, before the same House Subcommittee, Secretary Harris challenged the Congress to act on a fair housing bill with these words:

Let me say that there are so many consequences of our failing to solve our housing problem in this country, that failure to make a major effort now, with sufficient enforcement powers, may lead us to racial problems in the generation of the grandchildren of, certainly, not mine but of my relatives. We must have the ability in our lifetimes or in the foreseeable future to bring this commodity of shelter within the purview of people who are able to purchase it. It is the only market in which the color of the money is less important than the color of the purchaser or the race or national origin of the purchaser.



Mr. President, it would indeed be a fitting testimonial to Patricia Roberts Harris if a bipartisan majority in both Houses would again take up her challenge to us and move a fair housing bill to enactment. We will miss her continuing challenge to our consciences.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The VICE PRESIDENT. 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 VICE PRESIDENT. Without objection, it is so ordered.

Mr. DOLE. Mr. President, if Senators would take their seats, we could send out for the absentees. It will only take about 5 minutes or so. There will be eight pictures taken, but we want to make certain that every Senator who can be here is present.

Mr. President, I believe we have identified the Senators we need to check on, so for about a couple of minutes, I suggest the absence of a quorum. But do not leave your seats.

The VICE PRESIDENT. 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 VICE PRESIDENT. Without objection, it is so ordered.

#### OFFICIAL SENATE PHOTOGRAPH

Mr. DOLE. Mr. President, I am advised that all the Members who can be here are here and that we can proceed. If all Members will take their seats, it will be about a 5-minute process. There will be eight flashes. We will try to keep taking one until everyone looks good.

[Laughter.]

In any event, we will get on with the picture.

(At this point, the official photograph of the Senate was taken.)

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

The PRESIDING OFFICER [Mr. PRESSLER]. The clerk will call the roll. The legislative clerk proceeded to call the roll.

(During the quorum call the chair was occupied by Mr. COCHRAN and Mr. ABDNOR.)

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

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

#### THE BUDGET RESOLUTION

Mr. DOLE. Mr. President, there may be some who wonder what we have been doing this afternoon. Some of us have been wondering ourselves.

But let me indicate that we had hoped to call up Senate Concurrent Resolution 32 and get some agreement that we could have discussed it for 3 or 4 hours today and that the resolution would be limited to debate only, no amendment. Because, very frankly, the President will make a stirring address this evening at 8 p.m., a nationwide address on television. There will be great interest in what the President has to say. We believe it will be helpful to the process and not in just strictly partisan sense, but I believe Americans—Democrats, Republicans, Independents, whatever—will listen carefully to the President and also listen carefully to the distinguished minority leader who will respond to the President. I assume they will be saying pretty much the same thing.

But, in any event, it seemed to us that it might be less than strategic to call up the resolution and perhaps get into some amendment process before we had had the benefit of the President's statement and the distinguished minority leader's statement which follows the President's address.

It is also fair to say that we have been trying to put together a way that we could have an early vote on the so-called leadership package. Again I would hope that we would have a unanimous vote, both sides, bipartisan, nonpartisan, but I doubt that may happen as early as tomorrow.

So we have been working with the distinguished minority leader—and I must say he has been very helpful, very willing to take up the bill this afternoon without amendment, but there were objections from other parts of the Chamber and they have just been lifted. And I doubt at this hour it would serve any purpose to call up Senate Concurrent Resolution 32.

But I did want to ask the distinguished chairman of the Budget Committee if he was prepared to indicate how he has been making progress this afternoon. We have been together, so I could report that he is on the verge of progress. It is our hope that we can devise a process whereby the first vote will be on the so-called leadership package. Now, if that succeeds, it is still open to amendment, and motions to strike and amendments of all kinds can still be offered. But you do need, as I understand it, what they call mathematical consistency, is that correct?

Mr. DOMENICI. That is correct.

Mr. DOLE. I never understood that, but the chairman of the Budget Com-

mittee does. So I think at this point I would yield the floor in the hope that the chairman of the Budget Committee might give us an up-to-date report on the status of everything.

Mr. DOMENICI. Mr. President, let me first say to our distinguished leader that I think we have been making headway. I am sure there are, as he indicated, some who wonder what we have been doing and I from time to time feel like echoing his sentiment. I too have wondered what we were doing. But anytime I begin to wonder too much my mind is filled with \$200 billion and \$250 billion deficits. So I do not wonder very long before I come to the conclusion that clearly the reason we are having some difficulties is because this is a very difficult problem.

As a matter of fact, while I am not a historian, I clearly do not believe that, regarding economic matters, the Senate of the United States has ever had a more serious problem than this. Yet, out in America, many people still think things are OK.

I believe we have succeeded, however. I do not want to belittle anyone in this institution when I say I think we have succeeded in convincing Senators on both sides of the aisle that this country cannot long endure \$200 and \$250 billion deficits as far out as you can see. And that leads me to believe that the time we have spent in the Budget Committee, the time we have spent since then working with representatives of the President of the United States, the time we have spent in the last few days finishing up the leadership-administration package is time well spent.

From time to time, I feel that I am somewhat of a nuisance to our many committee chairmen. They have a lot of responsibilities. This is a magnificent institution. I think I have grown to understand it better. I did not feel that way a few years ago I wondered what I was doing here. But it is a magnificent institution.

We do not have any real clean, easy way, considering everybody's jurisdiction around here, to address issues of this magnitude. It is tough however you try to do it. Clearly it has been heartening for this Senator, and I hope for our distinguished leader, to see the willingness on the part of Senators to cooperate, to see the willingness on the part of chairmen who have some tremendous areas of responsibility and who want to get on with their work cooperate day after day in an effort to put together something that has a chance of working, something that we can vote on eventually that will significantly reduce this deficit.

Part of my thoughts here tonight are filled with the hope that these chairmen with high, high priorities and very broad responsibilities will

read this RECORD, if they have not heard me before, and believe that I understand their situations. I also understand that the budget process is not perfect. But while I say that, I am quick to ask where in the world would we be today with this kind of deficit without something like a budget process to focus in on this kind of a problem?

And that brings me to just a brief discussion for my colleagues about the budget resolution reported by Senate Budget Committee and the leadership-administration proposal, which is ready but for a few items that we have to alter. I would like to take a look at that and just ponder a minute what it really tries to do. Both the Budget Committee resolution and the leadership-administration amendment propose to dramatically reduce deficits by altering entitlement programs and by asking authorizing committees of the Congress to change laws so that Federal programs which we feel we no longer need or need reforming will be changed so we can count on some substantial savings.

I understand that this process that I have just described is an adjunct to the goal-setting of a budget resolution named reconciliation. I do not know why it was named that. I think I understand how those who first drew this law came up with the name.

But basically what we are going to try to do is to ask not the Budget Committee but the U.S. Senate and ultimately the U.S. Congress to set goals for spending that will cut the deficit in half. At the same time we will ask—I repeat not the Budget Committee but this institution—to direct its committees to reduce spending that is authorized within their jurisdiction in each of the next 3 years.

Whether that is what reconciliation was 8 years ago or not, it is reconciliation as we have practiced it here for a while. It is clearly reconciliation as we did it in 1981, 1982, and 1 year before that. We are going to hear a lot of debate and discussion about whether that budget resolution with those kinds of dollars requires cuts in programs by specific mandate. I have tried my very best to explain to everyone that there is no reconciliation of that type. People might assume that in the reconciliation instruction to the Agriculture Committee we are going to require changes in REA or in three or four of the foreign aid programs. But clearly this is intended to send, if it ultimately is the will of the Congress, a direction to the Agriculture Committee to draw an authorizing bill as part of reconciliation that achieves the savings mandated in the resolution. And we want to achieve these savings in a way that brings the authorizing committees into this cycle of budget reduction by saying that they have to be part of it, that we cannot leave it

solely to the appropriators or to the entitlement and direct spending committees.

I hope those who are wondering whether there are mandated program changes will just read the Budget Committee resolution. I hope when we introduce the Republican leadership-administration proposal that they will just read it because we are going to hear a lot of debate about REA. We are going to hear debate about the farm loan programs, and several other programs.

Frankly, you are not going to find those in the reconciliation instructions. You are going to find dollar savings. If you then read on in the report, you will find that the Budget Committee made certain assumptions as to how you get to those numbers. Some people say you ought not make the assumptions. Well, if we did not make the assumptions, somebody would stand up and say, "you just pulled a number out of the sky. How are you going to get there?"

So historically, whether it was reconciliation in the last year of Jimmy Carter, or the last time we did it in any major way in the first year of Ronald Reagan, if you look in the report there are assumptions. But then if you look to the authorizing committees who did the work, it is their laws we are paying for, and the bills they have passed. They have not always done it the way that the report assumed. That is up to them. The Governmental Affairs Committee is a pretty good example. They will get an instruction—if what we hope to do lives through the next 5, 6, 10 days—telling them to save money within their jurisdiction, and clearly they have a lot of latitude. But we had to come up with some assumptions so that the goals that they are charged with meeting make some sense. But I repeat, the only binding part of these instructions is the total savings figure. For those that would prefer that we make no assumptions, clearly they can disregard the report. They can do their own thinking and they can analyze the committees that they are concerned about and the programs. They can talk to their staff and the experts on the committee, and see how they would get there. Maybe they would get there differently than the assumptions we made.

I have done my very best to explain this to everyone. I think there is a growing understanding about it. That is not to say there is not some chagrin. There might even be some serious concern about it. I hope that anyone who has concern about it from the standpoint of whether we should do it or not will give some serious thought to what might happen if we do not.

I do not like to say anything that I cannot follow up on 6, 8, or 9 days from now if this process goes on that

long and we are on the issue of reconciliation. Frankly, I do not believe you are going to find any way—any way—to get savings of the type needed to bring this deficit under control unless you use the reconciliation procedure. And I clearly hope that everyone that is worried about that will give me and others who are terribly concerned an opportunity to explain why this does not take away anyone's jurisdiction. I hope they will give us a chance to explain why it indeed calls upon everyone's jurisdiction, every committee sharing this work. Frankly, I cannot imagine how during the rest of this year and all of next year we could get changes in the substantive law of this land of sufficient magnitude with sufficient certainty and in a timely manner to reduce the deficit by this amount if we did not have this process. Frankly, that is not something that I say because I am chairman of the Budget Committee. I serve on a lot of committees. I have a lot of concerns in other areas.

I probably have participated but for the revenue side of this Government in as many laws in the last 5 or 6 years as anyone else here. I work with the Environment and Public Works Committee, even in the Agriculture Committee from time to time I get my two bits in. The Superfund, the environmental laws, most of the energy laws, and in the last couple of years even on the Appropriations Committee. Frankly, I hope everyone will just think about that, unless you really do not want to do a package of any real magnitude, in which event you must be willing to expect some miracle so that deficit reduction is not necessary.

I ask everybody to really think carefully about how we do it any other way. This is not an argument about my package or about BILL ARMSTRONG's suggestion. It is not an argument about the Republican leadership-Presidential package, and it is not an argument for the Budget Committee package. It is merely a statement, as I see it, of the facts. We have a wonderful institution. We could not operate without these committees of jurisdiction, be they authorizing, appropriations, committees with direct spending jurisdiction, or committees that have an awful lot of entitlement jurisdiction. That is a very orderly way for parliamentary societies to govern. I have no desire to change it, at least not be way of the process that I am involved in chairing.

But I merely ask that everybody involved in all of those to take a real serious look not at their particular jurisdiction but at this deficit and how we have to make some material changes in the substantive law of our land in order to get this thing under control.

So we will discuss that. In the meantime, I am very proud of the work that



we did in the committee, and I am very proud of the work we have done in the last few weeks. I make no apologies for the couple of days of delay. Frankly, I make no apologies for having worked with the President's people to get the President to come along with a budget that is substantially different from the one he sent us. Indeed, it is that. It is substantially different. Rather than criticize, I compliment. I think it is good that the President has dramatically changed his defense requirements.

I think it is excellent he has helped with the entitlement programs, including the pensions. I think it is also absolutely essential that we work with him.

So, clearly, we have done some things in this package we are going to propose that he wanted that we did not put into ours. Frankly, I hope everybody thinks that even if they cannot support it, there is nothing wrong with that. After all, he is the President. He did win an election by a landslide. He does have some understanding of what we ought to be doing. So I am not the least bit apologetic about having put something together with him. I am hopeful we will pass something very close to it.

I do not want to stand here and say there cannot be any changes. We do need to get the issue before the Senate, before the American people, in some way that everybody can understand. We are not just talking about amendments. We are talking about something everybody can understand. That is what our leader has been trying to put together by way of a procedure. It is not to pull the wool over everyone's eyes, not to deny amendments, but to put it up there where everybody understands.

Here is one package and it is clear. If you do not like the President, that is anybody's prerogative. But to the leadership on this side and to many others, that is it.

It does things. It cuts the deficit in half, assuming reasonably good economics.

If we can get it up there and everybody has a chance to vote for it so it is the pending business, it is there and not only is it the pending business but it is a resolution that you start amending.

I do not think that is asking too much. If somebody wants less for defense, they can propose it. We will put up a little chalkboard and say, "OK, we will save more in defense if they win and the deficit is lower."

We can look up there and if somebody says, "I do not like small business funding the way it is in that. I would like to add some more money to that function." We will put it up there so everybody understands we add about \$600 or \$700 million a year.

They can put taxes in to take its place, that is an option, or they find the money in some other program of Government. But I think it would be clearly understandable and everybody would abide by that kind of basic, simple rule. I think it would put everybody in a position where their rights and opportunities to offer amendments are all there and nobody would be saying when we did that it is all finished, that we have a package. But, clearly, we have something to measure against which is pretty concrete, pretty understandable, and has a certain kind of support. It is not 51 Senators, not 80 Senators, not 10 million Americans. We do not know how many. But we know at that point that the President and the leadership on this side and maybe 35 Senators do, for starters. I think that is a pretty good point to start.

Mr. HELMS. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. HELMS. The Senator alluded to the assumption in the package. I think it cannot be too strongly emphasized that the distinguished Senator from New Mexico and his committee, with those of us who worked on it, did not just reach into thin air for these assumptions. They are the result of countless hours of consultation, debate, discussion and research.

I must say this for the Senator from New Mexico, Mr. President: I have never seen anybody in this body more diligently apply himself to fairness and accuracy than he has in the preparation of this package.

That does not mean that all Senators are going to agree with the assumptions.

Mr. DOMENICI. That is right.

Mr. HELMS. But it is a fair balance between the spectrum of opinion about various items. That is the case, as the Senator knows, relative to farm matters.

Mr. DOMENICI. To agriculture, yes.

Mr. HELMS. I commend the Senator for the diligence he has devoted to coming up with realistic assumptions which will be debatable, which will be amendable. The Senator is on the right track and I did want him to know I am proud of him.

Mr. DOMENICI. I thank the Senator.

I just want to make one more comment and then I will yield the floor. I see my good friend from Colorado has been waiting too long to speak. I should not have taken so much time. Frankly, I am speaking much more calmly than I normally do. That makes me speak much more slowly. When I am a little more worked up, I speak faster. So the Senator has had to wait a little longer than normal.

Basically, and I say this for all Senators on both sides of the aisle, we are going to participate in what I believe

will be an historic week or historic 7, 8, or 9 days. We really believe it is important that we get a major deficit reduction package through. We really believe there is no more important work that we could be doing. So we are not worried about how much time it has taken us and how much wear and tear has been involved. The only thing I hope, as one Senator, is that there is nobody who thinks we have done this in any way that was unfair, in any way to take advantage of anyone, or in any way trying to impose on this institution or its processes or its committees.

On the other hand, I would be remiss and probably not stating things as they are if I did not say you really cannot get anywhere with a problem as difficult as this unless you push. So I do not deny that we have pushed a little, and I do not deny that there are some who will not like what they are being asked to do. Frankly, with a problem of this type, when you have deficits under less than good economic times that could be as high as \$250 billion in deficits—in another recession, if we had one, that could be \$400 billion—and yet a budget that defense, Medicare, Social Security and interest total 80 percent of the budget, there is no question that to get that down you are talking about some big issues affecting a lot of people and affecting a lot of ideas, a lot of concepts.

But I have been governed by a very simple rule. When it comes to programs of our Government, I am one who genuinely tries to let them work. I tried many of them when I was mayor. Frankly, I have applied a very simple rule, and where people have doubts and are not sure they want to do something, I have asked them to apply just a little different test this year. Let me take one program as an example.

The Job Corps. Sure, the Job Corps does a lot of good. I have two programs in my State, a small State. I visited them. I have seen the teachers. I have seen the improvements we have made. I have seen the young people we have helped.

But I asked myself this: If I have taken the defense number down as far as I can and feel safe about our future, if I have done all I dare do to change the pension programs and Medicare programs that have brought our senior citizens from poverty 15 years ago so that very few are in poverty today, if I have done as much as I can, with a \$200 billion deficit, would I today vote to start the Job Corps program? If it was not in here, if we had not dreamed it up yet? With those kinds of facts, would I have voted to start it up? Wherever I could say no, I said no, and I have recommended dramatic cuts and maybe even termination.

I have done the same thing on small business. I understand the Small Business Administration. But I ask myself, with the \$200 billion-plus deficits, maybe \$250 billion in deficits, would we start that program today or would we find some other way to help those few small business people that we are helping?

My answer on those was I could not see my way clear to vote aye to start that kind of program. I would have to first get that deficit under control.

Conversely, I have said if we are trying to set a pattern for the next 5 or 6 years, would I cut the programs of those that are poor in our country, and my answer is no, I have not recommended in any of these nor have I voted yes either in this package with the President or in my committee to cut programs like WIC, to cut programs like food stamps, to cut programs that help those who truly need it. Because I believe that those have to be a permanent part of what we are going to pay for. I do not think we ought to kid anyone. If there is a deficit with those programs, then we have to find some other way to take care of that deficit—not the programs.

So, those are the basic premises and ideas that I have used as I went through this not pleasant job.

I do not dislike any of these programs, and I do not dislike any of the people we are trying to help or any of the people who get subsidies, whether it is the people who get subsidies from Eximbank or those who get it from small business or those who get some exceptional-type loans under the farm program. I do not dislike anyone.

I think we are only talking tough when we are saying we cannot afford them. I think those are programs we need for the general economic good of the American future. Therefore, when I have come down on the side of reform, change, or termination, it is with the exception of the programs I discussed a few moments ago, that I believe take some kind of precedence in our particular national policy.

Mr. President, I yield the floor.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER (Mr. DENTON). The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, my only regret about the debate beginning tomorrow is that there will not be any TV cameras in the Chamber, because if the debate over the next couple of weeks were televised—and I must say it is tempting for me to ask unanimous consent that that be permitted, but I believe I shall withhold on that for a later time—if television viewers could watch the process that is going to unfold here over the next few weeks, I think it would make them proud of their country and make them proud of the U.S. Senate.

In any case, in the process of watching what is going to occur in the next 2 weeks in the Senate, I think the average American voter would learn probably more about the real priorities of this country's Government than they could learn in any other way, because we are beginning tomorrow a truly remarkable debate. I am not going to say much just now about the substance of the legislation which we shall consider tomorrow. I hope to have a chance to say something about that when we begin the actual debate. But I do want to make one observation about the process by which we have come to this point.

Particularly, I want to compliment the chairman of the Budget Committee, our colleague and friend from New Mexico [Mr. DOMENICI] for an extraordinary accomplishment in bringing us this far.

When the Budget Committee sat down to hold its hearings and then mark up the bill a few weeks ago, most of the cynics said we would not be able to produce any kind of meaningful resolution. In fact, a lot of people said we would not be able to produce a resolution of any kind. That stated it would not be possible to get a majority of the committee to agree on even a basic resolution without specific figures.

But with great pleasure, great vision, and a tremendous, remarkable mastery of the detail of the budget process, the chairman [Mr. DOMENICI], over a period of a couple of weeks, not only succeeded in bringing a resolution out with a favorable recommendation, but, in fact, produced a budget which was, in many ways, better than that which had been submitted by the President of the United States—better, at least, in the sense that it resulted in a greater reduction of deficits and a more positive approach to actually reforming some of the programs. The cynics said that could not happen.

Then, when we got it out of committee, they said, "You will never begin to get enough votes to put anything together on the floor." And again, our colleague from New Mexico, with the help of the majority leader, began to patiently, one by one, go around and see what kind of support he could muster from Members of this body. The result of that process and the negotiations with the President of the United States is the leadership package which we shall present here tomorrow.

I am proud of that package, Mr. President. I think it represents probably the most fundamental reform, particularly in the domestic entitlement program area, that has ever been seriously considered by the U.S. Congress. I do not know whether it is going to pass tomorrow. My sense is that we are very close to having the votes to actually adopt as the basis for further action the proposal which will

be laid down by the majority leader and by PETE DOMENICI, and of which 15 or 20 of us are proud to be cosponsors.

The fact of the matter is that we have already accomplished a lot more than seemed possible only a few weeks ago, so I feel good about what we are undertaking. I hope, as my colleagues reflect on how they want to vote tomorrow, they will keep in mind a couple of fundamental facts: First, that this so-called leadership plan, while it is not perfect, is probably the only game in town. It is easy to be the Monday morning quarterback and say, this is a lousy plan, it has things in it I do not approve of, it cuts too far here, it does not cut far enough in another area, they sure could have done a lot better on that.

And it is not hard to hold press conferences and issue statements about what is wrong with the plan, and I could do that because there are some things I do not approve of. There are some programs funded at higher levels than I approve of and some funded at lower levels. But the fact is that this is the only plan before the Senate which has even a reasonable prospect of passage. Somebody can say, we have a better idea, we are going to have more in taxes, we are going to cut defense, we are going to increase social security, we are going to make all kinds of adjustments. But I am not aware that anybody has a plan which even approaches having enough votes to actually pass. And I do not claim at this moment that we have the votes to pass the so-called leadership plan. I think we are close.

But, as Senators reflect overnight about how they are going to vote on the first fateful vote of this process, they might well remember that there are really only about three possibilities. One is that we are going to pass the leadership plan. Second is that we are going to pass something else, and I do not think there is really a viable alternative on the radar scope at the moment.

Or third, we are going to have chaos. That is just a fact. If we just do nothing, we prove the cynics are right, that we do not actually have the capacity to pass a budget resolution that makes meaningful reductions in the deficits over the next few years and this country is going to go through a wringer.

I cannot predict what the future is, Mr. President, but instinctively, we all know that is the case. If there is one thing on which there is agreement, not only in this Chamber but throughout the country, it is that if Congress does not do something to get these deficits corralled and do it now, interest rates are going to rise, the economy is going to stall out, unemployment is going to go back up, and there is going to be an unraveling of the



public confidence which has fueled the recovery in the last 35 or 38 months. I think that is just inevitable. I believe the vast majority of Senators share that perception.

Certainly, I have talked to a lot of people around the country who know far more about how the economy works than I will ever know who agree on one thing, and that is that we have to do something on the deficits, and chaos and much hardship is the inevitable result if we fail to address that in a meaningful way.

If Senators want to know what we are going to do, I just hope they will keep in mind that there are a lot of packages that have even a prospect of success. Maybe something else will be presented, but after months of thinking about it, I am not aware that any Senator or any House Member or any outside person has proposed a comprehensive package that shows even the slightest sign of getting the 50 or 51 votes. The majority leader has not told us exactly how many votes he has for this plan. My own suspicion is that with a little good luck, a little statesmanship, and a little help on both sides of the aisle, we may pass this thing.

Mr. President, that brings me to something I want to mention which the viewers of the television screen would see in the next couple of weeks. I think they will see a few instances in the next couple of weeks when the cynics will be proven wrong.

There is a rumor running around that the minority party is going to be nothing but obstructionists, that they are going to let us stew in our own juice, that they are going to lock up and not give us votes. Maybe that is going to happen. I think not. Maybe in the final analysis, while both parties have the reason to jockey for political position, when push comes to shove, there is going to be a better degree of statesmanship on both sides of the aisle than some people are freely predicting.

I do not think we can pass our plan without some help from the Democratic side of the aisle, and at the crucial moment I believe we will get that help. I cannot tell you those names, and if I knew, I would not reveal them tonight. I am confident that we are not going to deadlock for four or five votes on the other side of the aisle to help us get over some tough points.

I do not want to go into detail on our plan. I will save it for tomorrow. But I should like to focus on why we think it is important to pass this leadership plan. It is not just to stave off the economic disaster that many people is inevitable if we do not pass this, but because it will have an extraordinarily positive effect on the economic future if we put it in place.

We did a telephone survey recently of Wall Street economists, and they

say that just the passage of this plan will result in a 1-percent or 2-percent decline in interest rates in a very short time. That means a stronger economy. It means lower prices for potential home buyers. It means a tremendous advantage for the farmers and ranchers of this Nation.

Do you have any idea what a 1-percent change in the interest rate would mean for somebody buying a home? For the average home buyer today, it means \$600 less per year on your house payment—just a 1-percent change in interest rates.

Many economists think we could expect in a reasonably short time a 2-percent or 3-percent change in interest rates. Do you have any idea what that would mean for farmers? In Colorado and a lot of other places, farmers, and ranchers, and other people in rural America are having a tough time, and there will be a great deal of debate about how to best help farmers and ranchers. The best thing is to bring interest rates down.

Net farm income this year will be around \$20 billion. Just a 1-percent change in interest rates would add 10 percent to net farm income; 1 percent on marginal interest rates is \$2 billion profit for the farmers of this country. A 2-percent change would be twice that, and so on.

Mr. President, I send to the desk at this time a few key points that should be in tonight's RECORD, so that Senators can look at them in the morning as a point of reference of what it will mean if we pass the leadership budget. I ask unanimous consent that these statistics be printed in the RECORD.

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

#### THE EFFECT ON THE ECONOMY

A telephone survey of Wall Street economists indicates that passage of this package would mean a drop of at least 1 percentage point in interest rates over the short term and 2 to 3 percentage points drop over the longer term.

This would mean a stronger economy. The economic assumptions of the budget package are based upon enactment of this package and show the economy growing in real terms at 4 percent a year, with unemployment dropping to 6.4 percent. (CBO economic assumptions do not assume enactment; however Dr. Rudy Penner, Director of CBO, said enactment would mean lower interest rates and that the economic assumptions are "not unreasonable".)

This budget plan is a plan for prosperity: Almost 7 million new jobs by 1988.

Housing starts back at the 2 million unit level.

Low inflation, remaining at around 4 percent.

National personal income increasing \$800 billion by 1988.

#### THE AVERAGE AMERICAN FAMILY

##### Protecting the gains of the past

This is a low inflation, no tax increase, pro-economic growth plan. Without it the average American family could find them-

selves returned to the high tax, high inflation, no growth period of the Seventies.

Look how far we've come in the last four years:

Almost 8 million new jobs.

Inflation down from over 13 percent to just 4 percent.

Interest rate drop from 21 to 11 percent.

The strongest economic recovery in almost 30 years.

A median income house that now costs \$73,000 would cost \$100,000 had the late Seventies inflation continued; similarly, the monthly food bill is about \$100 less than it would have been.

Tax cuts of \$2,016 over the 1981-84 period for the median income family.

This budget package is the best insurance that average Americans can find to make the Eighties the Decade of Prosperity.

#### Guaranteeing the future

What does strong recovery throughout the rest of the decade mean for the average American family?

An increase in purchasing power (after inflation income) of \$1,430 by 1988, and a total of \$2,690 over the next four years for the median income family (presently earning \$25,540).

With a 2 percentage point drop in interest rates, a reduction of nearly \$100 a month in monthly mortgage payments on the median priced home (\$80,000).

More job opportunities—7 million new jobs by 1988, and 13 million jobs over the 1985 through 1988 period.

No tax increases. In fact the faster we get our deficits under control, the faster the country can move to reform the tax system.

#### SMALL BUSINESS

With the increased economic growth made possible by the reduction of the deficits, there will be 7 million new jobs and an increase of personal income of nearly \$800 billion by 1988. This means more sales and profits for small business.

Separate from the effect of a growing economy, the drop in interest rates from deficit reduction will improve the bottom line for business.

	Annual sales	Net income	Dollar benefit of—	
			1 percent-age point drop	2 percent-age point drop
Number of employees:				
1 to 19	\$505,000	\$16,600	\$1,485	\$2,970
20 to 99	2,527,800	63,475	8,110	16,230

Source: Dun & Bradstreet, SBA.

Without a deficit reduction plan that only cuts spending, anything can happen in the years to come—higher interest rates, pressure for tax increases. Can small business afford either?

The benefits from a decline in interest rates means a hefty increase in net income: For a 2-percent-age-point decline in interest rates, net income increases 18% for a firm with 19 or less employees; 26% for a firm with 20-99 employees.

#### FARMERS—GENERAL EFFECT OF INTEREST RATE DROP

Net farm income is estimated to be between \$19 to \$24 billion in 1985 and 1986. A 1 percent drop in rates means a \$2.15 billion (10%) increase in net farm income; a 2 percentage point drop means \$4.30 billion (20%) increase in income.

What does an interest rate drop mean to the average farmer?

	Dollar benefit of—	
	1 percentage point drop	2 percentage point drop
\$40,000 to \$100,000 annual sales (\$7,300 income from farm operations):		
Average debt/equity ratio (19.8 percent).....	\$1,260	\$2,520
As percent of farm operation income.....	18	35
Financially troubled (D/E 55 percent).....	\$3,618	\$7,236
As percent of farm operation income.....	50	99
\$100,000 to \$200,000 annual sales (\$22,500 income from farm operations):		
Average debt/equity ratio (21.8 percent).....	\$2,441	\$4,882
As percent of farm operation income.....	11	22
Financially troubled (D/E 55 percent).....	\$6,168	\$12,335
As percent of farm operation income.....	27	55

#### SENIOR CITIZENS

SSI recipients—the aged, blind, and disabled receive a full COLA.

Social Security benefits are INCREASED under this plan.

Recipient	Annual benefits				Total increase 1985-88
	1985	1986	1987	1988	
Widow(er), 2 children.....	\$11,832	\$12,576	\$13,284	\$13,992	\$2,820
Retired couple.....	9,360	9,624	9,912	10,188	1,644
Retired worker, alone.....	5,400	5,532	5,700	5,844	876

The 2% COLA is guaranteed. Present law says that if inflation falls below 3 percent there is no COLA.

There is insurance protection if inflation starts to get out of hand: for every increase in inflation above 4 percent there is an exactly equal increase in the COLA: no cuts, no minuses, etc. So if inflation runs at 5 percent, you get the guaranteed 2 percent plus an additional 1 percent COLA to make up for the additional inflation.

But this is a low inflation budget. This means a lot to low income senior citizens who spend most of their money on necessities. Back in the late seventies even a full COLA didn't help you; necessities inflation was running at 17%, 4 percentage points above the COLA. With low inflation, the necessities inflation rate has been running at or below the COLA.

#### HOME BUYERS

At present the mortgage interest rate on a 30 year, fixed rate mortgage is 13.5 percent.

Here's what a drop in interest rates could mean to a home buyer purchasing an \$80,000 home with a 25 percent downpayment.

	Annual mortgage payments	Annual savings from present level
Mortgage rate:		
13.5 percent.....	\$8,796 (\$733 per month)	
12.5 percent.....	\$8,196 (\$683 per month)	\$600 (\$50 per month).
11.5 percent.....	\$7,608 (\$634 per month)	\$1,188 (\$99 per month).
11 percent.....	\$7,308 (\$609 per month)	\$1,488 (\$124 per month).

The National Association of Realtors estimates that a 1 percentage point drop would mean 300,000 more existing home sales; a 2 point drop would mean a 600,000 increase. With present sales for these homes at about 3 million, the increase in sales ranges from 10 to 20 percent.

#### FARMERS—INTEREST SAVINGS FOR SPECIFIC OPERATIONS

The dollar benefit from interest rate declines is listed below for various farm operations which have an average debt to equity ratio of 21.8 percent.

Product	Size of operation	Interest cost	Dollar benefit of—	
			1 percentage point drop	2 percentage point drop
Wheat.....	1,000 acre.....	\$20,230	\$2,023	\$4,046
Corn.....	600 acre.....	30,744	3,074	6,148
Soybeans.....	500 acre.....	14,805	1,481	2,961
Dairy.....	80 cows.....	15,264	1,526	3,053
Feeder cattle.....	1,000 head per year.....	42,200	4,220	8,440

The financially troubled farmer has a much higher debt to equity ratio. At a ratio of 55 percent, for the same size operation, the benefits are much higher.

	Dollar benefit of—	
	1 percentage point drop	2 percentage point drop
Wheat.....	\$5,104	\$10,208
Corn.....	7,755	15,514
Soybeans.....	3,737	7,474
Dairy.....	3,850	7,700
Feeder cattle.....	10,647	21,294

Source: USDA, ERS data.

Mr. ARMSTRONG. Mr. President, I will make one final prediction and go home to get some rest, because I suppose we will have a pretty busy couple of weeks or 10 days. My final prediction is that after all the complaining about the hardship of this package and about how the draconian cuts, so-called, are too tough for us to follow, we are going to put together a package. I believe it will look very much like what the leader intends to lay down tomorrow. It is a fair package, one which calls upon every segment of the budget for some restraint. It is a package that rejects the notion that there are sacred cows and that you can solve the budget dilemma without touching national defense or Social Security or that an interest group here or there is too powerful to be included in the general need for restraint. In fact, the very strength of it is that it is fair and across the board.

I have probably talked to every interest group and people in communities in my State and elsewhere who are affected by the decisions we reach. I have talked to a lot of Social Security recipients, and they tell me this: "Please don't do anything to our cost-of-living adjustment." I have said to them, "No, I'm not going to, unless I have to, in order to put together a budget that means prosperity for the economic future of this country; and even then, I am not going to do it unless it is everybody, unless absolutely everybody is in the package."

They say in response, "If everybody is in the boat, then we will be in the boat, too."

I have spoken to farmers, some of whom are on the brink of losing their places, being foreclosed on farms which have been in their families for 80 or 100 years. They say, "What can you do to help?"

I say: "I can't vote to continue the present farm program. The best we can do is balance the budget and bring down the interest rates."

They say, "OK, we'll participate even if it hurts us. We're willing to bear our share of the burden if it's fair and everybody is covered."

In fact, there is some interesting polling data which shows that in a recent nationwide survey, a sizable minority of people in this country think that the enactment of a budget such as the one we are going to take up tomorrow would actually adversely affect their personal economic well-being. In other words, people think they will be personally disadvantaged by the enactment of a budget such as this. When you ask them, "What should we do?" They say, "Go ahead and do it anyway, because it's for the good of the country."

I believe it was a New York Times poll. I will dig that out and have it available for Senators tomorrow. While I do not have the numbers before me, that is the conclusion a huge number of people in this country reached because they see it as important for the future of this country.

Last, but not least, is that this package that the majority leader has hammered out with a remarkable display of patience and legislative skill is not chiseled in stone. I do not think it is. I think it can be changed. Maybe it will have to be changed. Maybe, as some predict, we will have a turkey shoot or a demolition derby.

As Senators decide whether they want to vote for this package and whether they want to change it, I hope they will be cautious. It can be changed. It just takes a majority of those in the Chamber to change it. Twenty-six could change it. Fifty-one could change it at any time. The question is, after we change it, can we pass it?

After looking at hundreds and maybe thousands of specific possible amendments to this budget package and talking to virtually every Member of the Senate and to everybody interested in it downtown, at the White House, OMB, and interest groups, I do not know how you can change this package in a way that makes it more likely to be passed.

If you feel, as I do, that passage of some sort of budget package of this kind is absolutely essential and that the alternative is chaos and dislocation for the farmers, ranchers, businessmen, and working men and women and everybody else, I hope my colleagues will be very cautious when it comes to entertaining amendments, even amendments we might otherwise think are very desirable.

Mr. President, I want to close as I began, by congratulating Chairman DOMENICI and the majority leader for



getting us to this stage. We have come a long way. The proposal which the leader will lay down tomorrow is a very fine, well-balanced, fairly conceived proposal which has been discussed more widely, I believe, than any budget which has ever been considered in the modern history of this country, certainly in the years I have been in Congress. There has been more real participation by Senators and other interested persons than anything I have seen before. That is one reason why it deserves to pass and why I believe it will pass.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Colorado, Senator ARMSTRONG, a member of the Budget Committee, and also a member of the Republican leadership and the very able chairman of the Budget Committee, Senator DOMENICI, who was speaking prior to Senator ARMSTRONG.

They have actually had more to do with putting this budget package together than probably anyone in this Chamber right now.

Obviously the chairman has spent a great deal of time. Senator ARMSTRONG is the ranking member on the Budget Committee, if I am correct. So they have had a lot of responsibility.

And let me repeat what both Senators have indicated: We would like very much to have a vote some time tomorrow or tomorrow night on the so-called leadership package, one that the President signed off on and the Republican leadership agreed upon. Again it is no effort to isolate Democrats. We welcome Democrats to join us in this exercise. We have made some overtures. Thus far there has been less than enthusiasm. But in any event, it would seem to me that this would sort of set the stage for a discussion and if in fact we can secure 50 votes for that procedural move then it would indicate to the American people that we are serious about a \$300 billion package, and as the Senator from Colorado just pointed out some of that may be dropped out and other things may be added.

But if we sort of set the parameters at, say, \$300 billion deficit reduction over a 3-year period, I think it would send the appropriate signal all across the country.

That does not mean we are going to shut off anyone. We are not going to preclude amendments. Senators may still offer amendments. Amendments could be voted upon. Senators may still offer a substitute. It can be voted on.

As I understand, there is a Hollings package and a Chiles package and maybe other packages on this side.

But in my view it has the advantage of moving right up front the focus on what we are about to do in this Chamber the next 7 to 10 days.

The other option—in fact, there are many options—the other option would be to call up the Senate Budget Committee resolution and send a substitute to the desk and then just permit everyone to start hacking away at it, striking this, and striking that, and before we ever have a chance to vote on a total figure we have it down to, say, \$200 billion instead of \$300 billion.

So the advantage of this is it gives Senators a chance to go on record right up front that they want substantial deficit reduction.

It also adds a bit of discipline, because having checked with the Parliamentarian, if in fact we could adopt the so-called leadership package, there are some few more constraints and a bit more discipline because then, for a Member who offers amendments, it has to be mathematically consistent, so you either have to confess you are going to make it up some way by cutting some other program, or you are going to get into revenues.

Again some Senators feel so strongly about their amendment that the deficit is not a big problem, and that is fine. We are not going to preclude that amendment.

And I am hopeful, and I have discussed this with the distinguished minority leader, that we can work out some agreement whereby we can offer that leadership package by unanimous consent after some discussion. Otherwise, it is my understanding that you have to sort of build this tortuous process that could take 5 to 7 hours before we had a vote. There could be a total of five amendments offered to sort of build the tree, and then we would finally vote. That could be some time. Maybe during all those 7 hours no one would say anything, which is not too exciting, but sometimes it beats what happens on the Senate floor.

So we hope to win that effort. Not many people think we can. We do not have the votes yet.

We have been meeting with our colleagues throughout the afternoon. We met with about 40 of our colleagues between 11 a.m. and 12:30 p.m. today, and throughout the afternoon we have met one on one, one on two, whatever, trying to make certain that everyone had an opportunity to express themselves.

So that is precisely where we are.

I am not trying to surprise anyone. I am not trying to cut off anyone's rights.

But in my view, a view I think shared by the Senator from Colorado, the American people have waited long enough for us to do something.

I happened to visit my State over the weekend, and I keep being asked by taxpayers, "Why haven't you done something," not "What are you going to do," "Why haven't you done something," and done something substan-

tial enough that would have the impact on interest rates recited by the Senator from Colorado, Senator ARMSTRONG, and some economists even think that we could have a total of a 3-percent drop in the long term if the package is substantial.

So I certainly want to invite my colleagues on the other side of the aisle. This might be a good—maybe we should have television for this proceeding, because then in every living room in America that happened to be tuned in they could keep a scorecard, "Is my Senator voting to reduce spending or to raise my taxes or to add spending?"

It might be quite a revelation to a lot of people because sometimes, not often, but there are some precedents for some Members of Congress who make one statement in the home and vote another way either in the House of Representatives or the Senate. Now that is certainly an exception, but now and then it happens. But this way the viewer could not only watch his Senator vote but we could remind the viewers throughout the day what the score was and who the players were and how they were voting.

That will not happen because we have not authorized TV in the Senate.

So I just suggest this is very serious business. We had hoped to dispose of at least 4 hours of time this afternoon, but my colleague from Ohio, Senator METZENBAUM, felt constrained to object or would have objected to an effort to get unanimous consent to proceed without amendment this afternoon unless we would agree to take up the so-called Bitburg resolution which would have asked the President to reconsider his decision to visit the Bitburg cemetery and to find a more appropriate way to demonstrate the reconciliation.

It seemed to me that at least we should have had a chance to look at that. Senator METZENBAUM has been kind enough to furnish me a draft. But in any event, we will be on it tomorrow. Hopefully, we will have a vote some time tomorrow to be followed by a number of votes tomorrow and Friday.

We will not be in session on Saturday. Many of my colleagues have been asking that.

It seems to me that there will be absences on each side, that it would not be a very productive day if we were in session.

Mr. President, having said that, I now would be prepared to propound routine unanimous-consent requests. I understand the distinguished minority leader has cleared the unanimous-consent requests which are routine in nature.

## ORDERS FOR THURSDAY

## ORDER FOR RECESS UNTIL 11:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 a.m. on Thursday, April 25, 1985.

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 special orders in favor of the following Senators for not to exceed 15 minutes each: Senators PROXMIRE, WALLOP, and MURKOWSKI.

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

## ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I also ask unanimous consent that, following the special orders just identified, there be

a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements limited therein to 5 minutes each.

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

## PROGRAM

Mr. DOLE. Mr. President, following morning business, the Senate will turn to the consideration of Senate Concurrent Resolution 32, the budget resolution, under a statutory time limitation of 50 hours.

Rollcall votes can be expected throughout Thursday's session, and the Senate is expected to be in late Thursday night and all day Friday.

RECESS UNTIL 11:30 A.M.  
TOMORROW

Mr. DOLE. Mr. President, there being no further business to come

before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:30 a.m., Thursday, April 25, 1985.

The motion was agreed to; and the Senate, at 6:28 p.m., recessed until Thursday, April 25, 1985, at 11:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 24, 1985:

## DEPARTMENT OF STATE

John Arthur Ferch, of Ohio, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

## IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 5142, to be chief of chaplains, U.S. Navy:

Commodore John R. McNamara, Chaplain Corps, xxx-xx-xxxx/4100, U.S. Navy.